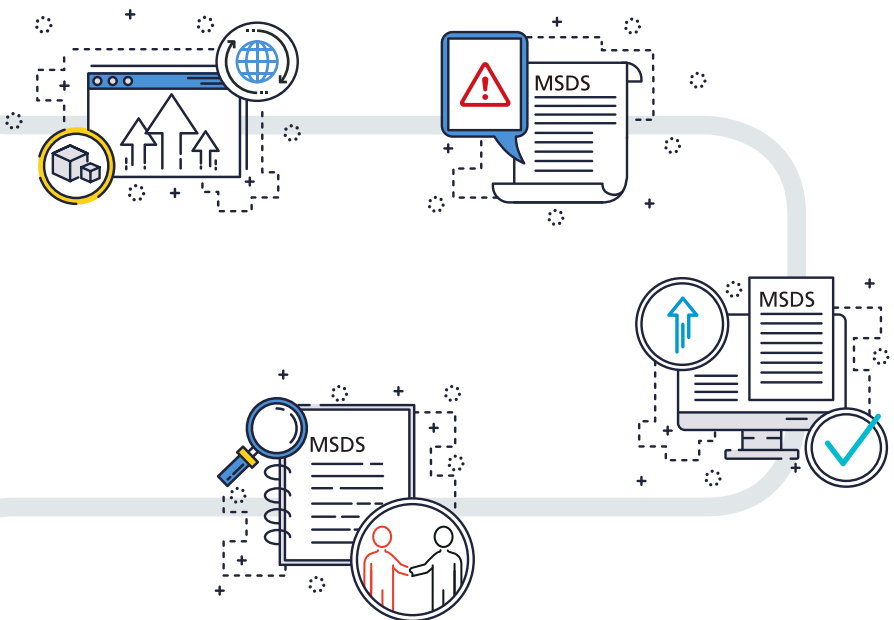


The Material Safety Data Sheets (MSDS) Has Changed Completely!



Ministry of
Employment and Labor



KOSHA
KOREA OCCUPATIONAL SAFETY & HEALTH AGENCY

What is an Material Safety Data Sheets (MSDS)?

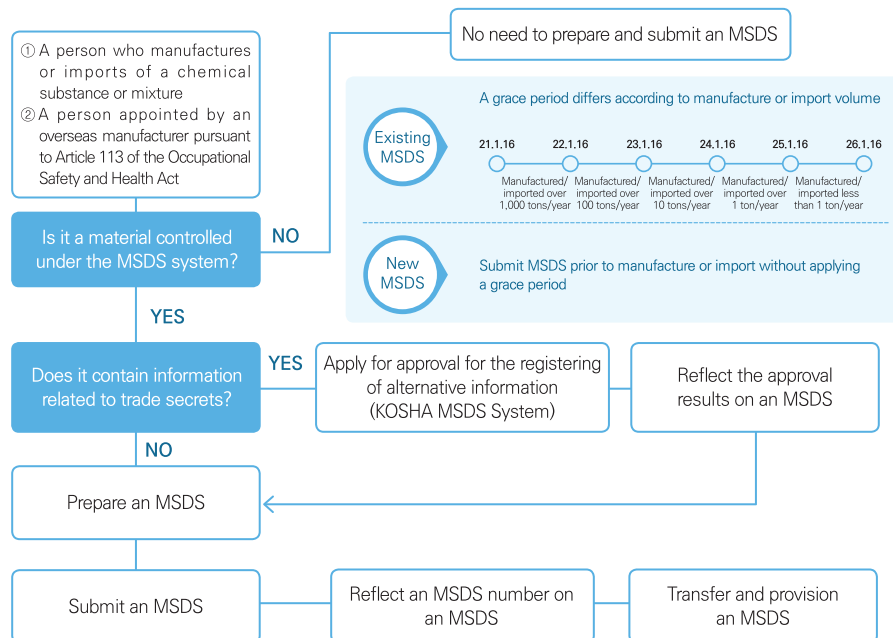
A manual for the safe use in workplace of a chemical substance or mixture. Contains 16 items including information on the hazards and risks of a chemical substance or mixture, first-aid measures, and handling instructions.

What is the material controlled under the MSDS system?

A chemical substance or mixture classified under the classification standards pursuant to Article 104 of the Occupational Safety and Health Act (such as hazardous chemicals, physical factors, etc. that cause health disorders to employees). However, a chemical substance or mixture under Article 86 of the Enforcement Presidential Decree of the same Act are excluded.

[Legal basis] Article 141 of the Enforcement Rules of the Occupational Safety and Health Act (Classification Standards of Harmful Factors) and [Table 18] of the Enforcement Rules.

Procedures for submitting an MSDS and approving the registering of alternative information



※ In case of materials controlled under the MSDS system for R&D, only submission on KOSHA MSDS system is excluded.

What has changed since January 16, 2021?

1. A person who prepare an MSDS and the items to be compiled in an MSDS have changed.

1-1. A person who prepare an MSDS

	Before revision	After revision
A person who prepare an MSDS	A supplier or provider of controlled chemical substance	① A manufacturer or importer of materials controlled under the MSDS system ② A person appointed by an overseas manufacturer pursuant to Article 113 of the Occupational Safety and Health Act

1-2. The items to be compiled in an MSDS

	Before revision	After revision
The items to be compiled in an MSDS	The name and content of all ingredients	The name and content of the hazardous ingredients

※ Even after the revision, the name and content of all ingredients can be written as before.

2. Manufacturers or importers of materials controlled under the MSDS system shall submit an MSDS to KOSHA.

Manufacturers or importers of materials controlled under the MSDS system shall prepare and submit an MSDS to KOSHA prior to manufacture or import. In addition, they shall submit to KOSHA the names and contents of non-hazardous ingredients in materials controlled under the MSDS system together with MSDS.

※ If not submitted, a fine of up to 5 million won will be imposed.

※ When the submission is complete, the MSDS number will be granted to the MSDS.

3. If you want to write the alternative information (alternative name and alternative content) in an MSDS instead of the name and content of the hazardous ingredients that are trade secrets, you must apply for approval for the registering of alternative information.

If you want to write the alternative information (alternative name and alternative content) in an MSDS instead of the name and content of the hazardous ingredients that are trade secrets, you must fill out the [Form No. 63] "Application for Non-Disclosure Approval" of the Enforcement Rules of the Occupational Safety and Health Act, submit it with the attached documents to KOSHA, obtain the approval from the Minister of Employment and Labor, and reflect the approval result on the MSDS.

※ If not obtain the approval, or false writing, a fine of up to 5 million won will be imposed.

4. If an overseas manufacturer wants to submit an MSDS or apply for approval for the registering alternative information without going through the Korea importers, an overseas manufacturer shall appoint a person who can substitute for the Korea importer to perform the duties pursuant to Article 113 of the Occupational Safety and Health Act.

※ If an appointed person performs a duty falsely or does not provision MSDS to an importer of materials controlled under the MSDS system, a fine of up to 5 million won will be imposed.

Relevant legal basis

Articles 110 through 113 of the Occupational Safety and Health Act

Article 110 (Preparation and submission of MSDS)
Article 111 (Provision of MSDS)

Article 112 (Approval of partial non-disclosure of MSDS, etc.)
Article 113 (Submission of information by a person appointed by an overseas manufacturer, etc.)



* Public Notification No. 2020-130 of the Ministry of Employment and Labor 「Standards for Classification and Labelling of Chemical Substances and for Material Safety Data Sheets

You Must Submit an Material Safety Data Sheets!



01 Submission of an MSDS

Any person who manufactures or imports a material controlled under the MSDS system shall prepare and submit MSDS to KOSHA prior to manufacture or import.

02 A person who submit an MSDS

1. Any person who manufactures or imports a material controlled under the MSDS system
2. A person appointed by an overseas manufacturer pursuant to Article 113 of the Occupational Safety and Health Act

03 List of documents to be submitted

1. Material Safety Data Sheets (MSDS)
2. Names and contents of non-hazardous ingredients in the material controlled under the MSDS system (If all components are listed in MSDS, they can be omitted)

※ However, in the case of imported material controlled under the MSDS system where it is difficult to obtain the names and contents of non-hazardous ingredients from overseas manufacturers, the [Form No. 62] "Confirmation of Chemical Substance" of the Enforcement Rules of the Occupational Safety and Health Act shall be submitted instead of the information.

04 Substance or mixture to be excluded from the application of MSDS system

[Legal basis] Substance or mixture falling under Article 86 of the Enforcement Presidential Decree of the Occupational Safety and Health Act

1. Substance or mixture specified in 15 other Acts, including health functional foods specified in the 「Health Functional Foods Act」
2. Chemical substances or mixture provided mainly to general consumers for daily life, except the substances or mixture specified in 15 other Acts (including cases handled within a workplace)
3. Chemical substances publicly announced by the Minister of Employment and Labor as the degree of the risk due to the toxicity and explosiveness is deemed minimal.

- ① Mixtures made by remixing the transferred or provisioned substances or mixtures (However, cases in which the mixture is transferred or provisioned or the properties of the final chemical substances produced through the R&D procedure have changed by a chemical reaction are excluded.)
- ② Chemical substance or mixture that are likely to be exposed to workers when they work, as article or material controlled under the MSDS system that contained in article. (However, those containing special controlled substance pursuant to Article 420 of the 「Occupational Safety and Health Standards Rule」 are excluded.)

4. Chemical substances or mixtures for R&D

※ Only the submission of an MSDS is excluded and an MSDS must be prepared.

What is the case for chemical substances or mixtures for R&D?

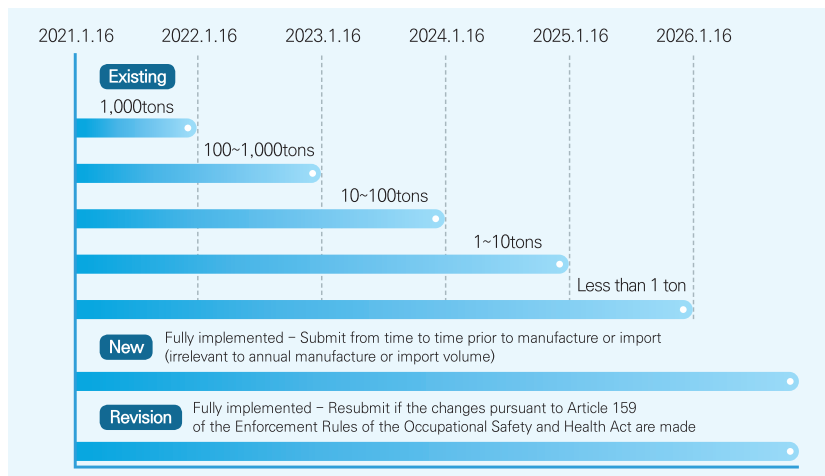
- ① Substances or mixtures for scientific experiment, analysis, or research, such as reagents;
- ② Substances or mixtures for development of chemical substances or chemical products;
- ③ Substances or mixtures for improvement or development of production process;
- ④ Substances or mixtures for testing the field of application of chemical substances in the workplace; or
- ⑤ Substances or mixtures for pilot production of chemical substances or chemical products.

05 How to submit an MSDS

You can submit an MSDS through IT system for MSDS submission & approval for the registering alternative information (hereinafter "MSDS System") of KOSHA.

Website: <http://msds.kosha.or.kr>

06 When to submit an MSDS



1. For an MSDS already prepared

An MSDS shall be submitted by annual manufacture or import volume of the material controlled under the MSDS system within five years from the date of enforcement of the Act.

[Legal basis] Articles 7 through 9 of Supplementary Provisions of the Occupational Safety and Health Act (Act No. 16272), Articles 9 through 11 of Supplementary Provisions of the Enforcement Rules of the Occupational Safety and Health Act (Enforcement Rules of the Act No. 272)

2. For an MSDS newly prepared

From January 16, 2021, a person who intends to manufacture or import materials controlled under the MSDS system shall submit an MSDS prior to manufacture or import.

3. After submission of an MSDS, if any of the following changes occur, resubmit an MSDS reflecting the changes.

- ① Product name (Limited to cases where there is no change in the name and content of the ingredients)
- ② Name and content of hazardous ingredients (Limited to cases where there is no change in the product name)
- ③ hazard to health and the environment, physical hazards

07 Instructions for submitting an MSDS

1. The source of the data must be included in an MSDS.
2. If you want to write the alternative information (alternative name and alternative content) in an MSDS instead of the name and content of the hazardous ingredients that are trade secrets, you must [apply for approval for the registering of alternative information](#) and then submit an MSDS reflecting the approval results.
3. When submitting an MSDS, you must write the product name, information on the manufacturer or supplier, date of compilation of the MSDS in the MSDS, etc., and you must submit the MSDS by [selecting at least one of the 48 uses in the classification system](#).

[Legal basis] [Table 5] Classification System of use in the Public Notification No. 2020-130 of the Ministry of Employment and Labor.

08 Instructions for transfer or provision of MSDS

1. You must transfer or provision an MSDS by [reflecting the MSDS number that granted to the MSDS when it was submitted to the MSDS System](#).
2. You can transfer or provision MSDS through the MSDS System.



Trade Secrets, Now Have To Be Evaluated!



01 Evaluation of the registering of an alternative information of MSDS

If you want to write the alternative information (alternative name and alternative content) in an MSDS instead of the name and content of the hazardous ingredients that are trade secrets, you must fill out the [Form No. 63] "Application for Non-Disclosure Approval" of the Enforcement Rules of the Occupational Safety and Health Act, submit it with attached documents to KOSHA, obtain the approval from the Minister of Employment and Labor, and reflect the approval result (alternative name and alternative content) on the MSDS.

* **evaluation criteria** are ① the validity of trade secret, ② the suitability of alternative information, and ③ adequacy of an MSDS.

02 Applicant for approval of the registering of alternative information

A person who intends to write the alternative information (alternative name and alternative content) in an MSDS instead of the name and content of the hazardous ingredients that are trade secrets

03 List of documents to be submitted

[Form No. 63] "Application for Non-Disclosure Approval" of the Enforcement Rules of the Occupational Safety and Health Act and following documents to be attached

- ① Documents to demonstrate that the name and content of the hazardous ingredients to want to be written as the alternative information in an MSDS is a trade secret pursuant to subparagraph 2 of Article 2 of the 「Unfair Competition and Trade Secret Protection Act」
- ② Alternative information (alternative name and alternative content)
- ③ Name and content of the hazardous ingredients to be written as the alternative information in an MSDS; and health hazards, environmental hazards and physical hazards about the hazardous ingredients
- ④ Material Safety Data Sheets (MSDS)
- ⑤ Name and content of the non-hazardous ingredients in materials controlled under the MSDS system
- ⑥ Other documents notified by the Minister of Employment and Labor as information necessary to approve the name and content of the hazardous ingredients to be written as alternative information

※ In the case of a chemical substance or mixture for Research and Development, a person who applies for approval for the registering alternative information can submit documents except ① and ⑥ above.

3-1. What is the documents to demonstrate that the name and content of the hazardous ingredients to want to be written as the alternative information in an MSDS is a trade secret?

[Legal basis] Public Notification No. 2020-130 of the Ministry of Employment and Labor 「Standards for Classification and Labeling of Chemical Substances and for Material Safety Data Sheets」

- A. Non-disclosure
 - 1) Range of Persons who knows the information that is a trade secret
 - 2) Whether the information that is a trade secret has already been disclosed under other laws, etc.
- B. Confidentiality
 - 1) Type and extent of the measures taken by the manufacturer or importer of a materials controlled under the MSDS system to protect the confidentiality of the information that is a trade secret (including restriction of an access to the information, assignment of the confidentiality obligations to internal employees, conclusion of the confidential employment contracts, physical security measures, computing environment equipped with a security system, etc.)
 - 2) Degree of others' access to and ease of the acquisition of the information that is a trade secret
- C. Economic usefulness
 - 1) Benefits to other competitors when the information that is a trade secret is disclosed
 - 2) Extent of the efforts and expenses invested by the manufacturer or importer of a materials controlled under the MSDS system in order to develop the information that is a trade secret

3-2. What is alternative information?

- A. Criteria for the suitability of an alternative name

Apply the attached Table of the public notification No. 2018-237 of the Ministry of Environment 「Regulations on the Preparation of Data Protection Application and the Management of Protected Data, etc.」.

※ Where it is difficult or impossible to specify the chemical formulas and structures, follow the method determined by KOSHA.
- B. Appropriate variation (\pm) of an alternative content
 - ① If the content of the ingredient to be disclosed is 25% or more, $\pm 20\%$ P
 - ② If the content of the ingredient to be disclosed is less than 25%, $\pm 10\%$ P

04 Substances excluded from the registering an alternative information of MSDS

[Legal basis] Article 16 (Substances excluded from the registering alternative information) of the public notification No. 2020-130 of the Ministry of Employment and Labor 「Standards for Classification and Labeling of Chemical Substances and for Material Safety Data Sheets」

- ① Substances prohibited from manufacturing, etc. under Article 117 of the 「Occupational Safety and Health Act」
- ② Substances subject to permission under Article 118 of the Occupational Safety and Health Act
- ③ Hazardous substances to be controlled under Article 420 of the 「Regulations on Occupational Safety and Health Standards」
- ④ Hazardous factors for working environment measurement in Attached Table 21 of the 「Enforcement Rules of the Occupational Safety and Health Act」
- ⑤ Hazardous factors for special health examination in Attached Table 22 of the 「Enforcement Rules of the Occupational Safety and Health Act」
- ⑥ Chemical substances prescribed in the clause to Article 35 (2) of the 「Enforcement Rules of Act on Registration, Evaluation, etc. of Chemicals」

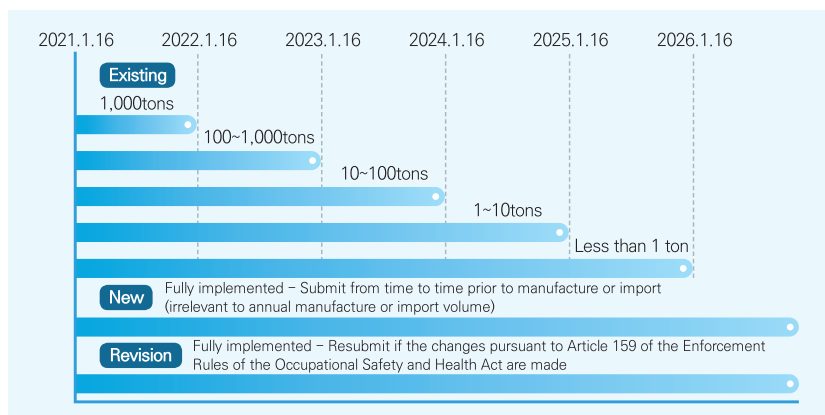
05 How to apply for approval for the registering alternative information of an MSDS

You can apply at MSDS System. Website: <http://msds.kosha.or.kr>

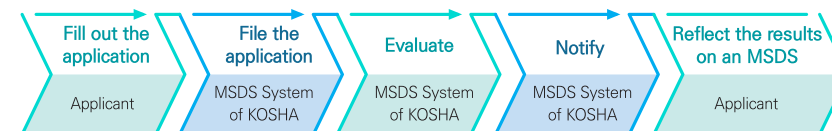
06 When to apply for approval for the registering alternative information of an MSDS

Before submitting MSDS

It is the same as the time of submission of an MSDS, but you need to approve the entry of alternative information before submission to write it as alternative information on the MSDS.



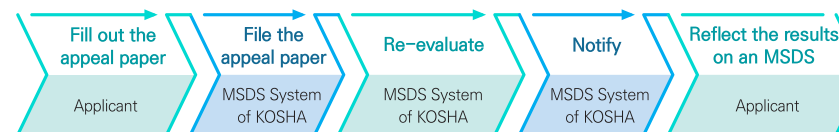
07 Processing procedure of approval for the entry of alternative information of MSDS



08 Notes on applying for approval for the registering an alternative information of MSDS

1. The validity period of approval is 5 years from the date of approval.
2. If you want to extend the validity period of approval, you must submit [Form No. 63] "Application for Non-Disclosure Approval" of the Enforcement Rules of the Occupational Safety and Health Act to KOSHA through the MSDS System 30 days before the expiration date.
3. Approval will be decided within one month from the date of filing the application for approval, and within two weeks for R&D chemicals. And then the result will be notified.
4. If necessary to decide whether to approve or not, you may be requested to revise or supplement the application, and if you are notified of the approval result, you shall reflect the result on MSDS.

09 Appeals against the results



1. The applicant may file an appeals against the results of the approval or extended approval.
2. To file an appeals, you must submit [Form No. 65] "Application for appeals" of the Enforcement Rules of the Occupational Safety and Health Act through the MSDS System to KOSHA within 30 days from the date of notification of the result.
3. Approval will be re-determined within 20 days from the date of application for appeals.
4. If you are notified of the results, you shall reflect the result on MSDS.

10 Provision exact information written as alternative information in an MSDS

In the event of significant health impairments for employees, etc., you must provision an exact information on the name and content of materials controlled under the MSDS system written as alternative information in an MSDS.

10-1. Those who need to provision exact information written as alternative information in an MSDS

Manufacturer or importer of materials controlled under the MSDS system

10-2. When you need to provision exact information written as alternative information in an MSDS

- ① When necessary for the treatment of employees with occupational diseases caused by materials controlled under the MSDS system
- ② When there is a risk of significant health impairments such as occupational diseases in employees caused by materials controlled under the MSDS system
- ③ When necessary to determine the cause of occupational diseases in employees

※ Those who can demand the provision exact information written as alternative information in an MSDS

- ① Physician under Article 2 of the 「Medical Service Act to treat employees」
- ② Health Officer and health management institution
- ③ Occupational Health Doctors
- ④ Representative of the employees
- ⑤ Institution entrusted with the take of conducting epidemiological investigations under Article 141 (1) of 「the Occupational Safety and Health Act」
- ⑥ Occupational Disease Adjudication Committee under Article 38 of 「the Industrial Accident Compensation Insurance Act」



What Should Overseas Manufacturers Do?



If an overseas manufacturer wants to submit an MSDS or apply for approval for the registering alternative information without going through the Korea importers, an overseas manufacturer shall appoint a person who can substitute for the Korea importer to perform the duties pursuant to Article 113 of the Occupational Safety and Health Act..

01 Qualification of a person appointed by an overseas manufacturer

1. A person of Korean nationality
2. A person who has an address (in case of a corporation, means the location) within the territory of the Republic of Korea

02 Duties that can be performed by a person appointed by an overseas manufacturer

1. Preparing and submitting an MSDS
2. Submitting [Form No. 62] "Confirmation of Chemical Substance" of the 「Enforcement Rules of the Occupational Safety and Health Act」
3. Applying for approval for the registering alternative information, approval for extended period of validity, and appeals, etc.

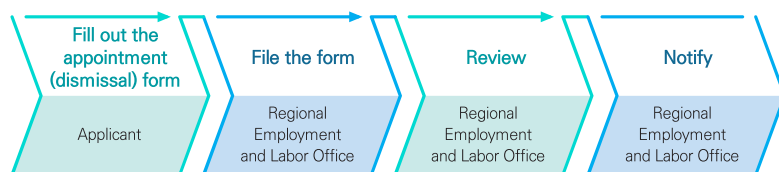
03 Responsibilities of a person appointed by an overseas manufacturer

1. The person must report the appointment or dismissal by an overseas manufacturer to the Regional Employment and Labor Office (District, Branch office) and obtain the declaration of the appointment or dismissal under [Form No. 69] of the 「Enforcement Rules of the Occupational Safety and Health Act」.

※ When reporting, attach documents that meet the qualification and documents proving appointment or dismissal along with [Form No. 68] of the Enforcement Rules.

※ Find the Regional Employment and Labor Office (District, Branch office): Civil Complaint on the website of the Ministry of Employment and Labor > Information > Find competent > See Regional Employment and Labor Office (District, Branch office)

[Procedure for reporting]



2. A person appointed by an overseas manufacturer must provide a copy of the declaration of the appointment to the importer of the material controlled under the MSDS system.
3. A person appointed by an overseas manufacturer must transfer or provision an MSDS by reflecting the MSDS number that granted to the MSDS when it was submitted to the MSDS System.
4. In the event of any other work performed by the appointed person, the results must be provided to the importer.



Search Relevant Promotional Materials

You can find the leaflets and videos related to the MSDS system in effect from January 16, 2021, on KOSHA's MSDS system website(<http://msds.kosha.or.kr>).

Inquiry about MSDS system: +82-42-869-0388



