

## **OSHA PROPOSES HAZARD COMMUNICATION CHANGES**

The Occupational Health and Safety Administration (OSHA) proposed at the end of September comprehensive changes to its Hazard Communication Standard (29 CFR 1910.1200) (HCS). This first major OSHA rulemaking under the Obama Administration is intended to harmonize the HCS with the Globally Harmonized System on Chemicals (GHS). GHS seeks to promote consistency in the identification, classification, and labeling of chemicals around the world.

While there is general agreement that the adoption of the GHS standards in the U.S. is a step in the right direction, the changes when finalized will force a reevaluation and reclassification of the *level* of danger posed by chemicals, as well as dictates a change to the content of container labels and material safety data sheets (MSDS) as products move downstream. Accordingly, PPC members need to be aware of OSHA proposed rulemaking and its likely effects.

The HCS was originally promulgated in 1983 to ensure, among other things, that chemical manufacturers and importers evaluate and control chemical hazards as the materials move to downstream users. All employers with employees exposed to the hazardous chemicals must develop a written hazard communication program, and ensure that employees have access to container labels, MSDSs, and training on hazardous substances in their workplace.

In 1992, the United Nations (UN) Conference on Environment and Development called for the development of a globally harmonized chemical classification and labeling system. The GHS was adopted later that year. However, OSHA did not adopt GHS “wholesale” in its recently-proposed rulemaking.

OSHA’s proposal covers some 270 pages in the September 30, 2009 *Federal Register*, but the following discusses only the labeling and MSDS changes:

HCS labels provide workers with a brief, visual hazard summary for the worksite use of chemicals. OSHA’s current requirement is that the label include the identity of the chemical, the specific physical and health hazards, including target organ effects, and the name and address of the manufacturer, importer, or other responsible party. There is no required standard format or design for the labels. To increase the effectiveness of these labels, OSHA is proposing a new requirement that labels include four standardized elements—a signal word, a hazard statement, a pictogram, and precautionary statements. Appendix C of the proposal specifies the information needed for each hazard class and category.

### ***Signal Words***

The current HCS is silent as to the use of signal words that typically appear at the top of a label to alert the user to a hazard and to indicate a particular level of hazard, such as “DANGER” or “CAUTION.” OSHA proposes to require signal words, but limit labels to the use of only one of two words: “DANGER,” to indicate more severe hazards, and “WARNING,” to indicate a less serious hazard.

### ***Pictograms***

“Pictograms” – that is, graphic representation of hazard levels – are not required on container labels under the existing HCS. Under the proposal, OSHA would mandate that labels have one or more of eight different, standard pictograms that consist of different black symbols on white backgrounds within a red frame square.

### ***Hazard and Precautionary Statement***

The HCS currently includes a simple requirement for “appropriate warning labels” on dangerous chemicals. The proposed rule would require specific hazard statements on labels, based on the hazard classification of the chemical.

These statements are specifically identified in the appendix, and include simple statements such as “Toxic in contact with skin” or “Fatal if swallowed,” or “Harmful if inhaled.”

### ***Labels on Unclassified Hazards***

OSHA’s proposal includes coverage for “unclassified” hazards. OSHA’s proposal acknowledges, however, that there are no harmonized labeling elements available for unclassified hazards (citing by way of example simple asphyxiates). Accordingly, for unclassified hazards, OSHA proposes that hazard information must appear on the MSDS, and the responsible party must determine what is appropriate for the label.

### ***MSDS***

MSDS are required under the existing HCS for each hazardous chemical and must include the identity of the chemical used on the label, the chemical and common names of hazardous ingredients, the primary route of entry, exposure limits, generally applicable precautions, emergency and first aid procedures, the date of the preparation of the MSDS, and the name, address, and telephone number of the party preparing the MSDS. However, there is no format requirement, although a number of organizations have developed a voluntary MSDS form to meet GHS requirements. OSHA’s proposal would require that MSDS be prepared in a standard 16-paragraph format (of which four paragraphs are optional), similar to many of the voluntary forms now in use.

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The above does not review each and every change to the HCS being proposed by OSHA. Rather, PPC members need to understand OSHA’s proposed regulatory changes and the likely effects on their businesses. At a minimum, PPC members will have to revise their hazard communication programs.