

**875—110.2(88,89B) Definitions.**

“*Act*” means the hazardous chemical risk right to know Act, Iowa Code chapter 455D.

“*Appeal board*” means the employment appeal board created under Iowa Code section 10A.601.

“*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.

“*Chemical*” means any element, chemical compound, or mixture of elements or compounds.

“*Chemical manufacturer*” means an employer with a workplace where chemical(s) are produced for use or distribution.

“*Chemical name*” means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

“*Combustible liquid*” means any liquid having a flash point at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flash points of 200°F (93.3°C), or higher, the total volume of which makes up 99 percent or more of the total volume of the mixture.

“*Commissioner*” means the labor commissioner or designee.

“*Common name*” means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by chemical name.

“*Compressed gas*” means:

1. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C);
2. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or
3. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

“*Container*” means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of 875—Chapters 110, 120, 130, and 140, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

“*Designated representative*” means an individual or organization to whom an employee gives written authorization to exercise such employee’s rights under 875—Chapter 120. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

“*Distributor*” means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

“*Division*” means the division of labor services of the department of workforce development.

“*Emergency response department*” means any governmental department which might be reasonably expected to be required to respond to an emergency involving a hazardous chemical, including, but not limited to, local fire, police, medical rescue, disaster, and public health departments.

“*Employee*” means an individual employed by an employer in a workplace in this state who may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in nonrecurring, isolated instances are not covered.

“*Employer*” means a person engaged in a business in this state where chemicals are either used, distributed, or produced for use or distribution including a contractor or subcontractor.

“*Explosive*” means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

“*Exposure*” or “*exposed*” means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

“*Flammable*” means a chemical that falls into one of the following categories:

1. “*Aerosol, flammable*” means an aerosol that, when tested by the method described in 16 CFR 1500.45 (1985), yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

2. “*Gas, flammable*” means:

A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent of volume, regardless of the lower limit;

3. “*Liquid, flammable*” means any liquid having a flash point below 100°F (37.8°C), except any mixture having components with flash points of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

4. “*Solid, flammable*” means a solid, other than a blasting agent or explosive as defined in subsection 29 CFR 1910.109(a) (1984), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44 (1985), it ignites and burns with a self-sustained flame at a rate greater than 1/10 inch per second along its major axis.

“*Flashpoint*” means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

1. Tagliabue Closed Tester (see American National Standard Method of Test for Flash Point by Tag Closed Tester, ASTM D 56-82) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

2. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, ASTM D 93-85) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

3. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester ASTM D 3278-82E1).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flash point determination methods specified above.

“*Foreseeable emergency*” means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

“*Hazard warning*” means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which conveys the hazard(s) of the chemical(s) in the container(s).

“*Hazardous chemical*” means any chemical which is a physical hazard or a health hazard.

“*Health hazard*” means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term “health hazard” includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatoxins, nephrotoxins, neurotoxins, agents which act on hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A (available from the division) provides further definitions and explanations of the scope of health hazards covered by this rule, and Appendix B (available from the division) describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this chapter.

*“Identity”* means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

*“Immediate use”* means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

*“Importer”* means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or employers within the United States.

*“Information in sufficient specificity”* means a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer’s facility. A form is not specified. The information shall be submitted on an 8½” by 11” page and shall include:

1. Name of the employer;
2. Name of contact person of the employer;
3. Mailing address of the employer;
4. Address of the establishment for which the information is provided; and
5. A list of the chemicals which includes:
  - a. Identity of the hazardous chemical;
  - b. NFPA numerical hazard rating in health, flammability, and reactivity as well as any information which constitutes a special hazard pursuant to NFPA 704-1980, chapter 5, for each listed chemical; and
  - c. Any other special hazard information from the material safety data sheets which may be relevant.

If the fire department is unable to tour the facility annually due to limits by the fire department or employer, the fire chief shall be provided upon request with the following:

1. A plane view scale diagram which shows the permanent location of each hazardous chemical within the employer’s facility, as well as easily recognizable reference points such as doorways, stairs, and windows; and
2. A copy of requested material safety data sheets.

*“Interested person”* means any person who is requesting information from an employer, but does not include an employee of that employer.

*“Label”* means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

*“Material safety data sheet (MSDS)”* means written or printed material concerning a hazardous chemical which is prepared in accordance with rule 875—120.5(88,89B).

*“Mixture”* means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

*“Organic peroxide”* means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

*“Oxidizer”* means a chemical other than a blasting agent or explosive as defined in 875—10.20(88), specifically 29 CFR 1910.109(a)(1985), that initiates or promotes combustion in other materials thereby causing fire either of itself or through the release of oxygen or other gases.

*“Permanently stored hazardous material”* means a substance that is located in an area designated by the employer or located in an area which is established through common use and practice as being the location where the hazardous chemical is stored or can be obtained.

*“Physical hazard”* means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

*“Produce”* means to manufacture, process, formulate, or repackage.

*“Pyrophoric”* means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

*“Responsible party”* means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary. A chemical manufacturer or importer shall be deemed a responsible party.

*“Specific chemical identity”* means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

*“Trade secret”* means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer’s business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Appendix D (available from the division) sets out the criteria to be used in evaluating trade secrets.

*“Unstable (reactive)”* means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure, or temperature.

*“Use”* means to package, handle, react, or transfer.

*“Water-reactive”* means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

*“Work area”* means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

*“Workplace”* means an establishment, job site, or project, at one geographical location containing one or more work areas.

This rule is intended to implement Iowa Code sections 89B.4 and 89B.8.