It has taken over 5 years for OSHA’s revised Hazard Communication Standard (HCS), which adopts the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) to work through the regulatory process. Since October 27, 2011, the revised standard has been under a final 90 day review within the Office of Management and Budget (OMB). The OMB’s Office of Information and Regulatory Affairs indicates that “Final Action” on the standard is due in February of 2012. This rule will impact every workplace in the US subject to OSHA regulation. Now is the time to reacquaint ourselves with the proposed changes, originally published on September 30, 2009. Several nations, including the European Union, have adopted the GHS with an implementation schedule through 2015. U.S. manufacturers, employers, and employees will be at a disadvantage if our system of hazard communication is not in compliance with the GHS. The following is a summary of proposed changes to the HCS.

**Origins of GHS**
The GHS was created in response to international problems generated from multiple, inconsistent chemical classification & labeling systems. In 1992, the United Nations mandated development of a world- wide, globally harmonized system for the classification and labeling of chemicals. The primary objective of the new system was to increase the quality and consistency of information provided to workers, employers and chemical users. The mandate, which took a decade to negotiate, was finally adopted in 2003 and published in what is commonly known as the “Purple Book”, now in its 3rd revision. The United States was an active participant in the development of the GHS and is a member of the UN bodies established to maintain and coordinate implementation of the system.

The GHS is currently a voluntary international identification system. The system must be adopted by a country and integrated into existing governing laws/regulations before it can become law in that country. In May 2005, OSHA added GHS to its regulatory rulemaking agenda and published an advance notice of proposed rulemaking (ANPR) on September 12, 2006. On September 30, 2009, revisions that align HCS with GHS were published. Other Federal Agencies will also impacted by GHS and have initiated their own integration efforts in concert with OSHA.
**Major Changes Proposed**

OSHA expects the proposed changes to the HCS to enhance worker comprehension, resulting in more appropriate handling and use of chemicals. The harmonized format of the safety data sheets will enable workers to access the information more efficiently. Currently, multiple labels and safety data sheets for the same product often must be developed when shipping to different countries. This creates a significant and costly compliance burden for chemical manufacturers and those involved in international trade. The adoption of the GHS should reduce this burden.

The proposed changes include:

**Definitions**: This paragraph defines many of the terms used in the proposed HCS. OSHA has changed a number of the definitions, as well as the actual terms used, to be consistent with the GHS by adding (Classification, Hazard category, Hazard class, Hazard statement, Label elements, Pictogram, Precautionary statement, Product identifier, Safety data sheet, Signal word, Substance, and Unclassified hazard), deleting (Combustible liquid, Compressed gas, Explosive, Flammable, Flashpoint, Hazard warning, Identity, Material safety data sheet, Organic peroxide, Oxidizer, Pyrophoric, Unstable (reactive), and Water-reactive) and revising (Chemical, Chemical name, Hazardous chemical, Health hazard, Label, Mixture, and Physical hazard) certain definitions.

**Hazard Classification**: The proposed rule provides specific criteria for the classification of health and physical hazards, as well as the classification of mixtures.

**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**: Will be required to have a specific 16-section format.

**Information and Training**: The GHS does not address training; however, the proposed HCS will require that workers are trained on the final rule to facilitate recognition and understanding of the new labels and safety data sheets.
Trade Secrets: The trade secret provisions of the GHS are consistent with the HCS and therefore the revised standard includes few changes from the existing standard. The GHS, unlike the current HCS, requires disclosure of the percentage composition of mixtures on the SDS. The new proposed HCS adopts this requirement, but allows the manufacturer to claim trade secret protection for this requirement. This is the only substantive change to the existing standard’s trade secret protections.

If you would like to obtain additional details regarding specific changes to the standard and how it may apply to your workplace contact Kevin M. Chaplin at kevinc@smithmanage.com or (502) 587-6482, Ext. 208

References:
Are You Ready for OSHA’s New HAZCOM Standard; Understanding the Impact on Physical Hazard Characterization & Testing; Deidre L. Tate, CHWM, Process Safety Specialist, CHILWORTH GLOBAL


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Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President