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SDS Disclosure Requirements

Expectations, Obligations, and Best Practices

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Agenda

1. Drivers for disclosure
2. Trade secret obligations
3. Worker right-to-know/consumer goods
4. Best practices

SDS Disclosure Requirements

- SDS legislation is commonly based on the UN Globally Harmonized System of Classification and Labelling (GHS)
  - Different hazard classifications and categories are available
  - Threshold limits for some hazard categories are subject to competent authority
  - Purple Book is updated every 2 years
- Jurisdictions adopt from
  - Different Revisions of the Purple Book
  - Different Hazard Classes
  - Different Categories
- Jurisdictions also often add additional and/or different requirements

SDS Disclosure Needs to be Jurisdiction Specific

Drivers for Disclosure

Drivers for Disclosure - Regulatory

Section 3

- Jurisdictional mandates
- Company knowledge/policy
- Purple Book discusses listing in descending order by mass or volume

Section 8

- Exposure limits and types defined by jurisdiction
- Company knowledge/policy
- Common expectation: Section 3 includes components with exposure limits

Section 11

- Human Toxicity Values
  - Product level
  - Component level

Section 12

- Ecological Toxicity Values
  - Product level
  - Component level

Drivers for Disclosure - Regulatory

- Section 14 - Transport Information
  - Jurisdiction transport information
  - International transport information
- Section 15 – Regulatory Information
  - GHS: Safety, health and environmental regulations specific for the product
  - SDS Section 15
    - Jurisdictional mandates
      - Example: EU CLP expects applicable Member State regulations, mandates restriction/authorizations
    - Company decision and policy
      - Example: US OSHA HCS 2024 doesn’t require any specific information
    - Industry specific information
      - Example: Pesticide registration numbers

Drivers for Disclosure

Supply Chain Expectations

- Worker Right to Know legislation:
  - Provides a defined structure for Hazard Communication in the form of the SDS
    - Standardized format allows for simplified employee training
    - Standardized format allows workers to know where to look for the information they need
    - Established SDS distribution allows other required regulatory communication to take place

Drivers for Disclosure

Supply Chain Expectations

- Supply Chain SDS Section 3 Expectations
  - 100% disclosure
    - Chinese Yangtze River
    - Korea expects to see all components in the product
  - Chemical names driven by a particular industry
    - Example: INCI names for personal care products
  - Efficacy claims may impact component disclosure

Trade Secret Obligations

Trade Secret Obligations

Jurisdictional variability

- US OSHA HCS 2024
  - Defined ranges for percentages
  - Requires “Unique identifier”
- Canada HPR/HPA
  - Defined ranges for percentages
  - requires a WHMIS TS Registry number
- EU REACH
  - Alternative chemical name process
  - Limited by classification and Union OELs

Companies must decide:

- What technology truly needs protection?
- How do we apply the protection appropriately in all markets?
- How can we consistently handle disclosure across markets?
- Can we or should we use the generic name for all jurisdictions?

Worker Right to Know/Consumer Goods

Consumer Goods

- Some jurisdictions cover both industrial and consumer goods under the same legislation
  - Consistency between SDSs and labeling
- Most jurisdictions require SDSs for Worker Right to Know purposes
  - Workplaces are regulated under industrial regulations
  - Can introduce differences between SDSs and labeling

Consumer Goods

- SDSs are often expected for products that are not classified as hazardous
  - Standard format for communication
- Provide workers within the supply chain valuable regardless of use
- Consumers have become aware that SDSs contain valuable information and can request one

Best practices

Document
Document
Document

Necessary conversations

Proprietary information

- What is really a trade secret?
- How do we protect them?

Documentation

- Where do we store all competent authority communication?

Timing

- How often do we review documentation?
- Is there a regulatory review cycle?

What is communicated in Section 15?

Regulatory requirements

- Know jurisdictional requirements
- Chemical inventory
- International agreements

Industry specific

- Right to know
- Pesticides
- Personal care products
- Cleaning products

Supply chain

- California proposition 65
- Regulatory requirement communication

Maintaining Consistency

Component ranges

- Selection must factor in classification
  - Example: Eye damage Category 1 at 1-5%
  - Does the product cause eye damage or irritation?
  - Is 1-5% due to batch-to-batch variation?
  - Is there product level test data that would override the generic cut-off values?

Precautionary phrase selection

- Consistent consolidation where consolidation is allowed
- Consistent choice of phrase with options for the text
  - Ex. Disposal statements

Example Product – Classification

containing Isopropyl Alcohol, Tetraethyl Orthosilicate and an Ester compound

China

- Flammable Liquid Cat 3
- Acute Toxicity – Dermal Cat 5
- Eye Irrit. Cat 2A
- Aquatic Acute Cat 2
- Aquatic Chronic Cat 2

EU

- Flammable Liquid Cat 3
- Eye Irrit. Cat 2
- Aquatic Chronic Cat 2

US

- Flammable Liquid Cat 3
- Eye Irrit. Cat 2A

Example Product – Section 2 containing Isopropyl Alcohol, Tetraethyl Orthosilicate and an Ester compound

China

- Pictograms:

- H-Phrases: 4 (No codes)
- P-Phrases: All (No codes)

EU

- Pictograms:

- H-Phrases: 3
- P-Phrases: Max. 6

US

- Pictograms:

- H-Phrases: 2 (no codes)
- P-Phrases: All (No codes)

Example Product – Section 3 containing Isopropyl Alcohol, Tetraethyl Orthosilicate and an Ester compound

China

Chemical name	CAS No.	Weight-%
Isopropyl alcohol	67-63-0	5-10
Ethyl silicate	78-10-4	5-10
2,4-Dodecadienoic acid, 11-methoxy-3,7,11-trimethyl-, 1-methylethyl ester, (S-(E,E))-	65733-16-6	5-10

Europe

Chemical name	Weight-%	REACH registration number	EC No. (Index No.)	Classification according to Regulation (EC) No. 1272/2008 [CLP]	Specific concentration limit (SCL)	M-Factor	M-Factor (long-term)	Notes
Isopropyl alcohol 67-63-0	5-10	No data available	200-661-7	Flam. Liq. 2 (H225) Eye Irrit. 2 (H319) STOT SE 3 (H336)	-	-	-	-
Ethyl silicate 78-10-4	5-10	No data available	201-083-8 (014-005-00-0)	Flam. Liq. 3 (H226) Acute Tox. 4 (H332) Eye Irrit. 2 (H319) STOT SE 3 (H335)	-	-	-	-
2,4-Dodecadienoic acid, 11-methoxy-3,7,11-trimethyl-, 1-methylethyl ester, (S-(E,E))-65733-16-6	5-10	No data available	(607-725-00-7)	Aquatic Acute 1 (H400) Aquatic Chronic 1 (H410)	-	1	1	-

United States

Chemical name	CAS No.	Weight-%	Trade secret / Unique identifier
Isopropyl alcohol	67-63-0	5-10	*
Ethyl silicate	78-10-4	5-10	*
**The exact percentage (concentration) of composition has been withheld as a trade secret.*			

Questions?

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Thank you

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