OSHA has announced it’s planning on making changes to its Hazcom Standard (29 CFR 1910.1200) and they are soliciting your comments, due by April 19.

OSHA’s changes are to help align the standard with Global Harmonization Standard (GHS) Revisions 7 and 8. OSHA is also wanting to correct issues it’s found since the last update in 2012 and to make the standard more in line with related federal agencies such as DOT and international trading partners such as Canada.

Here are the items currently up for comment:

**Relabeling Containers and “Released for Shipment” Dates**

Right now the standard says that once a chemical manufacturer, importer, distributor or employer knows there is hazard information changes significant enough to affect the SDS, the SDS needs to be updated. Labels must be revised within 6 months and containers shipped thereafter must have that information on its labels.

OSHA is proposing chemicals released for shipment and awaiting future distribution wouldn’t need to be physically relabeled to incorporate that new information. Instead, the chemical manufacturer/importer will still need to provide an updated label for each individual container with each shipment. This would help containers with long distribution cycles. This also reduces the chemical exposure and ergonomic hazards for workers who would be going in and actually physically relabeling containers.

As a result of this, labels on shipped containers will be required to note the date the chemical is released for shipment. The standard will specifically call out chemicals released for shipment and awaiting further distribution as part of the no relabeling requirement, so they’ll need a date on them to meet that requirement.

**Bulk Shipments**

Labels for bulk shipments can be placed on the immediate container, or you will be able to transmit them with the shipping papers or bills of lading electronically as long as there’s a printed version available to the people on the receiving end of the shipment.

Changes to bulk shipments are an effort to facilitate inter-agency cooperation with DOT.

**Labeling for Small Containers**

Labels for small containers less than or equal to 100 mL must include just the product identifier, pictogram, signal word, chemical manufacturer’s name and phone number, and a statement that the full label info for the hazardous chemical is provided on the immediate outer package. This will be applicable for those containers where it’s not feasible to use pull-out labels, fold back labels or tags with the full information on them.

There will be no labeling requirements for containers less than or equal to 3 mL if the manufacturer, importer, or distributor can demonstrate that any label would interfere with the normal use of the container. A product identifier that can be identified and linked with the full label info on the immediate outer package would be required on that small container. OSHA uses an example that a glass vial could be etched with the product identifier instead of needing the label.

Immediate outer packaging would then need to include the full label information, and a statement indicating when not in use, the small containers inside must be stored in this outer packaging that has the label on it.

**Trade Secrets**

Allow manufacturers, importers and employers to now withhold a chemical concentration range as a trade secret. Use prescriptive concentration ranges instead of actual concentration or concentration range when they’re claimed as a trade secret. This change is categorized as help to better work with trading partners as this is something that Canada does.

OSHA wants to know from commenters if this is something that you have worked with and does this give enough information downstream for manufacturers to conduct hazard classifications and protect workers.

**SDS Terminology**

A terminology change will replace the word “design” with “stored.” This will allow SDSs to be stored in a way that covers groups of hazardous chemicals in a work area. They believe the word “designed” is confusing because now SDSs have specific design requirements (16 section format) so they don’t want anyone redesigning an SDS for groups of chemicals in a work area.

**Appendix D Changes**

* Changing Section 2 of the SDSs to emphasize that hazards identified under normal conditions of use that result from a chemical reaction must appear on the SDS, even though the hazards don’t need to be listed on the label. This would be a reorganization of the info on the SDS.
* The Hazcom Standard currently requires SDS Section 3 to include chemical name and concentration/concentration ranges of all ingredients classified as health hazards. OSHA wants to know if this should be expanded to include not only the health hazard classified chemicals, but all classified chemicals such as physical hazard chemicals to help manufacturers better understand hazard potentials when handling these chemicals. This would be similar to what the REACH regulations require in Europe.
* OSHA would also like to hear comments about using electronic labels, RFID and QR codes on chemical packaging as a form of communicating hazards fully and in real-time. If your company is using electronic labeling, they’d like to know what kind of system you’re using and what benefits you’ve been able to see from it.

**Other Appendix Changes**

* Considering revisions in the Skin Corrosion/Irritation section to expand non-animal testing, recognizing in vitro test methods, and reorganizing that chapter. (Appendix A)
* Adding a new hazard class for desensitized explosives (Appendix B)
* Adding hazard categories for unstable gases and pyrophoric gases in the Flammable Gasses class and nonflammable aerosols in the Aerosols class (Appendix B)
* Making editorial, clarifying and reorganizing changes and using more standard language in line with GHS Revision 8. (Appendix C)
* Requiring prioritization of certain precautionary statements related to medical response. Currently some of the medical response statements give options such as call poison control center or call a doctor or choose between medical advice vs. medical attention. This can lead to confusion on which choice is best, so they want to standardize that with the best option. (Appendix C)

**Definitions and Terminology**

* In the SDS section, a terminology change will replace the word “design” with “stored.” This will allow SDSs to be stored in a way that covers groups of hazardous chemicals in a work area. They believe the word “designed” is confusing because now SDSs have specific design requirements (16 section format) so they don’t want anyone redesigning an SDS for groups of chemicals in a work area.
* Adding definitions for Combustible Dust, Bulk Shipments, Immediate Outer Packaging, Released for Shipment and Physician or Other Licensed Health Care Professional
* Revising definitions of a Gas, Liquid and a Solid to align with GHS Revision 7
* Revise the definition of a hazardous chemical to delete the reference to pyrophoric gases because those will now be a physical hazard in the Flammable Gas hazard class

**Training Required**

OSHA believes in its economic impact analysis that training updates will be minimal and only apply to certain types of employees. OSHA says that additional HAZCOM training will be needed to alert those who work with impacted aerosols, desensitized explosives, nonflammable gasses not under pressure, and flammable gasses about the changes in the SDSs. Those where labels may change may require some additional training and instruction on what to do such as with bulk packagings and small containers.

**How Often Should There be Changes?**

OSHA is soliciting feedback on how often changes should be made to the Hazcom Standard. GHS is updated every 2 years. OSHA wants to stay current with GHS revisions. Only the European Union has updated their guidelines in less time than OSHA (2016) while other countries have only said they planned on it, but haven’t done anything yet.

OSHA would like to know if they should install a regular schedule of updating every 4 years, every 2 revisions of the GHS, or if they should wait until there are significant changes before doing any updates.

**Where Can You Make Comments?**

You may submit comments identified by Docket No. OSHA-2019-0001, electronically at http://www.regulations.gov, which is the Federal e-Rulemaking Portal. All comments are due by April 19, 2021.