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OSHA

OSHA May Have Given Up on Combustible Dust Rule Before End of Obama Administration

The Occupational Safety and Health Administration may have thrown in the towel on issuing a general industry regulation for combustible dust before the end of the Obama Administration in January 2017.

The clearest sign: A schedule for releasing the proposed combustible dust rule has been wiped from the latest regulatory agenda, released last fall. The agenda commits the agency only to putting together a small business forum, referred to as a SBREFA panel, in August 2016. Even that is in doubt, according to one industry insider.

“The notion that they’re going to begin SBREFA in August is pretty hard to imagine,” Marc Freedman, Executive Director of Labor Law Policy at the U.S. Chamber of Commerce, told Bloomberg BNA on January 11. “And the idea that they’d get a proposed rule out this year ... that would be a heavy lift.”

Freedman noted that dust-related deflagrations and explosions have many possible causes, making it hard to develop a responsible regulation. “It’s not an intrinsic hazard; it’s created by multiple factors that differ by substance and setting,” Freedman told the news service. “In order to create a standard around combustible dust, it will take a lot of work. And I imagine not a lot of people at OSHA are excited about this, particularly this late in the administration.”

In fact, the complexity of a regulation on combustible dust may have caught the agency by surprise. “This does not appear to be a priority for OSHA like it once was,” said Jess McCluer, Director of Safety and Regulatory Affairs for the National Grain and Feed Association (NGFA).

“It did appear to be a priority at the beginning of the administration, but after understanding the complexity it seems to have moved to the side. And other issues have moved to the top of the priority list,” he told Bloomberg BNA.



OSHA

OSHA May Have Given Up on Combustible Dust Rule Before End of Obama Administration (cont.)

The robust agenda to which OSHA has committed itself in 2016 also may have played a part. The Agency has set dates early this year for release of major rules on crystalline silica (estimated issue date of February but not issued at time of this publication), improving tracking of workplace injuries and illnesses (March), and walking-working surfaces and personal fall protection systems (April). Although it has yet to set a date for a final rule, OSHA also is moving forward on a comprehensive rule for beryllium.

The agency implemented a National Emphasis Program on combustible dust in March 2008 and has issued several guidance documents. An advanced notice of proposed rulemaking came out in October 2009, followed by a series of stakeholder meetings, ending in April 2010. OSHA also convened an expert forum in May 2011, but, aside from a May 2015 enforcement guidance document, there has been little movement since then.

Still, since dust explosions continue to injure workers and damage property, OSHA has not been entirely inactive. In the face of a prolonged regulatory process with an uncertain outcome, the agency has turned to other approaches to address the risks. During the process of amending its Hazard Communication Standard to comply with a Globally Harmonized System for Classifying and Labeling Chemicals (GHS), OSHA classified combustible dust as a hazardous chemical. The designation was challenged by industry, but in 2014, the D.C. Circuit Court of Appeals upheld OSHA's classification. Now, the agency is moving to insert a chapter on combustible dust into the GHS, NGFA's McCluer told Bloomberg BNA.

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OSHA

OSHA seeks public comment on guidance for determining potential health hazards of chemicals

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Washington – As part of the Occupational Safety and Health Administration's efforts to protect workers from the hazards of chemicals, the agency plans to issue new guidance on how to apply the Weight of Evidence approach when dealing with complex scientific studies. On February 16, OSHA began accepting comments on its [***Guidance on Data Evaluation for Weight of Evidence Determination***](#), which is intended to help employers consider all available information when classifying hazardous chemicals.

The "weight of evidence" approach assists manufacturers, importers and employers to evaluate scientific studies on the potential health hazards of a chemical and determine what information must be disclosed on the label and safety data sheet (SDS) for compliance with the Hazard Communication Standard. This draft is a companion document to a recently posted Hazard Classification Guidance.



OSHA

OSHA seeks public comment on guidance for determining potential health hazards of chemicals (cont.)

“It is vitally important that workers and employers be given complete and accurate information about the hazards associated with exposure to the chemicals with which they work. Without that, how can they ensure they are protected,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “This guidance will help educate chemical manufacturers and importers about OSHA’s expectations on how to prepare accurate safety data sheets and labels required to protect worker safety and health.”

Under the Hazard Communication Standard, chemical manufacturers and importers must review all available scientific evidence concerning the physical and health hazards of the chemicals they produce or import to determine if they are hazardous. This document helps the label and SDS preparer apply the Weight of Evidence approach when dealing with complex scientific studies.

This guidance document is not a standard or regulation and it does not create any new legal obligations and is intended to assist employers in providing a safe and healthful workplace. The recommendations are advisory in nature, informational in content, and intended to educate scientists and non-scientists alike who prepare labels and SDSs so that they provide accurate and consistent information.

For more information and to review the draft guidelines and provide comment, visit OSHA’s Guidance on Data Evaluation for Weight of Evidence Determination webpage [Here](#). Comments will be accepted until March 31, 2016. Comments may also be posted directly to www.regulations.gov using Docket OSHA-2016-004.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

In addition to seeking comment on the weight of evidence document – OSHA posted their Classification Guidance titled “Hazard Classification Guidance for Manufacturers, Importers, and Employers”. The 432 page document is available [Here](#).

Misc.

N[460] Draft CLP ATP Re: Poison Centers Published

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In the EU, there is a requirement under Article 45 of the CLP that hazard information be provided to member state bodies. There is no consistency in how this is to be done. The EU has proposed harmonizing this information to be submitted to Poison Centers. There is a proposed format for the submission and details on the compositional information required. Date of applicability is July 1, 2019. Comments are open now.



Misc.

N[460] Draft CLP ATP Re:
Poison Centers Published (cont.)

The EU Commission has now submitted:

“Draft Commission Regulation amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures by adding an Annex on harmonised information relating to emergency health response (4 pages + Annex 11 pages, in English)” - under the World Trade Organisation (WTO) Technical Barriers to Trade (TBT) procedures.

The WTO notification document can be accessed [Here](#).

Draft ATP text [Here](#).

Misc.

ECHA Info Card

ECHA Info Card

In January ECHA updated their website to add a first level of information about chemicals they call an “Infocard”. This card includes CLP classification information on the chemicals that is taken from the official harmonized classification, the REACH registration dossier or if there is none of those, the C&L inventory. It was pointed out by Janet Greenwood of TT Environmental Ltd through the CHCS forum, that ECHA consolidates all the notified classifications to create this classification when C&L information is used. This can result in some strange classifications that are not based on data. TT Environmental has created a factsheet on the infocards that is available through the CHCS forum.

Misc.

RIFM Awards IIVS Grant To Develop
Non-Animal Testing Strategy For
Respiratory Sensitization

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GAITHERSBURG, MD/WOODCLIFF LAKE, NJ (February 22, 2016) - The Institute for In Vitro Sciences, Inc. (IIVS) received a grant from the Research Institute for Fragrance Materials, Inc. (RIFM) to develop non-animal test methods for the evaluation of fragrance materials for potential respiratory irritation and sensitization.

The grant was secured in collaboration with Liverpool John Moores University and the Physicians Committee for Responsible Medicine. The proposal, “The use of a novel non-animal platform to characterize respiratory effects of fragrance materials” combines computational approaches as well as in chemico techniques, and includes a testing plan in harmony with concepts for the OECD Adverse Outcome Pathway program.



Misc.

RIFM Awards IIVS Grant To Develop Non-Animal Testing Strategy For Respiratory Sensitization (Cont.)

“The ability to evaluate the effect of fragrance materials on the respiratory system is significant for many industries. This project is expected to deliver far-reaching benefits to the scientific community for evaluating respiratory irritation and sensitization,” said Dr. Holger Behrsing, Principal Scientist at IIVS and Primary Investigator on the project. “We are pleased that RIFM has chosen to promote the use of a non-animal approach for this investigation.”

“The generation and distribution of high quality scientific data on the safety assessment of fragrances is central to our mission,” said Dr. James Romine, President at RIFM. “RIFM is committed to the development of these data utilizing state-of-the-art technologies which don’t require the use of animals.”

Misc.

New EPA Guidance for Testing Pesticides Will Reduce Animal Testing

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OPP Releases Final Guidance on Alternatives to In Vivo Toxicity Studies and Seeks Public Comment on Draft Policy to Waive Dermal Toxicity Studies.

EPA is releasing a new guidance document, “**[Process for Establishing & Implementing Alternative Approaches to Traditional in Vivo Acute Toxicity Studies](#)**” to expand the use of alternative methods for acute toxicity testing. The guidance describes a transparent, stepwise process for evaluating and implementing alternative testing methods (not using live animals) for acute oral, dermal and inhalation toxicity, along with skin and eye irritation and skin sensitization. EPA has incorporated comments from stakeholders, other regulatory organizations, and the scientific community. The agency’s response to public comments is included in docket:

[EPA-HQ-OPP-2016-0093](#).

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