

This factsheet clarifies the obligation under the *Work Health and Safety Regulation 2011* (Qld) (**the Regulations**) to have a Safety Data Sheet (SDS) available for all hazardous chemicals¹ being used, handled or stored at the University. It supplements 3.1.2 of the [Acquiring and Transferring in Chemicals Procedure](#).

General Obligation to obtain and make available an SDS

For all hazardous chemicals acquired, the University is required to both:

- 1. Obtain the current SDS from the supplier, manufacturer or importer.**
 - The SDS should be obtained from the particular supplier of the hazardous chemical. It is the legal responsibility of the manufacturer or importer to prepare the SDS according to the [prescribed content](#) of Regulations. It is the legal responsibility of the supplier to provide the current SDS with the product.
 - To meet the regulations Griffith should not be using a generic SDS for chemicals (eg. Chemwatch Gold) or the SDS provided by another manufacturer. This is to ensure the SDS provided is up to date and accurate for the actual product provided.
 - It is important to note that the Regulations only allow the manufacturer or importer of a chemical to make changes to an SDS – except in the circumstances described below Griffith must not prepare or change an SDS provided by the supplier.
- 2. Make the SDS obtained readily available to relevant workers, before the hazardous chemical is used at the University.**
 - This means that chemical custodians should be checking that a compliant SDS is provided by the supplier at the point where there is delivery of the chemical. It should then be made available through Chemwatch.

What if the supplier does not provide a compliant SDS?

Domestic Suppliers

In the case of an Australian supplier who does not provide a compliant SDS, Griffith should require them to remediate the situation. If unable or unwilling to do so, Griffith should reject the product as non-compliant and use another supplier who is complying with the law. It is within its rights to do so, and it would be a breach of its obligation to obtain a current SDS to accept the chemical and use it; as the failure of the provider does not absolve Griffith of its obligations under the Regulations.

International Suppliers.

If the chemical is being sourced directly from an international supplier and a compliant SDS is not being provided, the situation is different; in this case Griffith can be considered an importer under the Regulations. As such, it may assume the responsibility to prepare a compliant SDS before the product is used. This includes assuming obligations not just to prepare the SDS to the prescribed standard, but also to amend the SDS to ensure it is correct and current, and to review the SDS at least every 5 years. For this reason, there are advantages for the University to use a professional SDS preparation service such as provided by Chemwatch.

¹ As determined by the Globally Harmonised System for the Classification and Labelling of Chemicals (GHS).

The Regulations prescribe the content required in a 'normal' SDS in [Schedule 7\(1\)](#).

In recognition that it is not always possible to know all the information needed to produce a normal SDS, the Regulations do allow for an SDS that meets the requirements of [Schedule 7\(2\)](#). For the purpose of this factsheet, this is called a non-standard SDS. However, this non-standard SDS may only be prepared when Griffith assumes the responsibility of an importer and **both** below conditions are satisfied:

1. The hazardous chemical is being acquired for the purposes of a University research activity.
 - This will mean that the 'research chemical' definition from the Regulations applies. Note however that being a 'research chemical' for the purpose of the Regulations simply means that there are different ways to meet classification and labelling requirements, and also in this context that you may prepare a non-standard SDS *if* the next condition is also satisfied.
2. It is not *reasonably practicable* to prepare and provide a normal Schedule 7(1) SDS.
 - This condition should be interpreted narrowly as referring to circumstances where, as a matter of practical reality, the information and knowledge needed to produce a normal SDS is not available. For example, the chemical is truly novel. This fits with the nature of the requirements of a non-standard SDS which in essence requires a manufacturer or importer to state what it does know about the research chemical and advise the worker to take a precautionary approach.
 - In most cases where a chemical is being sourced from an international supplier operating on a commercial basis, it is very likely that the chemical is known to a sufficient degree for it to be reasonably practicable to produce a normal SDS.
 - The costs of creating a normal SDS may be taken into account in determining if this condition is met, but Griffith would need to demonstrate that the costs of producing a normal SDS (as opposed to a non-standard SDS) are grossly disproportionate based on an assessment of risk. See [s.18](#) of the *Work Health and Safety Act 2011* (Qld) for more detail.

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