Providing Access to Safety Data Sheets

Scope of this Guidance Note

This Guidance Note is intended to set out certain matters which a person conducting a business or undertaking (PCBU) should be aware of in relation to the need to make safety data sheets readily accessible for dangerous substances which are stored or handled at the workplace under the ACT Dangerous Substances Act 2004.

This Guidance Note is not intended to be a comprehensive summary of all requirements which apply under the Dangerous Substances Act 2004. This Guidance Note should be read together with the Dangerous Substances Act 2004, the Dangerous Substances (General) Regulation 2004 and the WorkSafe ACT publication The Dangerous Substances Act 2004 – A Guide for Users (HB 0048).

Nothing in this Guidance Note should be read as impacting on other requirements under ACT laws relating to the handling of dangerous substances or to workplace health and safety. Refer to “Other Matters” in this Guidance Note for further information.

Similarly, nothing in this Guidance Note should be read as preventing a Work Safety Inspector from issuing a notice to a person, directing them to review the current arrangements for accessing safety data sheets, if there are concerns that these arrangements present a risk to health and safety.

Meaning of “Readily Accessible”

The Dangerous Substances (General) Regulation 2004 sets out obligations to ensure that safety data sheets are “readily accessible” to certain persons (for example, workers who are handling the dangerous substance).

WorkSafe ACT will consider that the safety data sheet for a dangerous substance is “readily accessible” to a particular person if that person is able to locate and retrieve the safety data sheet for the dangerous substance whilst at the workplace, without needing any assistance.

WorkSafe ACT does not set a mandatory time limit for successful retrieval of the safety data sheet, but does recommend that a review of the current arrangements be carried out if retrieving a safety data sheet routinely takes longer than ten minutes.

Use of Electronic Safety Data Sheets

Safety data sheets may be made available in electronic form rather than as a physical document, provided that the requirements set out in this Guidance Note are met. It is not necessary that the business or undertaking be able to produce a physical copy of the safety data sheet on demand.

Required Content under Australian Laws

The contents of a safety data sheet must fully comply with the requirements set out in the Dangerous Substances (General) Regulation 2004 or in a corresponding law of another State or Territory, including the requirement that the safety data sheet be reviewed at least once every five years.

If the safety data sheet was prepared under a corresponding law of another State or Territory, the hazards presented by the dangerous substance may be described using the hazard classes of the Globally Harmonized System of Classification and Labelling of Chemicals (the GHS).

The ACT legislation refers to the classification criteria of the Australian Code for the Transport of Dangerous Goods by Road and Rail (the Australian Dangerous Goods Code) rather than the hazard classes of the GHS.
All safety data sheets prepared under Australian law should list any relevant classification criteria from the Australian Dangerous Goods Code in the section of the safety data sheet which specifies the requirements for safe transport of the dangerous substance by road.

### Source of Safety Data Sheets

Safety data sheets must be obtained directly from the Australian manufacturer, importer or supplier of the dangerous substance, or accessed through a third-party solutions provider who is making the safety data sheet available to end users of the dangerous substance with the knowledge and agreement of the Australian manufacturer, importer or supplier.

This is intended to ensure that the information in the safety data sheet is the most recent and accurate information about the known hazards of the dangerous substance and the measures which are required to safely store and handle the dangerous substance.

### Awareness of Fire Fighting, Accidental Release and First Aid Measures

The safety data sheet sets out the appropriate measures to take in the event that a fire occurs in the area of the dangerous substance, or the dangerous substance is accidentally released from its container, or a person requires first aid following exposure to the dangerous substance.

A delay in providing appropriate first aid may result in permanent harm or life-threatening injury, and may endanger those attempting to assist a person affected by the dangerous substance.

Workers who are required to use or decant dangerous substances at a workplace should be directed to review the safety data sheet for the dangerous substance before the work begins, and to not carry out the work if the safety data sheet cannot be accessed.

This is intended to ensure that the workers are aware of the requirements for safe handling of the dangerous substance, the steps to take if there is a spill or other accidental release of the dangerous substance or if a person shows signs of exposure requiring first aid to be provided, and any protective equipment which is necessary to safely provide first aid, such as a respiratory mask.

If a safe work method statement for the work has been prepared and the fire fighting, accidental release and first aid information from the safety data sheet has been included in the safe work method statement, it is sufficient for the workers to review the safe work method statement before the work begins. However, the PCBU must then ensure that the information in the safe work method statement is updated following any amendments to the safety data sheet.

The fire fighting, accidental release and first aid measures in the safety data sheet should be taken into account when preparing the emergency plan for the workplace, which is required under Section 43 of the ACT Work Health and Safety Regulation 2011.

If any dangerous substances are stored at the workplace in the form of liquefied gases, the emergency plan must also take into account the liquid-to-gas expansion ratio of the dangerous substance which will occur in the event of a leak, and any hazards presented by the gas (for example, liquid nitrogen produces a gas which displaces oxygen in the air, creating a risk of asphyxiation).
In addition, WorkSafe ACT expects the PCBU to take reasonably practicable steps to put in place an arrangement that will give a worker immediate access to the fire fighting, accidental release and first aid measures for a dangerous substance in the event of an emergency, if the dangerous substance:

- Is stored in one or more individual containers or packages which have a capacity of more than 500L or the placard quantity for the dangerous substance expressed in litres, whichever is the lesser amount; or
- Is stored in one or more individual containers or packages which have a net mass of more than 500kg or the placard quantity for the dangerous substance expressed in kilograms, whichever is the lesser amount; or
- Is stored in a tank which has a design capacity of more than 500L or the placard quantity for the dangerous substance expressed in litres, whichever is the lesser amount.

The placard quantity thresholds for dangerous substances are set out in Schedule 1 of the Dangerous Substances (General) Regulation 2004.

It is not necessary for such an arrangement to provide workers with immediate access to the information in writing.

## Products Supplied by Retailers

WorkSafe ACT does not require retailers to provide a safety data sheet to customers purchasing products which are dangerous substances, provided that the product is intended primarily for domestic household use or use in an office and the following requirements are met:

- The product must not have a net mass of more than 500kg or be supplied in a container with a capacity of more than 500L; and
- The product must be properly packaged and labelled at the time that the retailer receives it from their wholesale supplier (or from the Australian manufacturer or importer if they supply the product directly to retailers) and be sold unopened.

However, the retailer should still receive a safety data sheet for such products from the wholesale supplier when they are first being supplied to the retailer. If the safety data sheet is not received, WorkSafe ACT expects the retailer to obtain it from their supplier or from the Australian manufacturer or importer of the product.

Retailers must have regard to the information contained in the safety data sheet for products which are dangerous substances in order to properly manage the risks presented by the dangerous substance in line with their safety duties under the Work Health and Safety Act 2011.

Retailers must ensure that this information is readily accessible to persons at the retail premises who may be affected by the dangerous substance whilst at the premises. This includes persons who do not handle such products but do work in the area where they are kept, as they may be affected by the dangerous substance if there is a spill or leak.

A retail customer may request the safety data sheet for the product directly from the Australian manufacturer or importer, whose contact details should appear on the product label. WorkSafe ACT expects all manufacturers and importers to comply with such requests, even if the product is intended primarily for domestic household use.
Other Matters

There are specific safety duties which apply under the Dangerous Substances Act 2004 to persons carrying out work which involves the storage or handling of dangerous substances, and the person in control of the premises is responsible for ensuring that persons comply with those safety duties.

This does not affect any other safety duties which a person may have under the ACT Work Health and Safety Act 2011, including the primary duty of care imposed on the PCBU under Section 19.

If the PCBU does not have day-to-day control of the premises, the PCBU must put systems in place which will allow each person who has a safety duty under the legislation to comply with that duty.

This includes systems to ensure the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

This should be addressed as part of the consultation, cooperation and coordination between safety duty-holders required under the ACT Work Health and Safety Act 2011.

Further Information

The information contained in this Guidance Note was correct at the time of publication. However, these requirements may be subject to change as part of the transition towards implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (the GHS) in the ACT.

Further information about the status of the GHS in the ACT is available from the Dangerous Substances page of the WorkSafe ACT website at www.worksafe.act.gov.au/dangerous_substances or by contacting the Dangerous Substances Licensing Team on (02) 6207 3000 or by email to DangerousSubstances@act.gov.au.

Further information about ACT laws regulating work health and safety and dangerous substances is available from the WorkSafe ACT website at www.worksafe.act.gov.au or by contacting WorkSafe ACT on (02) 6207 3000 or by email to worksafe@act.gov.au.

Note: This guidance material has been prepared using the best information available to WorkSafe ACT. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe ACT extends no warranties as to the suitability of the information for your specific situation.