

IS MY EMPLOYEE'S FRENCH LAVENDER PUMPKIN CINNAMON SWIRL AIR FRESHENER A WORKPLACE SAFETY VIOLATION? 5 STEPS TO AVOID A FRAGRANCE FIASCO

Insights
Feb 7, 2024

Those in your workplace who use air fresheners are likely confident they are doing everyone a favor – but could an office air freshener actually lead to an OSHA citation against your organization? Read on to find the surprising reason why that fresh floral scent might actually lead to legal problems, and five steps you can take to minimize the chances of a pungent problem at the office.

Scents and Sensibility: How Can OSHA Get Involved?

Although federal OSHA does not have any specific indoor air quality standards, it does have regulations about ventilation and rules on specific air contaminants that can be involved in air quality issues. These standards do not cover air fresheners.

However, the General Duty Clause of the OSH Act requires that you provide workers with a safe workplace with no known hazards that cause or are likely to cause death or serious injury. The agency could very well use the General Duty Clause to address a situation involving an employee complaint related to air fresheners in the workplace. Meanwhile, states like New Jersey and California do have indoor air quality regulations, so make sure you understand your state's requirements as well.

What's So Bad About Air Fresheners Anyway?

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Studies show that air fresheners emit a multitude of chemicals, including volatile organic compounds (VOCs) such as formaldehyde, acetaldehyde, benzene, and xylenes. VOC vapors can cause a variety of different health effects, such as eye, nose and throat irritation, headaches, nausea, and even damage to the liver, kidneys, or central nervous system.

Furthermore, some VOCs are suspected or known carcinogens. Whether or not an air freshener will cause any of these symptoms depends upon the chemical makeup of the product, the predisposition of the person smelling it, and the level and duration of the exposure.

Considering all of the potential physical manifestations of exposure to chemicals contained in air fresheners, it is not beyond the realm of possibility that an employee could have an adverse reaction to inhaling vapors from an air freshener. That could easily result in an OSHA complaint, inspection, or even citations under the general duty clause.

Can Federal Regulators Sniff Out a Violation at Your Workplace?

In order to support a violation of the General Duty Clause related to the use of air fresheners, OSHA must show that the air freshener is:

- a recognized hazard;
- that the employer failed to keep the workplace clear of the hazard;
- that the hazard caused or was likely to cause death or serious physical harm; and
- that there was a feasible and useful method to correct the hazard.

Typically, a recognized hazard would require OSHA proving that the employer was aware of or should have been aware of the hazard. This could be difficult in an air freshener situation depending on who supplied the product and what, if any, warnings were contained on it.

Furthermore, the possible symptoms that could result from air freshener inhalation may not seem to rise to the level of "serious physical harm." However, OSHA has identified respiratory illnesses, central nervous system impairment,

and cancer as illnesses that constitute serious physical harm. Therefore, a severe reaction to air freshener exposure in the workplace could potentially meet all four elements of a general duty clause violation.

Your 5-Step Plan to Breathe Easy

To limit potential exposure and prevent potential OSHA complaints, you should consider the following five steps.

1. Take any employee complaints regarding air fresheners or any other workplace odors seriously. This includes investigating any complaint to determine the validity and the source of any workplace odor.
2. Once the source of a scent or fragrance has been identified, consider using alternatives to VOC-containing air fresheners in the workplace to eliminate odors. For example, rather than attempting to mask a smell with an air freshener, you could simply remove the source of the odor from the workplace.
3. Additionally, you can increase ventilation or use an exhaust fan can help improve indoor air quality in the workplace. You can also utilize air purifiers when other means prove insufficient.
4. We recommend you engage in regular cleaning and vacuuming to minimize the need for air fresheners.
5. Finally, you should train your workers about how air fresheners might not be pleasant for everyone and identify alternative solutions to any concerns they might have.

Conclusion

If you immediately address any concerns raised about air freshener use in the workplace and take steps to prevent further exposure – including employee education and elimination of the air freshener – you will be in the best possible position to protect yourself from any potential OSHA concerns.

Feel free to contact the author of this Insight, any member of the [Workplace Safety Practice Group](#), or your Fisher Phillips attorney for guidance. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information on OSHA issues.

