

Legal Lookout: GHS -- Federal Agencies Step Up Efforts

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Now that the United Nations has adopted the Global Harmonization System of Classification and Labeling of Chemicals (GHS), there is an international goal for as many countries as possible to implement GHS by 2008. GHS is an important global system of hazard classification, communication and labeling which, if implemented, is expected to bring much needed consistency and harmony to the workplace. Domestically, federal agencies are stepping up efforts to get with the program.

GHS background

Domestically, many requirements now in place control the classification and labeling of hazardous chemicals. Globally, many countries have comparable regulatory systems in place intended to implement these requirements. Often these systems are sufficiently dissimilar so as to invite inconsistencies, trade barriers and confusion with regard to the classification and labeling of chemicals.

While the GHS itself is not a "regulation" or a "standard" as these terms are defined under the law, the GHS document establishes agreed-upon hazard classification and communication provisions with explanatory information on how to apply the system. GHS elements provide a mechanism to meet the basic requirements of the hazard communication system, which, according to OSHA "is to decide if the chemical product produced and/or supplied is hazardous and to prepare a label and/or Safety Data Sheet [SDS] as appropriate." [1]

OSHA initiatives

OSHA issued on Sept. 12, 2006, an advance notice of proposed rulemaking (ANPR) on GHS implementation. [2] OSHA also issued a useful Guide to the Globally Harmonized System of Classification and Labeling of Chemicals. [3] The guidance document makes clear that there is no international implementations schedule for the GHS. Rather, it is expected that different national systems and/or business sectors will require different time frames to implement the GHS. Additionally, existing regulatory systems are expected to consider phase-in strategies for transitioning from current requirements to new GHS criteria and protocols.



ANPR

To prepare for a formal rulemaking proposing adoption of the GHS and modification of OSHA's Hazard Communication Standard (HCS), the federal government is seeking comment on many issues.

OSHA seeks information on who is responsible for reviewing data on chemicals and preparing appropriate labels and MSDSs, what is their professional background, and whether entities make independent determinations or rely largely on labels or data sheets developed by others (suppliers, materials available on the Internet, etc.).

EPA pesticide office

On Oct. 18, 2006, EPA's Office of Pesticide Programs held a public meeting on the scope and application of GHS to pesticide labeling issues[4], to allow pesticide stakeholders an opportunity to understand better how GHS will impact pesticide labeling issues. EPA is expected to provide more guidance on GHS and pesticide issues in the months ahead.

Readers are urged to assist OSHA and EPA participants in these important issues, and stay abreast of important pesticide labeling issues as they arise. Implementation of the GHS will profoundly impact U.S. industry, and the federal government needs to hear from all sectors of the economy to get GHS implementation right.

References

1. OSHA, A Guide to The Globally Harmonized System of Classification and Labeling of Chemicals (GHS) (undated) at 1 (OSHA GHS Guide), available at <http://www.osha.gov/dsg/hazcom/GHSGuideOct05.pdf>.
2. 71 Fed. Reg. 53617 (Sept. 12, 2006).
3. 71 Fed. Reg. 55180 (Sept. 21, 2006).