

SCHC Monthly Newsletter

Issue 41 | March 26, 2021



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Spring Cleaning Tips

March is the perfect time to begin Spring cleaning for safety, and we've got a few tips:

Have a plan— Review 2020 injury reports and prioritize an action list. [On-site consultations](#) can help with this process.

[Archive old SDS files](#) and streamline what your team needs in 2021.

Schedule a deep clean and review OSHA's [Cleaning Chemicals](#) publication. March is also [Ladder Safety month](#).

March 31st is [World Backup Day](#). Double-check your back-up logs and patch your systems to safeguard against vulnerabilities.

News from OSHA

[REGISTRATION OPENING SOON: SCHC Alliance Event "Overview of the Proposed Updates to the OSHA HazCom Standard" April 13th](#)

[Updated Workspace COVID-19 Resources from OSHA](#)

[OSHA Issues COVID National Emphasis Program \(NEP\) and updated Interim Response Plan](#)

[OSHA Requests Nominations for NACOSH Membership by May 10th](#)

Mark Your Calendar

April 1, 2021— Free-to-Members CHCS Distance Learning: [Brexit—Do You Know What You Don't Know?](#)

April 7-8, 2021 - CHCS Distance Learning: [UK REACH & GB CLP Practicalities: Linking UK and EU Processes](#)

April 20-28, 2021 - CHCS Distance Learning: [CLP Classification](#)

May 5-6, 2021 - CHCS Distance Learning: [CLP Labelling](#)

May 12-13, 2021 - CHCS Distance Learning: [UK REACH & GB CLP Practicalities: Linking UK and EU Processes](#)

May 18-19, 2021 - CHCS Distance Learning: [Basic Ecotoxicology](#)

May 25-26, 2021 - CHCS Distance Learning: [Advanced Ecotoxicology](#)

June 15-16, 2021 - CHCS Distance Learning: [Poison Centre Notification](#)



SCHC

From the Member
Engagement Desk

From the Member Engagement Desk

Happy Spring! In honor of the changing season, I am only going to write a short note. I hope everyone is safe, healthy, and is vaccinated (or will be vaccinated once they are eligible.) Perhaps, slowly, things will start to return to some kind of normal.

Here in Connecticut, where I live, spring is a bit challenging. The weather is unpredictable. The pollen can be a force and we usually get a lot of rain.

I look forward to the longer days and the warmer nights. I will be planting my vegetable garden again this year. And more excitingly, my family now has chickens. They are very active and vocal and they are a delight to be around. As a person who is new to the whole chicken thing, it's been a learning experience.



Like the crocuses I see while I walk to work, our town is slowly reopening. As vaccination rates increase, restaurants and other locations are allowing more people inside. We will still wear our masks, socially distance, and wash our hands, but it almost feels like we are starting a long exhale. The stress that has been weighing us down for the past year is starting to lift. We must still be vigilant so as to prevent resurgence of the disease, but if we all do our part, we can see real change soon.

I hope many warm days for us all are ahead and that we have a summer where we can see our families and reconnect with those we've been away from. And I really hope that we don't forget the

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SCHC

From the Member
Engagement Desk
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Small Business/Trade
Association Hazcom
Resources

From the Member Engagement Desk

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lessons of the past year – about how we must work together as communities to do what we have to in order to protect the most vulnerable. We need to enjoy every moment we have with those we love because we don't know when we will be forced away from them. There can be light at the end of the tunnel, but that tunnel may be long and dangerous.

I hope you all have a few good memories from the past year. I do, and some of those memories include chickens.

Chandra Gioiello, Chair, Member Engagement Committee

Small Business/Trade Association Hazcom Resources

The [SCHC Alliance Committee](#) is building an outreach program that will benefit small businesses and trade associations. The goal of the program is to communicate hazcom resources that are available to these groups and provide support, such as compliance assistance tools, worker and employer education about their rights and responsibilities, and more. The goal is to help these groups improve safety and reduce violations.

Violations translate to injured workers and costly penalty fees.



The Alliance Committee has reached out to a number of groups in its first stage, including masonry, auto, coating, machining, and stoning associations. If you represent a small business or trade association or would like to recommend a group to receive news about this initiative, please contact the vicepresident@schc.org.



REGULATORY

Safe+Sound Week

Safe+Sound:
Management Leadership

SAFE+SOUND Week

Save the date for Safe+Sound Week - August 9-15, 2021. It's easy to get involved with this year's campaign. Begin planning your company's events by visiting [osha.gov/safeandsoundweek](https://www.osha.gov/safeandsoundweek).



OSHA Safe+Sound Campaign Focuses on Management Leadership

During the month of March, OSHA's Safe+Sound campaign is highlighting **Management Leadership**, a core element of a workplace safety and health program. Management leadership means there is a commitment from the top to implementing a program and using it to drive continuous improvement in safety and health. Find resources for this topic [here](#).

Show your commitment to safety leadership by participating in the [Take 3 in 30 challenge](#):

1. Choose three actions from the list or pick one of your own.
2. Download your [virtual challenge coin](#) after completing your activities.
3. Share your three actions and challenge coin in your company newsletter, on social media using **#SafeAndSoundAtWork** and **#Take3in30**, or post it in your workplace.





REGULATORY

OSHA Proposes Hazcom
Standard Adopt GHS 7

OSHA Proposes Amending the Hazard Communication Standard to Adopt GHS 7

Submitted by James Lee, a Sr. Compliance Analyst

Summary

On February 16, 2021, the U.S. Occupational Safety and Health Administration (OSHA) published a notice of proposed rulemaking (NPRM) to amend the Hazard Communication Standard (HCS) under 29 CFR 1910.1200. The current HCS is based on the third revised edition (Rev 3) of the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The proposed changes include revising the HCS to implement the seventh revised edition (Rev 7) of GHS; and new small container labeling provision eliminating full labelling requirements for containers with a volume capacity of 3 ml or less and requiring only the product identifier.



OSHA also proposed reduced labeling requirements for small containers with a volume capacity of 100 ml or less, exempting the hazard and precautionary statements and US mailing address from the label. Other proposed changes include: new chemical classification categories based on GHS Rev 7; revised hazard and precautionary statements; technical changes to SDSs; allowing new ingredient concentration ranges to claim trade secrets; and adding a “release for shipment” date on the label.

The proposed transition period is one year for manufacturers, importers, and distributors of single substance products and two years for manufacturers, importers, and distributors of mixtures after the effective date of the final rule.

Public comments on the proposed rule are due April 19, 2021. OSHA also plans to schedule an informal public hearing if a request is submitted during the comment period.

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REGULATORY

OSHA Proposes Hazcom
Standard Adopt GHS 7
(continued)

OSHA Proposes Amending the Hazard Communication Standard to Adopt GHS 7

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What's Proposed?

Notable amendments include the following:

- a. Revisions to adopt GHS Rev 7, with consideration of elements of Rev 8 if requested.
- b. Changes to labeling, including a new label element (release for shipment date) and formalized accommodations for small containers (≤ 3 ml and ≤ 100 ml) and bulk shipments.
- c. Changes, clarifications, and additions to certain definitions.
- d. Updates to testing methods for many toxicity endpoints.
- e. Prescribed concentrations ranges to protect trade secrets for mixtures (aligning with Health Canada's Hazardous Products Regulation)
- f. Revisions to SDS content in Appendix D (such as specifying US address and US phone number under Section 1).
- g. Two different deadlines for substances and mixtures.

Labeling

According to the NPRM, the new element for released for shipment date under paragraphs f(1) and f(11) was proposed because chemicals that are released for shipment and are awaiting future distribution would not need to be relabeled if the revised label is provided with each shipment.

OSHA has added a new paragraph f(5) titled Transportation that would allow labels for bulk shipments to provide labels with shipping papers, bills of lading, or by other electronic means and clarifies that when a transport label appears on the label for a shipped container, the OSHA pictogram for the same hazard is not required.

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REGULATORY

OSHA Proposes Hazcom
Standard Adopt GHS 7
(continued)

OSHA Proposes Amending the Hazard Communication Standard to Adopt GHS 7

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The proposed rule has accommodations for reduced labeling of small containers, which apply where the chemical manufacturer, importer, or distributor can demonstrate that it is not feasible to use pull-out labels, fold-back labels, or tags containing the full label information required.

For a container ≤ 100 ml capacity, the chemical manufacturer, importer, or distributor must include, at a minimum:

- (A.) Product identifier;
- (B.) Pictogram(s);
- (C.) Signal word;
- (D.) Chemical manufacturer's name and phone number;
and
- (E.) A statement that the full label information for the hazardous chemical is provided on the immediate outer package.

This accommodation is currently provided by OSHA's guidance documents. The proposed rule would promulgate this accommodation into regulation.

For a container ≤ 3 ml capacity, where the chemical manufacturer, importer, or distributor can demonstrate that any label interferes with the normal use of the container, no label is required, but the container must show, at a minimum, the product identifier.

Appendix A: Health Hazard Criteria

Most of the proposed changes align with GHS Rev 7. OSHA is seeking public comments on whether to adopt Rev 8 specific language related to Appendix A.2, Skin Corrosion/Irritation. The significant changes would include Rev 8 guidance on approaches to classification utilizing in vitro data.

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REGULATORY

OSHA Proposes Hazcom
Standard Adopt GHS 7
(continued)

OSHA Proposes Amending the Hazard Communication Standard to Adopt GHS 7

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There is more guidance on a tiered approach with health hazard class, such as the tiered approach for Appendix A.3, Serious Eye Damage/Eye Irritation.

Appendix B: Physical Hazard Criteria

The NPRM includes a new chapter in Appendix B, B.17, for Desensitized Explosives. There are also various proposed changes to classification of Flammable Gases and Aerosols to align with Rev 7. The proposal includes criteria for pyrophoric gases in Appendix B.2, Flammable Gases. Under HCS 2012, pyrophoric gases are in a separate Appendix as an OSHA-unique hazard. OSHA also proposed revising Appendix B.3, Flammable Aerosols, which includes renaming it Aerosols, and the addition of non-flammable aerosols.

Appendix C: Allocation of Label Elements

OSHA proposes to change many precautionary statements in all hazard classes and categories specified in Appendix C. As mentioned, the proposed rule would move pyrophoric gas from OSHA-defined hazards to the section on Flammable Gas. There is also clarification on Combustible Dust, which currently does not have a prescribed definition under HCS, such as revised hazard statements.

Appendix D: Safety Data Sheets

There would be several notable technical changes to this Appendix. In Section 1, OSHA would require the US address and US telephone number of the responsible party. Under Section 2, OSHA proposes in Hazard(s) Identification, the addition of including “any hazards associated with a change in the chemical’s physical form under normal conditions of use” and identification of hazards that “result from a chemical reaction (changing the chemical structure of the original substance or mixture).”

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REGULATORY

OSHA Proposes Hazcom
Standard Adopt GHS 7
(continued)

OSHA Proposes Amending the Hazard Communication Standard to Adopt GHS 7

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As mentioned, OSHA would allow use of prescribed concentration ranges where a trade secret is claimed in Section 3, Composition/Information on Ingredients. Proposals for Section 11, Toxicological Information, include additional details on interactive effects if relevant and available, and they require that the preparer provide details on the methods used for the information presented if no published chemical data is available.

What's Next?

OSHA is requesting public comments on the proposed amendments by April 19, 2021. OSHA also plans to schedule an informal public hearing if a stakeholder requests it during the comment period.

In addition, OSHA requests feedback on whether it should implement periodic updates to HCS, such as every four years or every two revisions of the GHS, or wait until there are significant changes to the GHS before initiating rulemaking. SCHC members are highly encouraged to submit their comments to OSHA on this long-awaited NPRM.



It's [cherry blossom season](#) in Washington, DC.



REGULATORY

CA Prop 65: New Short-Form Warning

CA OEHHA Proposes New Short-Form Warning under Prop 65

Submitted by James Lee, a Sr. Compliance Analyst

Introduction

On January 8th, 2021, California’s Office of Environmental Health Hazard Assessment (OEHHA) proposed amending sections of Article 6 of Title 27 of the California Code of Regulations, regarding a so-called “short-form” warning of Proposition 65. The Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Prop 65, requires businesses to provide a clear and reasonable warning before exposing Californians to a chemical listed as known to the state to cause cancer or reproductive toxicity. Prop 65 is a controversial legislation because of its private enforcement mechanism and increasing number of associated lawsuits targeting businesses.



The Article 6 “clear and reasonable warning” regulations were last revised in 2016 and became effective in 2018. The revision in 2016 changed safe harbor warning methods and options, including the short-form warning. The short form warning allows display of the general risk

(cancer or reproductive toxicity) without specifically identifying the relevant chemical substance, and provides a link to a state run web page (www.P65Warnings.ca.gov) on the immediate packaging or the product itself. The short-form option is currently a popular choice among businesses because there are no restrictions on package size or available labeling space.

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REGULATORY

CA Prop 65: New Short-Form Warning *(continued)*

CA OEHHA Proposes New Short-Form Warning under Prop 65

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According to its Initial Statement of Reasons (ISOR) document, OEHHA has decided to amend the short-form warning sections because the prevalent use of short-form warnings was not what OEHHA intended and the agency does not view it as supporting the purposes of Prop 65. In addition, OEHHA claims to have been inundated with many public inquiries seeking clarification about the short-form warning content and about food warnings whether the short-form warning could be used to provide safe harbor warnings for food products.

What's proposed?

The proposed amendments, if they become effective as currently drafted, would limit the short-form warning content in the following ways:

1. Only allow the short-form warning (a) on products with five square inches or less of "label space" (which is not defined) and (b) when the standard warning will not fit;
2. Prohibit the short-form warning for internet and catalog sales (even if the short-form warning provided on the product itself follows the regulations);
3. Require that the identity of at least one chemical substance per relevant toxicity endpoint be included in the short-form warning; and
4. Include the words "Risk" and "Exposure" in the warning.

Also, these changes would allow short-form warnings on food products.

These proposed amendments would become enforceable one year from the effective date under the California Office of Administrative Law (OAL).

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REGULATORY

CA Prop 65: New Short-Form Warning (*continued*)


CA OEHHA Proposes New Short-Form Warning under Prop 65

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A warning for a product that is manufactured prior to the effective date would be deemed clear and reasonable if it complies with the August 2016 revisions. For such product, there is no limit on “sell-through” date.

According to the ISOR, OEHHA sent 17 letters in 2019- 2020 to businesses providing short-form warnings, which requested additional information and justification for such warning. Some companies provided limited information, while some did not respond. Most did not identify a toxicant exposure that warranted a warning. Based on this, OEHHA has determined that over-warning practice is common, and it is seeking to restrict the use of the short-form warning method.

To better illustrate the changes, here are some examples. The current short-form warning for both the cancer and reproductive toxicity endpoints reads as the following:

 WARNING: Cancer and Reproductive Harm - www.P65Warnings.ca.gov.

Under the proposed amendments, the new short form warning would look like (using styrene and toluene as examples):

 WARNING: Cancer Risk from Styrene and Reproductive Risk from Toluene Exposure - www.P65Warnings.ca.gov.

What’s next?

OEHHA originally set the deadline to comment on the proposal until March 8, 2021. However, after some requests from stakeholders, it has extended the deadline to March 29, 2021.

A public hearing on the amendments occurred on March 11, 2021. To learn more, visit [this page](#).



REGULATORY

EPA Proposes Cancellation of Pentachlorophenol

EPA Proposes Cancellation of Pentachlorophenol

[*Shared by the EPA Office of Pesticide Programs*](#)

U.S. Environmental Protection Agency (EPA) is taking an important step by proposing the cancellation of the registration of pentachlorophenol. Pentachlorophenol is a heavy-duty wood preservative used primarily on utility poles.

After completing a risk assessment, EPA determined that pentachlorophenol poses significant human health risks to workers. To address this issue, EPA is proposing to cancel all uses of pentachlorophenol through the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review process. The agency will accept public comments on this proposed interim decision (PID) for 60 days in docket EPA-HQ-OPP-2014-0653 at regulations.gov.



EPA's proposed action would align the United States with the United Nation's Stockholm Convention on Persistent Organic Pollutants, which has banned the use of pentachlorophenol. EPA has worked with industry stakeholders to identify a number of viable, safer alternatives such as copper naphthenate and DCOIT, along with well-established wood preservatives such as chromated arsenicals and creosote.

This proposed interim decision (PID) is the next step in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration review process that EPA conducts at least every 15 years. After considering any comments concerning the PID, EPA will issue an interim decision, which would finalize the cancellation of pentachlorophenol.



REGULATORY

CLP Receives 3 New Intentions

Poison Centre Notifications Webinar

CLP Receives 3 New Intentions

The [European Chemicals Agency](#) (ECHA) shared that three new intentions have been received to harmonize classification and labelling. The proposals are submitted by Member State competent authorities, manufacturers, importers or downstream users. Click on the substance links below to learn more about commenting and advanced updates. The substances are:

- [glyphosate](#) (EC 213-997-4, CAS 1071-83-6);
- [perboric acid \(H3BO2\(O2\)\), monosodium salt trihydrate; perboric acid, sodium salt, tetrahydrate; perboric acid \(HBO\(O2\)\), sodium salt, tetrahydrate; sodium peroxoborate hexahydrate](#) (EC -, CAS -); and
- [perboric acid, sodium salt; perboric acid, sodium salt, monohydrate; perboric acid \(HBO\(O2\)\), sodium salt, monohydrate; sodium peroxoborate](#) (EC -, CAS -).



[Poison Centre Notifications: Best Practice from Start to Finish webinar](#)

[March 31, 2021 11:00-13:00 EET, GMT+2](#)



REGULATORY

EU: Biocides Committee Not to Approve 4 Substances

EU: Biocides Committee Not to Approve 4 Substances

ECHA's Biocidal Products Committee (BPC) [announced](#) its conclusion that the assessment of the following active substances does not support their approval for product-type 4 (food and feed area):

- silver zinc zeolite;
- silver zeolite;
- silver copper zeolite; and
- silver sodium hydrogen zirconium phosphate.

For these existing active substances, the committee concluded that the risks are unacceptable for human health when activated carbon water filters with silver-containing active substances are used. People may be exposed through drinking water or food which has been prepared in filtered water.



The substances can also be used to treat polymers, such as kitchen utensils like cutting boards. The evaluating competent authority for the applications is Sweden.

The BPC also adopted a positive opinion on an application for Union authorisation of a biocidal product family based on peracetic acid in product-types 2 (disinfectants and algacides not intended for direct application to humans or animals), 3 (veterinary hygiene) and 4 (food and feed area).



REGULATORY

ECHA: Assessing
Chemicals in Groups

ECHA: Assessing Chemicals in Groups

During 2020, the European Chemicals Agency (ECHA) checked 1,900 substances and conducted 271 compliance checks addressing 258 substances in 240 draft decisions. This led to 1,365 requests to generate information for clarifying the long-term effects on human health or the environment.



By grouping similar chemicals together, the ECHA was more efficient in their assessments and follow-up. Bjorn Hansen, ECHA’s Executive Director, was quoted as saying with this process “we continue our assessments at full speed. Companies also need to speed up and review their registration dossiers. I welcome industry’s voluntary action plans on updating dossiers which many companies have already joined.”

Batch assessments in this manner is a tremendous step towards achieving the legal goal of checking the compliance of 20% more of all registration dossiers in every tonnage band. To learn about the process and the results of the 1,900 substances, visit [this page](#).

CONTACTS

Member Engagement and
Newsletter Committee
Reminder

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MEMBER ENGAGEMENT AND NEWSLETTER REMINDER

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