



Reply to the attention of:

Kelley Richardt  
Regulatory and Quality Manager  
Source Production & Equipment, Co., Inc.  
113 Teal Street  
St. Rose, LA 70087

Dear Ms. Richardt:

This is in response to your June 4, 2007, correspondence to the Occupational Safety and Health Administration (OSHA). Your letter has been transferred to OSHA's Directorate of Enforcement Programs for response. This letter constitutes OSHA's interpretation of only the requirements discussed and may not be applicable to any questions not delineated within your original correspondence. Your letter requested clarification regarding OSHA's hazard communication standard (HCS), 29 CFR 1910.1200. You specifically asked for an interpretation of the scope of the HCS as it relates to ionizing and non-ionizing radiation.

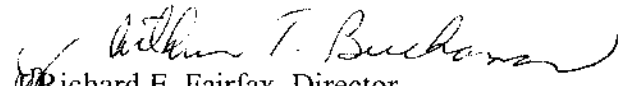
**Question:** Source Production & Equipment CO., Inc. distributes gamma radiation sources for which we receive requests for material safety data sheets (MSDS). It is our understanding that the HCS, 29 CFR 1910.1200(b)(6)(xi), exempts ionizing and non-ionizing radiation from coverage unless the radioactive material is present along with another type of hazardous chemical. We are asking you to confirm that our understanding of this interpretation of the HCS is correct.

**Answer:** OSHA's hazard communication standard, 29 CFR 1910.1200(b)(6)(xi), exempts ionizing and non-ionizing radiation from coverage under the standard. To address your specific question, Appendix A of OSHA Instruction CPL 02-02-038, Inspection Procedures for the Hazard Communication Standard, confirms that your interpretation is correct in that "...OSHA does not consider either radiation hazards or biological hazards to be covered by the HCS. If, however, the radiological or biological agent is accompanied by an otherwise covered hazardous chemical ...then the container would be subject to the requirements of the HCS for the hazardous chemical only."

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules.

Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website.

Sincerely,

  
Richard E. Fairfax, Director  
Directorate of Enforcement Programs