

## **Legal Lookout: OSHA Revises Haz-Com Standard**

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*Chemical classification, labeling and training standards look to change under a recent OSHA proposal to bring U.S. regs in line with global standards.*

On Sept. 30, 2009, OSHA proposed revisions to the Hazard Communication Standard (HCS) to align it with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

### **GHS/HCS alignment**

The system provides harmonized criteria for classifying chemicals according to their health and physical hazards, and specifies hazard communication elements for labeling and creating safety data sheets (SDS).

The HCS requires chemical manufacturers and importers to evaluate chemical hazards and provide information to subsequent users. OSHA's proposed modifications to align the HCS with the GHS include revised criteria for chemical hazard classification; revised labeling provisions; a specified format for SDSs; and related revisions to definitions of terms used in the standard and employee training requirements on labels and SDSs. OSHA is also proposing to modify provisions of a number of other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, to ensure consistency with the modified HCS requirements.

### **Major proposed HCS changes**

Hazard classification – OSHA has proposed to adopt all of the physical and health hazard classes listed in the GHS. OSHA is proposing to include all hazard categories in the GHS except Acute Toxicity Category 5 for oral, dermal, or inhalation exposures; Skin Corrosion/Irritation Category 3; and Aspiration Hazard Category 2.

Labels – OSHA has proposed that chemical manufacturers and importers be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.

Safety data sheets – The agency is proposing to require that permissible exposure limits be included on the SDS, as well as any other exposure limit used or recommended by the chemical manufacturer, importer or employer preparing the SDS.

### **Other issues**

**Economic impacts and economic feasibility** – As the proposal affects 5 million workplaces, OSHA is interested in comments on the number of affected employees, and the number of SDSs that would need revision, by industry. The agency preliminarily estimated the principal costs of

the standard to chemical producers for reclassification of chemicals, remaking SDSs or redoing labels; and to chemical users for familiarization and program changes for managers, and for training exposed employees. OSHA is interested in comments on the extent to which chemical producers may have already met some of the requirements of the standard and the time and professional skills needed for the activities the standard would require.

**Effects on small entities** – OSHA has certified that the proposed standard will not significantly impact a substantial number of small entities. Therefore the agency has prepared a voluntary initial regulatory flexibility analysis on which comment is solicited.

**Effective dates** – OSHA has proposed to require that employers train employees regarding the new labels and SDSs within two years after publication of the final rule to ensure they are familiar with the new approach when they begin to see new labels and SDSs in their workplaces. It was proposed that chemical manufacturers, importers, distributors and employers be required to comply with all provisions of the modified final rule within three years of its publication.

### **Next steps**

OSHA intends to schedule an "informal" public hearing on the proposed rule, and will announce their location and date in a future Federal Register notice. Comments on the proposal are due by Dec. 29, 2009. More information is available at [www.osha.gov/briefing.html](http://www.osha.gov/briefing.html).