SMALL BUSINESS TALK

OTCs Exempt From MSDS Requirements

Some companies are receiving requests from wholesalers and others for Material Safety Data Sheets (MSDSs) for their OTC products. Such requests may be confusing to those unfamiliar with the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard upon which the requests are based.

There are two exemptions which apply to drug products. One exemption is for any drug that is in solid final form for direct administration to the patient (i.e., tablets or pills). The second is for foods, drugs, cosmetics or alcoholic beverages which are packaged for retail sale to consumers. This is the broader of the two exemptions regarding OTCs, since it covers all OTCs, not just solid dosage forms.

It has been confirmed with OSHA that retail OTC drugs are exempt from the MSDS requirement from the moment of packaging.

Customers requesting MSDSs for OTC products may be referred to the *Code of Federal Regulations*, 29 C.F.R. §1910.1200 (b)(6)(v), which states that the OSHA Standard does not apply to "food, drugs, cosmetics or alcoholic beverages in a retail establishment which are packaged for sale to consumers." If they persist in their demands, they should be referred to their local area OSHA office. In case of disagreement, they should go to the OSHA Regional Office, then to OSHA's national office if there is further disagreement.

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