

Hazard Communication Standard (HCS) Update

Janet Carter

Sr. Health Scientist

U.S. Department of Labor

Occupational Safety and Health Administration

October, 2021



What is GHS?

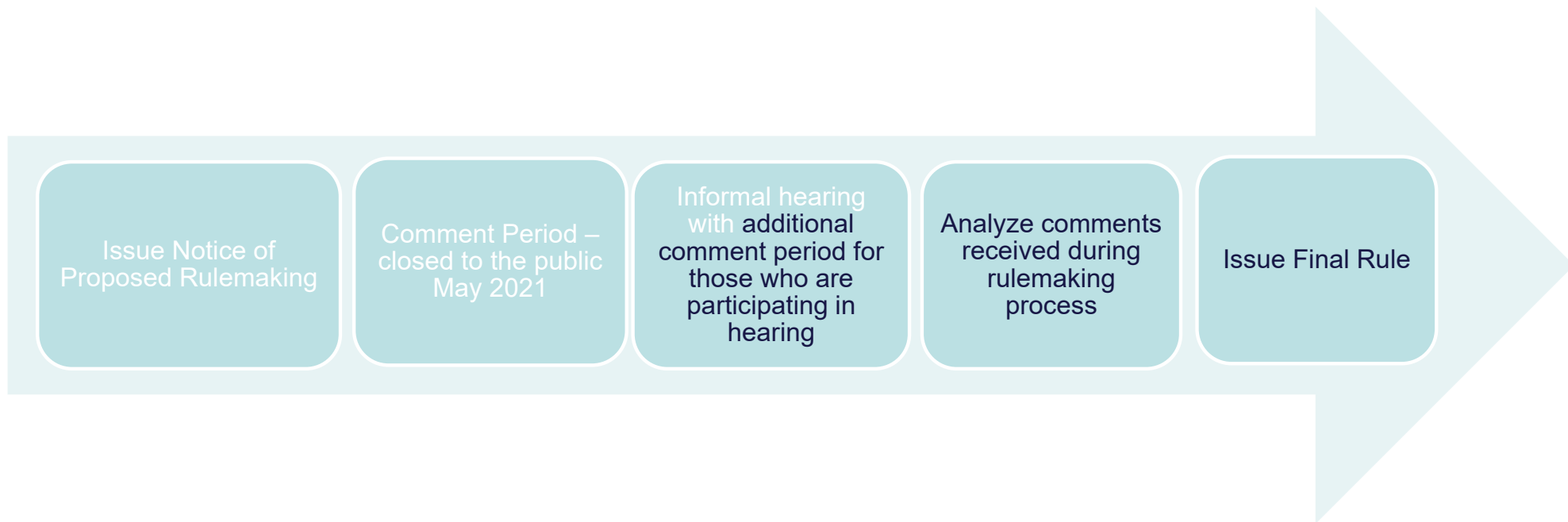
- GHS (Globally Harmonized System of Classification and Labeling of Chemicals)
- Internationally negotiated approach to hazard communication. It provides:
 - Harmonized definitions of hazards
 - Specific criteria for labels
 - Harmonized format for safety data sheets
- 3 basic areas of focus:
 - Classification of physical hazards
 - Classification of health and environmental hazards
 - Hazard communication
- Living document; Updated every biennium (currently working on revision 9)

OSHA's HCS

- Updated HCS in 2012 to align with Revision 3 of the GHS
- Provided changes to:
 - Hazard Classification
 - Labels
 - Safety Data Sheets
 - Information and Training

OSHA Rulemaking to Update the HCS

OSHA Rulemaking Process



HCS NPRM 2021

Purpose of HCS Rulemaking

- Proposed HCS designed to improve and enhance worker protection through:
 - Provide additional clarification of existing regulatory requirements
 - Incorporate new hazard classes and categories
 - Improve and streamlining precautionary statements
 - Facilitate international trade through increased alignment

Overview of HCS Rulemaking

- I. Maintain alignment with GHS (revision 7)
- II. Address issues identified during implementation of HCS 2012
- III. Identify issues of concern for those complying with WHMIS 2015
- IV. Improve alignment with other U.S. agencies

I. Maintaining Alignment with GHS

- Align with GHS Revision 7
 - Appendix A (health hazards): mostly editorial
 - Revised health hazard definitions
 - Updated Skin corrosion/irritation and Serious eye damage/eye irritation chapters
 - General updates to hazard classes
 - Appendix B (physical hazards):
 - Flammable gases – expanding hazard categories
 - Desensitized explosives
 - Aerosols – including additional hazard category
 - Appendix C (label elements)
 - New or updated hazards, updated guidance, and precautionary statements
 - Appendix D (SDS)
 - Updates to SDS Sections 9, 11

II. Implementation Issues

- Release for Shipment
- Small Packages Labelling
- Safety Data Sheet

III. Identify issues of concern for those complying with WHMIS 2015

- Concentration ranges for CBI
 - Potential to align with WHMIS
 - Would allow for claiming prescriptive concentration ranges for materials claimed as trade secret
 - Proposing prescriptive concentration ranges is mandatory if claiming CBI for range
 - OSHA currently does not allow for CBI claims on concentration ranges
- Small packages
- HNOC and PNOC

IV. Improve alignment with other U.S. agencies

- Department of Transportation
 - Bulk packaging
 - GHS pictogram
- EPA
 - Release for shipment

Issues and Options

- Options for inclusion from Revision 8
 - Appendix A
 - Inclusion of expanded non-animal test methods for classification in Chapter 3.2
 - Appendix B
 - Additional language to classification criteria for aerosols
 - New hazard category in aerosols - “chemicals under pressure”
 - Appendix C
 - Updated precautionary statements

Informal Hearing for the HCS Rulemaking

- OSHA held an informal hearing from September 21 thru September 23, 2021
 - OSHA received 33 requests of notice to appear (NOITA)
 - Twenty eight organizations or individuals presented comments at the hearing
 - Hearing was presided over by an Adjuvant Law Judge
 - Hearing was organized into 13 panels over the 3 days of hearing
 - Participants were given option to ask panelists questions
 - More than 230 individuals viewed the hearing on day 1

Next steps in the rulemaking process

- OSHA will post the hearing transcripts to the docket once we receive from court reporter
 - All materials are available for viewing in the docket (*copyrighted materials are viewable at docket office*)
- OSHA will reopen the docket only for those who participated in the hearings and submitted a NOITA
 - New data is due to the docket by October 23, 2021
 - Final briefs and comments are due to the docket by November 22, 2021

Comments Received to the Docket

- OSHA has received more than 115 comments from individual and organizations
- Provisions receiving most comments:
 - Release for shipment
 - Shipment date
 - Small packages
 - Concentration ranges for trade secrets
 - Normal conditions of use
- Majority of provisions received at least one comment

Next steps in the rulemaking process

- OSHA will analyze all the comments received to the docket
- Final rule will be based on comments and information received during the rulemaking process

HCS Rulemaking Information

- For additional information on this rulemaking please visit:
 - <https://www.regulations.gov/docket/OSHA-2019-0001>
 - <https://www.osha.gov/hazcom/rulemaking>

Questions?

- Contact information:

- Maureen Ruskin – ruskin.maureen@dol.gov
- Janet Carter – carter.janet@dol.gov
- Deana Holmes - holmes.deana@dol.gov
- Jennifer Lawless – lawless.jennifer@dol.gov