COMPLIANCE OVERVIEW

Provided by Peabody Insurance Agency

OSHA's FAQs on the GHS Hazard Comunication Standard

Under the Occupational Health and Safety Act (OSH Act), employers that use hazardous chemicals in their workplaces must follow specific standards for classifying and labelling and for communicating the hazards of the chemicals to employees.

In 2012, the Occupational Safety and Health Administration (OSHA) updated these requirements to align OSHA's Hazard Communication Standard (HCS) with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

Employers were required to comply with most provisions of the new standard as of Dec. 31, 2015. However, employers had until June 1, 2016, to complete any updated alternative hazard communication programs and to provide additional employee training on any newly identified hazards.

To assist with employer compliance, OSHA released a number of Frequently Asked Questions (FAQs). This Compliance Overview sets forth the FAQs that employers may find most helpful.

LINKS AND RESOURCES

- For the entire list of questions and answers, visit OSHA's Hazard Communication FAQ website.
- For more information on the HCS, see OSHA's 2012 final rule or visit OSHA's Hazard Communication safety and health topics page.

HIGHLIGHTS

GLOBALLY HARMONIZED SYSTEM (GHS)

- GHS helps ensure that imported chemicals come with consistent hazard and precautionary information to protect workers who are exposed to them.
- OSHA's 2012 final rule incorporated GHS provisions into the U.S. Hazard Communication Standard (HCS).

AFFECTED EMPLOYERS

- The updated HCS mainly affects chemical manufacturers and importers.
- All employers that use hazardous chemicals in their workplaces are subject to this standard as well.

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Q. WHAT ARE THE MAJOR CHANGES TO THE HCS?

A. The three major areas of change are in hazard classification, labels and Safety Data Sheets (SDSs).

Hazard classification: The definition of hazard has been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and SDSs are more accurate as a result.

Labels: Chemical manufacturers and importers will 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 (SDSs): Will now have a specified 16-section format.

The GHS does not include harmonized training provisions, but recognizes that training is essential to an effective hazard communication approach. The revised HCS requires that workers be retrained within two years of the publication of the final rule in order to facilitate recognition and understanding of the new labels and SDSs.

Q. WHAT HCS PROVISIONS ARE UNCHANGED IN THE REVISED HCS?

A. The revised HCS is a modification to the existing standard. The parts of the standard that did not relate to the GHS (such as the basic framework, scope and exemptions) remained largely unchanged. There have been some modifications to terminology in order to align the revised HCS with language used in the GHS. For example, the term "hazard determination" has been changed to "hazard classification" and "Material Safety Data Sheet" was changed to "Safety Data Sheet." OSHA stakeholders commented on this approach and found it to be appropriate.

Q. HOW WILL CHEMICAL HAZARD EVALUATION CHANGE UNDER THE REVISED HCS?

A. Under both the current HCS and the revised HCS, an evaluation of chemical hazards must be performed considering the available scientific evidence concerning such hazards. Under the current HCS, the hazard determination provisions have definitions of hazard and the evaluator determines whether or not the data on a chemical meet those definitions. It is a performance-oriented approach that provides parameters for the evaluation, but not specific, detailed criteria. The hazard classification approach in the revised HCS is quite different. The revised HCS has specific criteria for each health and physical hazard, along with detailed instructions for hazard evaluation and determinations as to whether mixtures or substances are covered. It also establishes both hazard classes and hazard categories—for most of the effects; the classes are divided into categories that reflect the relative severity of the effect. The current HCS does not include categories for most of the health hazards covered, so this new approach provides additional information that can be related to the appropriate response to address the hazard. OSHA has included the general provisions for hazard classification in paragraph (d) of the revised rule, and added extensive appendixes (Appendixes A and B) that address the criteria for each health or physical effect.

Q. WHAT IS THE PHASE-IN PERIOD IN THE REVISED HCS?

Effective Completion Date	Requirement(s)	Who?
Dec. 1, 2013	Train employees on the new label elements and SDS format.	Employers
June 1, 2015 Dec. 1, 2015	Comply with all modified provisions of this final rule, except: Distributors may ship products labeled by manufacturers under the old system until Dec. 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 CFR 1910.1200 (the final standard), or the current standard, or both.	All chemical manufacturers, importers, distributors and employers

Q. WHEN MUST LABEL INFORMATION BE UPDATED?

A. In the revised HCS, OSHA is lifting the stay on enforcement regarding the provision to update labels when new information on hazards becomes available. Chemical manufacturers, importers, distributors or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

Q. HOW WILL WORKPLACE LABELING PROVISIONS BE CHANGING UNDER THE REVISED HCS?

A. The current standard provides employers with flexibility regarding the type of system to be used in their workplaces and OSHA has retained that flexibility in the revised HCS. Employers may choose to label workplace containers either with the same label that would be on shipped containers for the chemical under the revised rule, or with label alternatives that meet the requirements for the standard. Alternative labeling systems such as the National Fire Protection Association (NFPA) 704 Hazard Rating and the Hazardous Material Information System (HMIS) are permitted for workplace containers. However, the information supplied on these labels must be consistent with the revised HCS (e.g., no conflicting hazard warnings or pictograms).

Q. HOW IS THE SDS CHANGING UNDER THE REVISED HCS?

A. The information required on the SDS will remain essentially the same as that in the current standard. The current HCS indicates what information has to be included on an SDS but does not specify a format for presentation or order of information. The revised HCS requires that the information on the SDS is presented using consistent headings in a specified sequence.

Paragraph (g) of the final rule indicates the headings of information to be included on the SDS and the order in which they are to be provided. In addition, Appendix D indicates what information is to be included under each

heading. The SDS format is the same as the ANSI standard format which is widely used in the United States and is already familiar to many employees.

Q. WILL TLVS BE REQUIRED ON THE SDS?

A. OSHA is retaining the requirement to include the American Conference of Government Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) on the SDS in the revised standard. OSHA finds that requiring TLVs on the SDS will provide employers and employees with useful information to help them assess the hazards presented by their workplaces. In addition to TLVs, OSHA permissible exposure limits (PELs), and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the SDS are also required.

Q. HOW HAS OSHA ADDRESSED HAZARDS COVERED UNDER THE CURRENT HCS THAT HAVE NOT BEEN ADDRESSED BY THE GHS?

A. In the Notice of Proposed Rulemaking (NPRM), OSHA proposed to include hazards currently covered under the HCS that have yet to be addressed by the GHS (OSHA provided several examples: simple asphyxiants, and combustible dust) in a separate category called "Unclassified Hazards". In response to comments from the regulated community, OSHA has renamed the category to "Hazards Not Otherwise Classified (HNOC)" to minimize confusion. In the final HCS, HNOC hazards will not be required to be disclosed on the label but will be required to be disclosed in Section 2 of the SDS. This reflects how GHS recommends these hazards should be disclosed. Chemical manufacturers and importers are expected to assess these hazards when they are conducting their hazard evaluation of physical and health hazards. A new or separate evaluation is not required. Also in the final standard, in response to comments, OSHA has removed pyrophoric gases, simple asphyxiants and combustible dust from the HNOC hazard category and has addressed these chemicals individually (see question below for more information on each hazard).

Q. HOW HAS OSHA ADDRESSED PYROPHORIC GASES, SIMPLE ASPHYXIANTS AND COMBUSTIBLE DUST?

A. In the revised HCS, OSHA has added pyrophoric gases, simple asphyxiants and combustible dust to the definition of "hazardous chemical". OSHA has also added definitions to the revised HCS for pyrophoric gases and simple asphyxiants, and provided guidance on how to define combustible dust for the purposes of complying with the HCS.

Pyrophoric gases: OSHA has retained the definition for pyrophoric gases from the current HCS. Pyrophoric gases must be addressed both on container labels and SDSs. OSHA has provided label elements for pyrophoric gases which include the signal word "danger" and the hazard statement "catches fire spontaneously if exposed to air."

Simple asphyxiants: OSHA has revised the definition of simple asphyxiants that was proposed in the NPRM as a result of comments from the regulated community. In the final HCS, simple asphyxiants must be labeled where appropriate and addressed on SDSs. OSHA has provided label elements for simple asphyxiants which include the signal word "warning" and the hazard statement "may displace oxygen and cause rapid suffocation."

Combustible dust: OSHA has not provided a definition for combustible dust to the final HCS, given ongoing activities in the specific rulemaking, as well as in the United Nations Sub-Committee of Experts on the GHS (UN/SCEGHS). However, guidance is being provided through existing documents, including the Combustible Dust National Emphasis Program Directive CPL 03-00-008, which includes an operative definition, as well as provides

information about current responsibilities in this area. In addition, there are a number of voluntary industry consensus standards (particularly those of the NFPA) that address combustible dust.

In the final HCS, combustible dust hazards must be addressed on labels and SDSs. Label elements are provided for combustible dust in the final HCS and include the signal word "warning" and the hazard statement "May form combustible dust concentrations in the air."

For chemicals in a solid form that do not present a combustible dust hazard, but that may form combustible dusts while being processed in normal downstream uses, paragraph (f)(4) of the HCS allows the chemical manufacturer some flexibility in labeling requirements. The manufacturer or importer may transmit the label to the customer at the time of the initial shipment, but the label does not need to be included with subsequent shipments unless it changes. This provides the needed information to the downstream users on the potential hazards in the workplace, while acknowledging that the solid metal or other materials do not present the same hazards that are produced when these materials are processed under normal conditions of use.

Q. I UNDERSTAND THAT THE UN REVISES THE GHS EVERY TWO YEARS. HOW WILL OSHA MANAGE AND COMMUNICATE CHANGES TO THE HCS?

A. It is expected that the GHS will be a living document and is expected to remain up to date and relevant; therefore, further changes may be adopted on a two-year cycle. Presently most of the recent updates have been clarification of text. However, OSHA anticipates that future updates of the HCS may be necessary and can be done through various rulemaking options, including:

- Technical updates for minor terminology changes;
- Direct Final Rules for text clarification; and
- Notice and Comment rulemaking for more substantive or controversial updates such as additional criteria or changes in health or safety hazard classes or categories.

Source: OSHA