

New OSHA Hazard Communication Standard Requires Employee Training and Other Steps for Employers

What Does Not Change for Employers

The basic requirements for employers are not changed by the Occupational Safety and Health Administration's ("OSHA") 2012 hazardous communication standard (HCS). These include:

- Ensuring that labels on incoming containers of hazardous chemicals are not removed or defaced;
- Maintaining safety data sheets that are received with incoming shipments of hazardous chemicals, and ensuring that they are readily accessible during each work shift to employees when they are in their work areas;
- Ensuring that employees are provided with information and training in accordance with the standard to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

Note that employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor, and thus must ensure that any containers of hazardous chemicals leaving the facility are labeled in accordance with the standard and that a safety data sheet is provided to distributors and other employers in accordance with the standard.

Need For a Written Hazard Communication Program.

The 2012 HCS continues the requirement for a written hazard communication standard. This means employers are required to develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

- a) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet; and,
- b) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

What Has Changed

Labels

In making modifications to the 2012 HCS to be consistent with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS), new terminology as set forth in the “definitions” section of the 2012 HCS comes into play. These changes are denoted below by underlining.

An employer must ensure that workplace labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

Information Available to Employees

Employers must provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

Employees must be informed of any operations in their work area where hazardous chemicals are present and of the location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

Training

Employers must train employees in at least the following areas by December 1, 2013:

a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when released, etc.);

b) The physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;

c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

d) The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

Practical Considerations

Review of the 2012 HCS shows many of the modifications adopted from the GHS to be intuitive. Diamond shaped pictograms with a single word, such as “danger”, will be used on labels to denote hazard classes for various substances, e.g. flammable, pyrophoric, etc. Physical hazard definitions have been placed in a new Appendix B to the 2012 HCS and are based on a physical hazard classification criteria. Hazard classes are now specified in a substance specific part of 29 Code of Federal Regulations part 1910, subpart Z. An “unclassified hazard” is now known as a “hazard not otherwise classified” for which there is no label requirement, but which requires coverage by the SDS and must be addressed in training. The SDS will now comprise 16 separate parts including parts addressing “hazard identification”, “exposure controls/ personal protection” and other titled categories.

Please note that state governments may also enact federally-approved plans that impose stricter (but not less strict) requirements on employers – members must be aware of any applicable state rules and adjust their programs accordingly.

Because the new HCS standard (“2012 HCS”) is a modified version of the old HCS standard, it provides a useful impetus for employers to review their current HCS compliance during a transition period from the old standard. During the transition period, which extends over a number of years, compliance with either the old or new standard is permissible. By December 1, 2013, employers must train their employees on new labeling requirements and the modified safety data sheet (SDS) format. In general, compliance with all other modified provisions of the 2012 HCS is required by June 15, 2015. In sum, for members (assuming they do not themselves ship chemicals), the focus of the 2012 HCS will be on training employees on the new hazard warning label elements and implementing the new SDS format by December 1, 2013.

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