SKILLSIGNAL™
Construction Safety & Compliance

TOOLBOX TALK

The Non-Mandatory Stuff: The Fish, the Storm Drain, and the Four SDS Sections OSHA Doesn't Enforce

TOPIC NO.	DURATION	AUDIENCE
HC-12	**10 to 15 min**	**All Crew**

OSHA REFERENCE 29 CFR 1910.1200(g)(2) Note 2 · 1910.1200 Appendix C.4.28 · 40 CFR 122 (NPDES) / 49 CFR 172 (DOT)

PROJECT / JOBSITE	DATE	PRESENTED BY

01 THE HOOK

START HERE

A laborer rinses out a bucket of concrete cure compound at the end of the day and dumps it toward the curb. Three days later a fish kill shows up downstream of the storm drain, the city traces it back, and the GC gets a stop-work order and a fine with a lot of zeros on it. OSHA never shows up, because OSHA only covers the worker. But the label on that bucket had a dead fish and a dead tree on it, and the SDS had a whole section about what it does in water. "Non-mandatory" on the pictogram means OSHA does not require it. It does not mean nobody is going to enforce it. This is the last talk in the series: the parts of the label and the SDS that OSHA leaves to somebody else, and why that somebody else matters to you.

02 THE NINTH PICTOGRAM

ENVIRONMENT (NON-MANDATORY)

HAZARDOUS TO THE AQUATIC ENVIRONMENT

The GHS has nine pictograms. OSHA requires eight. The ninth, the dead fish and tree, covers **acute and chronic aquatic toxicity**: “Very toxic to aquatic life,” “Toxic to aquatic life with long lasting effects.” **1910.1200 Appendix C** lists it as non-mandatory because **OSHA’s jurisdiction is worker safety**, not fish. Manufacturers include it anyway, because the same label ships to Canada and Europe where it is required, and because the EPA, the state, and the city do care. If the fish is on the label, nothing in that container goes down a drain, into the dirt, or into the creek.

03 THE FOUR SDS SECTIONS OSHA DOESN’T ENFORCE

1910.1200(g)(2), Note 2 says OSHA “will not be enforcing information requirements in sections 12 through 15” of the SDS because those are outside its jurisdiction. They still have to be on the sheet in the right order. Here is who does enforce them.

SECTION	TITLE	WHO CARES, AND WHY YOU SHOULD
12	**Ecological information**	Toxicity to fish and plants, whether it breaks down or **bioaccumulates**, how it moves in soil and water. The **EPA and the state environmental agency** enforce this through the Clean Water Act and the stormwater permit on this very site.
13	**Disposal considerations**	How to get rid of the leftover product **and the empty container**. Some are ordinary trash. Some are hazardous waste under RCRA with manifests and licensed haulers. The dumpster is not the default.
14	**Transport information**	The **UN number, proper shipping name, hazard class, and packing group** required by the **Department of Transportation** (49 CFR 172). This is what has to be on the placard and the bill of lading when a drum rides in the truck.
15	**Regulatory information**	Every other rule that applies: SARA Title III reporting, California Prop 65, TSCA, state right-to-know lists. If this product shows up on an agency list, this is where it says so.

04 WHAT THIS MEANS ON A CONSTRUCTION SITE

RULE 1

NOTHING GOES DOWN THE STORM DRAIN

Storm drains on and around a site go straight to the creek, untreated. Construction sites over one acre operate under an **NPDES stormwater permit** (the SWPPP binder in the trailer) that prohibits discharging anything but clean stormwater. Wash water from concrete, paint, cure compound, and cleaners is a permit violation. Use the designated washout.

RULE 2

THE EMPTY CONTAINER IS STILL THE PRODUCT

An “empty” drum of solvent or a pail of epoxy has enough residue to count as hazardous waste. SDS Section 13 says how to handle it. “Dispose of contents and container in accordance with local, regional, national, and international regulations” means **ask the superintendent or the environmental lead**, not the laborer with the dumpster key.

RULE 3

SPILLS ON DIRT ARE SPILLS

A fuel spill on soil is a reportable release above the quantity in Section 15. Keep a spill kit where fuel and chemicals are stored and handled. Stop it, contain it, report it. Do not bury it, do not wash it down, do not “let it evaporate.”

RULE 4

IF IT RIDES IN A TRUCK, SECTION 14 APPLIES

A crew truck hauling a few cans of PVC cement is fine under the small-quantity rules. A truck hauling a drum of a DOT hazard class needs the right packaging, placards, and shipping papers. Section 14 tells you if you are in that zone. Ask before you load it.

⚠ **“OSHA DOESN’T ENFORCE IT” IS NOT “NOBODY ENFORCES IT”**

Environmental fines routinely dwarf OSHA fines. A stormwater violation can run tens of thousands of dollars per day, and an illegal discharge that kills fish can be a criminal matter. The GC, the owner, and the city inspector all have the authority to stop the job. The non-mandatory fish on the label is the cheapest warning you will ever get.

05 WHY IT MATTERS

[JOBSITE]

FOR THE CREW

Every site with a SWPPP has a washout, a spill kit, and a disposal plan. The crew that reads the fish on the label uses them. The crew that does not is the reason the site got a notice of violation and the GC started doing random environmental audits.

[INDIVIDUAL]

FOR YOU

You are the one holding the bucket at the end of the day. The decision to walk to the washout instead of the curb is yours, and it is the difference between a normal Thursday and a stop-work order with your name in the report.

[HOME]

FOR LIFE OFF-SITE

Paint, pool chemicals, motor oil, pesticide. Same fish on the label at home. None of it goes down the driveway or the sink. Your town has a household hazardous waste day. Use it.

06 TODAY'S DRILL

TODAY'S DRILL **FOLLOW THE BUCKET**

Pick the product with the environmental pictogram you use most (concrete cure, form release, a cleaner, or fuel). Find where the leftover goes at the end of the day on this site: the washout, the waste drum, the spill kit, the dumpster. Walk to it. If you cannot find it, or the answer is "the storm drain," report it before you use the product again. Then find SDS Section 13 and read what it actually says about the container.

07 CREW DISCUSSION

Take 2 minutes. Pick one.

1. Where does wash water from concrete, paint, and cleaners go on this site at the end of the day?
2. Has anyone been on a site that got an environmental violation? What caused it?
3. Where is the spill kit on this site, and when was the last time anyone opened it?

08 ATTENDANCE & SIGN-OFF

All attendees confirm they participated in this Toolbox Talk and understand the content covered.

NAME (PRINT)	SIGNATURE

SUPERVISOR SIGNATURE

_____ Date: _____

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