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MEMORANDUM

Via E-Mail

DATE: September 12, 2006

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: OSHA Seeks Comments on HCS Revisions Necessary to Implement the GHS

On September 12, 2006, the Occupational Safety and Health Administration (OSHA) published an advanced notice of proposed rulemaking (ANPR) seeking public comment on its implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), which will require OSHA to propose changes to its Hazard Communication Standard (HCS). The GHS includes harmonized provisions for classification of chemicals for their health, physical, and environmental effects, as well as for labels on containers and safety data sheets (SDS). HCS modifications would include establishing the order of information for SDSs. OSHA announced the availability of a new guidance document entitled *A Guide to the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)*, which is available on its website at <http://www.osha.gov/dsg/hazcom/ghs.html>. OSHA requests comment on the following issues related to implementation of the GHS:

- *Current Situation.* Modifying the HCS to adopt the GHS would have the greatest impact on chemical manufacturers, importers, and employers who produce or distribute hazardous chemicals as currently covered under the HCS. To be harmonized, the hazard classifications of each product will need to be reviewed according to the classification criteria of the GHS, and new labels and SDSs will have to be prepared.
- *Timing.* As has been noted, the international goal is for as many countries as possible to adopt the GHS by **2008**. Since OSHA has longstanding requirements for labels and SDSs, OSHA expects to allow a significant phase-in period for compliance to give people sufficient time to review their classifications and amend them as necessary, and subsequently revise labels and SDSs to reflect the new requirements. It seems probable at this point that the revised requirements could potentially be in place by **2008**,



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but the phase-in period for compliance may have to extend beyond that time period.

- *Technical Issues.* As discussed, the scope of hazards covered by the GHS is similar to that of the HCS. OSHA anticipates adopting all of the health and physical hazard criteria in the GHS. Definitions in the HCS will need to be the same as the GHS to be harmonized. There are some determinations that are left to countries to decide in terms of whether all categories and all hazards are adopted, however.
- *Compliance Assistance and Outreach.* OSHA is interested in getting input on the types of materials or products that would assist employers in understanding whatever modifications OSHA makes to the HCS to adopt the GHS, and to help them achieve compliance. To this end, OSHA would like to get input now on the types of outreach that would be most helpful. As has been noted, some explanatory documents are already available on OSHA's website.

Comments are due **November 13, 2006.**

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We hope this information is helpful. As always, please call if you have any questions.