

June 6, 2016

Hazard Communication Compliance Declaration

Writing instrument provided by Winston-Salem Industries for the Blind (WSIFB) comply with U.S. OSHA Globally Harmonized System (GHS) Hazard Communication Standard of 29 CFR section 1910.1200 (OSHA HazCom 2012) by virtue of exemption as “articles” and as “consumer products” under 29 CFR section 1910.1200(b)(6)(v) and (ix). Accordingly, GHS Safety Data Sheets are not required for our writing instruments.

An “article” is defined in Section 1910.1200(c) “as a manufactured item other than a fluid or particle:

- Which is formed to a specific shape or design during manufacture;
- Which has end use function(s) dependent in whole or in part on its shape or design during end use; and
- Which, under normal conditions of use, does not release other than very small (minute or trace) amounts of a hazardous chemical and does not pose a physical hazard or health risk to employees.”

The “consumer product” exemption in 29 C.F.R. section 1910.1200(b)(6)(ix) states that:

- Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

OSHA has consistently taken the position, in various rulemaking documents and interpretation letters, “most office products (such as pens, pencils, adhesive tape) to be exempt under the provisions of the rule, either as articles or as consumer products.” Markers also fall into these exempted categories. This position is cited currently on [OSHA’s website](#) in a letter from OSHA Assistant Secretary John A. Pendergrass to U.S. Congressman Jim Bunning. These examples are cited again in OSHA’s FAQs on the [Hazard Communication Standard](#) which further reinforces that **Non Profit Agency Name’s** writing products are exempt from Hazard Communication requirements, specifically GHS Safety Data Sheet documentation.

Additionally, OSHA DIRECTIVE NUMBER: CPL 2-2.38D, Inspection Procedures for the Hazard Communication Standard, Appendix A states:

Consumer Products - Ordinarily, OSHA will not cite for employee use of consumer products. A substance is considered a consumer product if it is 1) defined as such under the Consumer Products Safety Act, 2) used in the workplace as intended by the manufacturer and 3) used with the same frequency and duration of exposure expected of a typical consumer...

Articles - By definition, a manufactured item is exempted as an article if “under normal conditions of use it does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical...and does not pose a physical hazard or health risk to employees.”

A non-exhaustive list is provided below of WSIFB’s writing instruments that qualify as ‘articles’ and ‘consumer products’ that are exempt from GHS Safety Data Sheet requirements:

NSN	Description
Permanent Impression Pen	
7520-01-645-9515	Permanent Impression Pen, Fine Point, Permanent Black Ink.
7520-01-645-9512	Permanent Impression Pen, Fine Point, Permanent Blue Ink
7520-01-645-9513	Permanent Impression Pen, Fine Point, Permanent Red Ink.
7520-01-645-9514	Permanent Impression Pen, Medium Point, Permanent Black Ink
7520-01-645-9516	Permanent Impression Pen, Medium Point, Permanent Blue Ink
7520-01-645-9517	Permanent Impression Pen, Medium Point, Permanent Red Ink
Liquid Impression	
7520-01-519-4365	Markers Liquid Impression - Medium Point - 4 pk med.pt.2blk/1 blue/1 red
7520-01-519-4366	Markers Liquid Impression - Black, Medium Point
7520-01-519-4375	Markers Liquid Impression - Red, Medium Point
7520-01-519-4360	Markers Liquid Impression - Blue, Medium Point
7520-01-519-4364	Markers Liquid Impression - Extra Fine Point Set - 4 pk med.pt.2blk/1 blue/1 red
7520-01-519-4373	Markers Liquid Impression - Black, Extra Fine Point
7520-01-519-4367	Markers Liquid Impression - Red, Extra Fine Point
7520-01-519-4369	Markers Liquid Impression - Blue, Extra Fine Point
Permanent Impression Marker	
7520-01-519-4372	Markers Permanent Impression - Black, Fine Point
7520-01-519-4374	Markers Permanent Impression - Red, Fine Point
7520-01-519-4378	Markers Permanent Impression - Blue, Fine Point
7520-01-519-4379	Markers Permanent Impression - Green, Fine Point
7520-01-519-4380	Markers Permanent Impression - Fine Point Set (Black, Blue, Green, Red)
7520-01-520-3153	Markers Permanent Impression - Black, Ultra Fine T
7520-01-520-3889	Markers Permanent Impression - Red, Ultra Fine Point
7520-01-520-3887	Markers Permanent Impression - Blue, Ultra Fine Point
7520-01-520-3886	Markers Permanent Impression - Green, Ultra Fine Point
7520-01-520-3888	Markers Permanent Impression - Ultra Fine Point Set (Black, Blue, Green, Red)
Highlighters	
7520-01-238-1728	Highlighter, Fluorescent, Flat (4 PK - yellow, orange, pink, green)
7520-01-463-6556	Highlighter, Fluorescent, 5-Pack (yellow, orange, pink, green, blue)
7520-01-201-7791	Flat Highlighter, Yellow
7520-01-351-9146	Highlighter, Flat, Pink
7520-01-553-8141	Highlighters, Free-Ink, Flat
7520-01-553-8143	Highlighters, Free-Ink, Flat, yellow
First Impression Markers	
7520-00-904-1265	Marker, Tube Type, Fine Tip, Black
7520-00-904-1266	Marker, Tube Type, Fine Tip, Red
7520-00-904-1267	Marker, Tube Type, Fine Tip, Green
7520-00-904-1268	Marker, Tube Type, Fine Tip, Blue
Permanent Markers	
7520-01-511-4319	Marker, Tube Type, Blue
7520-01-511-4324	Marker, Tube Type, Red
7520-01-511-4321	Marker, Tube Type, Green
7520-00-043-3408	Marker, Tube Type, Black

This declaration on behalf of Winston-Salem Industries for the Blind is provided by:

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