Deadline for Training Employees on the OSHA Hazard Communication Standard’s New Label and SDS Formats is Dec. 1

Employers must train employees on the new label elements and Safety Data Sheet (SDS) format adopted by the Occupational Safety and Health Administration’s (OSHA) revised Hazard Communication Standard (HCS) by December 1, 2013. The HCS was revised in 2012 to largely conform to the United Nations’ Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The final rule revising the HCS (77 Fed. Reg., 17574 (March 26, 2012)) made substantial changes to requirements governing how chemical manufacturers, employers, and other entities transmit hazard information to in-house and downstream employees. Full compliance with the revised the HCS will be required in stages between 2013 and 2016.

With respect to food-contact materials, the need for HCS labels and/or SDSs will vary by product category and stage in the chemical’s lifecycle. Notably, indirect food additives, along with direct food additives, pharmaceuticals, and cosmetics, are exempt from the HCS labeling requirements when labeled, but are covered for purposes of provided SDSs and training to employees and other provisions of the standards. Foods, pharmaceuticals, and cosmetics packaged in final form for use by consumers in retail establishments and for personal consumption in the workplace are exempt from the standard entirely.

Since it was first adopted in 1983, OSHA’s HCS has required chemical manufacturers to determine whether their products pose health or physical hazards and, if so, to communicate those hazards to their own employees, as well as downstream employers and employees, through the use of warning labels and SDSs, formerly called Material Safety Data Sheets. The GHS changes were adopted to harmonize OSHA’s requirements with international hazard communication laws in an effort reduce trade barriers. The UN Economic Commission for Europe has a standing committee that updates the technical requirements of the UNECE GHS guidance documents every two years. Countries may pick and choose portions of the GHS system to integrate into their own programs, and may adopt additional requirements.

The 2012 revisions to OSHA’s HCS include:

**Hazard classification.** The original HCS required employers to determine if their products were hazardous as defined under the standard, which determination could be based on a single positive scientific study. The revised HCS required employers to classify chemicals based on a classification scheme with health hazard classes and physical hazard classes. Employers are to use a weight of evidence analysis to evaluate all available data on their chemicals, and to further categorize the classifications according to the severity of the hazard.

**Labels for shipped containers.** Labels on shipping containers under the revised HCS will have a more standardized content including warnings and precautionary statements. As before the product identifier or name is required to connect the product to the SDS along with the name, address, and telephone number of a responsible party, but will also include a signal word; standardized hazard statements; one or more pictograms; and standardized precautionary statements.
Safety Data Sheets. Use of a 16-section standardized SDS, formerly known as Material Safety Data Sheet (MSDS), is required. Additional information is permitted but the total information must be a fair and accurate summary of the available data.

The deadline for employee training on the revised new label elements and SDS format was established earlier than other compliance deadlines since U.S. employers may come into compliance with the revised standards at any time prior to the deadlines, and many international companies have already begun implementation of the most recent version of the GHS. During the phase-in period of the revised HCS, labels and SDSs under both standards will be present in the workplace. Some chemical suppliers may shift to the new system for one product and not another. Also, two suppliers of the same chemical may choose different compliance dates, which means the purchaser of that chemical could receive significantly different SDSs and label information for the same chemical.

A question-and-answer document on modification of the HCS to conform to the United Nations’ GHS can be found on OSHA’s website.