



Environmental Law Information Memo

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Electronic Dispatch

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PROPOSED CHANGES TO THE OSHA HAZARD COMMUNICATION STANDARD

The Occupational Safety and Health Administration (OSHA) has proposed to modify its existing Hazard Communication Standard (HCS) to conform with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. The proposed standard was published in the Federal Register on September 30, 2009 and is open for public comment until December 29, 2009. OSHA requests comments on all relevant issues, including economic impact and feasibility, environmental impact, effects on small entities, proposed revisions to the HCS and subsequent modifications to other standards. Comments may be submitted electronically, by facsimile or by mail.

Hazard Communication

The HCS (29 CFR 1919.1200) requires chemical manufacturers and importers to assess the hazards of chemicals which they produce or import and provide that information to employers. Employers must then provide information to their employees about the hazardous chemicals to which they are exposed by means of a hazard communication program, labels, safety data sheets, and training. The HCS also requires distributors to transmit this information to employers. Other countries have hazard communication rules which are different from the HCS with regard to the scope of chemicals covered, the definition of hazards, the specificity of requirements and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough to require different labels and safety data sheets to be developed for the same product when it is marketed in different countries.

The Proposed Changes

OSHA has made a preliminary determination that the proposed changes to the HCS will improve the quality and consistency of information provided to employers and employees regarding chemical hazards and protective measures. OSHA anticipates that improved information will reduce the incidence of chemical-related occupational illnesses and injuries. OSHA asserts that the adoption of the new standard will have the added benefit of standardizing hazard communication rules among various countries. The proposed changes to the HCS include: revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for safety data sheets; revisions to the definitions of terms; and requirements for employee training on labels and safety data sheets.

Compliance

The proposed modifications to the HCS will require manufacturers and importers of hazardous chemicals to re-evaluate chemicals according to the new criteria, change labels and produce new safety data sheets within three years of publication of the final rule. Employers will be required to integrate the new approach into their hazard communication programs and conduct new training for employees within two years of publication of the final rule.

Contact Information

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Our attorneys enhance their experience by serving as leaders in environmental and legal professional organizations. Currently, one of our attorneys is the former Chair of the Environmental Law Section of the New York State Bar Association, while several other attorneys serve as Committee Co-Chairs and on the Executive Committee of the Environmental Law Section. In addition, our attorneys are frequently asked to speak and write about a variety of environmental issues. As a result of our experience and involvement, our attorneys are well known, and are respected by state and federal regulatory representatives, both at the regional and headquarters level.

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