



MEMORANDUM

To: End Users of Shoe Inn Products
Subject: No MSDS Required for Shoe Inn Products
Date: March 17, 2009

The automatic shoe cover dispensers and shoe covers sold by Shoe Inn meet the definition of an “article” under OSHA Hazard Communication Standard (HCS) 29 CFR 1910.1200 and therefore are not required to have Material Safety Data Sheets (MSDSs).

An MSDS provides basic information on a material or chemical product. It contains information on the properties and potential hazards of the material, how to use it safely, and what to do if there is an emergency.

Although the term “material safety data sheet” is used internationally, different countries have different content requirements for these documents. For example, an MSDS prepared in accordance with the U.S. OSHA HCS is not necessarily acceptable in other jurisdictions.¹

OSHA requires MSDSs **ONLY** for materials that a) meet OSHA’s [definition of hazardous](#) and b) are “known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency”.

THE FOLLOWING ITEMS **MAY**** BE EXEMPTED [Hazard Communication Standard 29 CFR 1910.1200](#):**

Articles
An “article” means a manufactured item: (1) which is formed to a specific shape or design during manufacture (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (3) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use. Any product that meets the definition of an “article,” would be exempt from the requirements of the Standard.

¹ An internationally-harmonized 16 heading MSDS format has been developed and is documented in ANSI Standard Z400.1-1993. Use of this format meets U.S. OSHA requirements (as long as the required information is included).

For example, a roll of copper electrical wire sold to a hardware store would fit this definition of an article, but a load of copper ingots being shipped to a computer chip manufacturer would not (and would require an MSDS).

The definition has been amended to permit the release of “very small quantities, e.g., minute or trace amounts” of a hazardous chemical and still qualify as an article provided that a physical or health risk is not posed to the employees (59 F.R. 6146). In evaluating an article, one must consider the health risk which exposure to that article presents. (The term “risk” as opposed to “hazard” is used here, since the hazard is an inherent property of the chemical and exists no matter the quantity of exposure. To be exempted as an article, exposure must not pose a risk to employee health.)

Note that OSHA cannot make an across-the-board determination of a products’ exclusion as an “article.” The standard’s definition by its very wording imposes the need to make case-by-case evaluations. Consequently, a blanket exemption for specific products cannot be given by OSHA.

Official OSHA Interpretations	<ul style="list-style-type: none"> • HAZCOM: Clarification of "article" and "hazardous substance" (Nov 1, 1999) • Definition of an "article" under the hazard communication standard (Jan 27, 1993). • MSDS and labeling requirements for copper or aluminum wire or metal products (Mar 11, 1986). • High speed cobalt steel drill bits evaluated as a "article" under the Hazard Communication Standard (Oct 2, 1996). • See also a discussion of articles in Appendix A of CPL 2-2.38D - Inspection Procedures for the Hazard Communication Standard.
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The current definition of “article” in [29 CFR 1910.1200](#) is “a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under [paragraph \(d\) of this section](#)), and does not pose a [physical hazard](#) or health risk to employees.”

If a machine does not potentially release [chemicals](#) during normal operating conditions, it would be considered an article exempt from HCS requirements. Shoe Inn products do not release chemicals during normal operating conditions and are thus articles that are exempt from HCS requirements.

Sources:

- <http://ccinfoweb.ccohs.ca/help/msds/msdsINTGUIDE.html>
- <http://www.ilpi.com/msds/faq/index.html>