



February 24th, 2006

To Whom It May Concern:

**RE: Material Safety Data Sheets – Exempt Products
See Attached Product List**

Pacon Paper Products including colored papers are exempt from the OSHA Hazard Communication Regulations in 29 CFR 1910.1200 (b) (5) (iii), 29 CFR 1910.1200 (b) (5) (iv), and 29 CFR 1910.1200 (b) (6) (v) in that the wood and wood products exemption has been interpreted to include paper. These products also meet the definition of "Articles", manufactured items that do not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use. Due to these exemptions, Material Data Safety Sheets are not required for paper products.

If you have any questions regarding this please contact me at 800-333-2545. ext. 5214.

Sincerely,

Lori Claus

Lori Claus
Product Manager

Curt Wentzel

Curt Wentzel
Product Manager

Attachment – Products List

PACON CORPORATION

2525 N. Casaloma Drive, Appleton, WI 54913-8865
Phone 920-830-5214 • Fax 920-830-5227

PAPER

SunWorks® Construction Paper
Colorburst® Construction Paper
Peacock™ Sulphite Construction Paper
Rainbow® Construction Paper
Waffle Paper™
Fadeless® Paper
Spectra® ArtKraft® Paper
Rainbow® Colored Kraft Paper / Paper Squares
Art Display Paper
White & Natural Kraft Paper
Easel Rolls
Project Paper
Newsprint Paper
Drawing Paper
Fingerpaint Paper
Tracing Paper
Watercolor Paper
Card Stock
Scrapbook Paper
Tagboard / Sentence Strips / Flash Cards
Peacock™ Railroad Board / Poster Board/ Mat Frames / Art Board
Bordette® and Corobuff®

EDUCATIONAL AIDS

Chart Tablets & Racks / Grid Rolls
Ruled Handwriting Paper
Sentence Strips
Flash Cards
Learning Walls®
Classroom Keepers™ & Corrugated Storage
Chart Stands & Easels
Pocket Charts & Stand
Flannel Boards & Stories
Interlocking Storage Container

ARTS & CRAFTS

Origami Paper
Rainbow® Bags
Notched Looms
Plastic Needles
Coiling Core
Pacon® Art Fun Twists
Felt
Chenille Stems
Pom Poms
Beads

2740) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this section, insofar as their possession and use of such material is concerned, provided the State's program for control of these radiation sources is the subject of a currently effective determination by the Assistant Secretary of Labor that such program is compatible with the requirements of this section. Such determinations currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, Washington, Maryland, North Dakota, South Carolina, and Georgia.

§ 1910.1200 Hazard communication.

(a) *Purpose.* (1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present, labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employers and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures. Under section 18 of the Act, no state or political subdivision of a State may adopt or enforce, through any court or agency, any requirement relating to the issue addressed by this Federal standard, except pursuant to a Federally-approved state plan.

(b) *Scope and application.* (1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers. (Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers.

Appendix B of this section is a general guide for such employers to help them determine their compliance obligations under the rule.)

(2) This section applies to any chemical which is 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.

(3) This section applies to laboratories only as follows:

(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(ii) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible during each workshift to laboratory employees when they are in their work areas.

(iii) Employers shall ensure that laboratory employees are provided information and training in accordance with paragraph (b) of this section, except for the location and availability of the written hazard communication program under paragraph (b)(2)(iii) of this section, and:

(iv) Laboratory employees that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with paragraph (d)(1) of this section, and that a material safety data sheet is provided to distributors and other employees in accordance with paragraphs (g)(6) and (g)(7) of this section.

(v) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to those operations only as follows:

(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(ii) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work areas; and:

when subject to the labeling requirements of that Act and labeling regulations under that Act by the Environmental Protection Agency;

(ii) Any chemical substance or mixture as such terms are defined in the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(iii) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (42 U.S.C. 151 et seq.), and regulations issued under those Acts, when they are subject to the labeling requirements under those Acts by either the Food and Drug Administration or the Department of Agriculture;

(iv) Any distilled spirits (beverage alcohol), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, and Firearms;

(v) 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, when subject to a consumer product safety standard or labeling requirement of those Acts or regulations issued under those Acts by the Consumer Product Safety Commission; and

(vi) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling regulations issued under that Act by the Department of Agriculture.

(6) This section does not apply to: (i) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(ii) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;

(iii) Tobacco or tobacco products;

(iv) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently saved or cut, generating dust, are not exempted).

(v) Articles (as that term is defined in paragraph (c) of this section);

(vi) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(vii) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

(viii) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(ix) 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 exposure that could reasonably be experienced by consumers when used for the purpose intended;

(x) Nuisance particulates where the chemical manufacturer or importer can establish that they do not pose any physical or health hazard covered under this section;

(xi) Ionizing and nonionizing radiation; and

(xii) Biological hazards.

(c) *Definitions.*

Article means 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 functions 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.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

Chemical means any element, chemical compound or mixture of elements and/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 a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

Commercial account means an arrangement whereby a retail distributor sells hazardous chemicals to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

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 its chemical name.

Compressed gas means:

(i) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C) or

(ii) 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

(iii) 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 this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

Designated representative means any individual or organization to whom an employer gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Director means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employees.

Employee means a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

Employer means a person engaged in a business where chemicals are either used, distributed, or are 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 in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g., accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (e.g., inhalation, ingestion, skin contact or absorption).

Flammable means a chemical one of the following categories:

(i) *Acetone, flammable* means that, when tested by the method in 16 CFR 1500.45, yields a flash point exceeding 18 inches at full height, or a flashback (a flame exiting the valve) at any degree of opening.

(ii) *Gas, flammable* means that, at ambient temperature and pressure, forms a flammable mixture with air under than percent by volume, regardless limit.

(iii) *Liquid, flammable* means having a flashpoint below 100°F except any mixture having with flashpoints of 100°F or higher, the total of which make up or more of the total volume.

(iv) *Solid, flammable* means: (i) a blasting agent or explosive as defined in § 1910.109(a), that cause fire through friction, a moisture, spontaneous combustion, or heat from manufacturing, processing, or which can be ignited and when ignited burns so persistently as to create a serious hazard; or (ii) a solid which is considered to be a flammable solid if, when tested by described in 16 CFR 1500.44, it burns with a self-sustained flame greater than one-eighth of an inch along its major axis.

Flashpoint means the minimum temperature at which a liquid gives off sufficient concentration to be ignited as follows:

(i) *Tagliabue Closed Tester* can National Standard Method Flash Point by Tagliabue (ASTM D 56-79) with a viscosity of less than 100 centistokes (cSt) at 100°F (37.8°C), that do not contain solids and do not have a tenuous surface film under test; or

(ii) *Pensky-Martens Closed Tester* can National Standard Method Flash Point by Pensky-Martens (ASTM D 2112-1979) for liquids with a viscosity of 93-99 cSt at 100°F or greater than 45 cSt at 100°F or that contain suspended solids have a tendency to form a skin under test; or

(iii) *Seafish Closed Tester* can National Standard Method Flash Point by Seafish (ASTM D 3278-78).

Organic peroxides, which include clarifying thermal decomposition methods specific included from any of the

Foreseeable emergency means that emergency such as, but not limited to, equipment failure, rupture of a failure of control equipment, result in an uncontrolled release of hazardous chemicals into the workplace.