

Final HCS Rule Released

By

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After much deliberation, the U.S. Occupational Safety and Health Administration (OSHA) announced in March that it has revised the Hazard Communication Standard (HCS), aligning it with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The final HCS rule, which becomes effective in May, will be implemented in various phases with full implementation by 2016. This article briefly highlights key provisions in the final rule.

Background

The current HCS requires chemical manufacturers/importers to evaluate the chemicals they produce or import to determine if they are hazardous. HCS definitions of health and physical hazards outline the criteria for determining hazards in the evaluation process. Manufacturers/importers must convey information about hazards and protective measures to downstream employers and employees through labels on containers and through material safety data sheets, which are now called “safety data sheets” (SDS) under the final rule. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including container labels, SDSs, and employee training. Under the final rule, these obligations generally remain, but how hazard communication is to be accomplished has been modified.

{00501.010 / 111 / 00163273.DOC}

This is a reprint of an article published in *Pollution Engineering*, June 2012.

HCS modifications include revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for SDSs; and related revisions to definitions of terms used in the HCS, and requirements for employee training on labels and SDSs. Other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, have also been amended to ensure consistency with HCS requirements.

Changes to the Current HCS

In its fact sheet, available at <http://www.osha.gov/dsg/hazcom/HCSFactsheet.html>, OSHA lists the following major changes to the HCS:

- **Hazard classification:** Chemical manufacturers/importers must determine the hazards of the chemicals they produce or import. Hazard classification under the new, updated HCS provides specific criteria to address health and physical hazards, as well as classification of chemical mixtures;

- **Labels:** Chemical manufacturers/importers must provide a label that includes a signal word, pictogram, hazard statement, and precautionary statement for each hazard class and category;

- **SDSs:** The new format requires 16 specific sections, ensuring consistency in presentation of important protection information; and

- **Information and training:** To facilitate understanding of the new system, the new standard requires that workers be trained by December 1, 2013, on the new label elements and SDS format, in addition to the current training requirements.

Changes to the Proposed Rule

OSHA reviewed the record and revised its proposed rule in response to comments submitted. OSHA lists the following major changes:

- Maintaining the disclosure of threshold limit values (TLV) established by the American Conference of Governmental Industrial Hygienists (ACGIH) and carcinogen status from nationally and internationally recognized lists of carcinogens on the SDSs;

- Clarification that the borders of pictograms must be red on the label;

- Flexibility regarding the required precautionary and hazard statements to allow label preparers to consolidate and/or eliminate inappropriate or redundant statements; and

- Longer deadlines for full implementation of the standard.

What Needs to Happen and When

OSHA states that chemical users must continue to update SDSs when new ones become available, provide training on the new label elements, and update hazard communication programs if new hazards are identified. Chemical producers must review hazard information for all chemicals produced or imported, classify chemicals according to the new classification criteria, and update labels and SDSs. Below is a table listing the deadlines for full implementation of the revised HCS:

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and SDS format	Employers

Effective Completion Date	Requirement(s)	Who
June 1, 2015* December 1, 2015	Comply with all modified provisions of this final rule, except: Distributors may ship products labeled by manufacturers under the old system until December 1, 2015	Chemical manufacturers, importers, distributors, and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards	Employers
Transition Period	Comply with either 29 C.F.R. Part 1910.1200 (this final standard), or the current standard, or both	All chemical manufacturers, importers, distributors and employers

*This date coincides with the European Union implementation date for classification of mixtures.

More information, including the prepublication version of the final HCS, is available at <http://www.osha.gov/dsg/hazcom/index.html>.

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