

## Current OSHA Enforcement Initiatives and the Globally Harmonized Hazard Communication System (GHS)

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In 1983 OSHA promulgated the chemical Hazard Communication ("Haz Comm") Standard. Other countries have passed laws that have similar scopes to, but different requirements than, the Haz Comm Standard. As a result, manufacturers who ship products internationally need to comply with a variety of complex regulatory requirements. This leads to major compliance burdens and cost increases for chemical manufacturers and those involved in international trade. For example, while several countries maintain specific lists of hazardous chemicals, the Haz Comm Standard provides definitions of health and physical hazards to use as a criteria for determining hazardous chemicals – in other words, a performance-based evaluation versus a list-based system.

### Going Light Green

By David Welch, Everchem Specialty Chemicals

#### The 10-4 Concept

If you haven't already done so and your state labor laws allow it, going to a 10 hour day/ 4 day work week can add a lot to the "Going Light Green" movement and at the same time make your employees and customers happier.

Many companies like the 10-4 concept because it puts two more productive hours into each workday, reducing by 20% time and materials consumed during calibration as well as energy consumed by process ovens and shorter delivery times for your customers.

Employees like it because of the three day weekend every week feature and the 20% less commute cost in this era of extremely expensive gasoline.

It is good for the environment because it reduces waste, decreases traffic and energy consumption.

Some small changes will need to be considered such as adjusting break and lunch schedules, security settings, informing customers/ vendors of the change and modifying your "on call" policy for the off-day.

Summing up: We all win-management, labor, customers and the environment.

If you have any ideas for going "light green," please contact the PMA office at [info@pmahome.org](mailto:info@pmahome.org).

To reduce this regulatory burden, OSHA proposed modifications to the existing Haz Comm Standard to conform with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals ("GHS"). Several countries have already adopted the GHS including Japan, China, Canada and the European Union nations. The U.S. has been slower to adopt GHS, because OSHA's Haz Comm Standard has been in effect for decades. However, OSHA now believes the proposed modifications to the Haz Comm Standard would increase the quality and consistency of chemical information provided to employers and employees.

The proposed modifications to the Haz Comm Standard were issued in the Federal Register on September 30, 2009. A three-month public comment period followed, which ended on December 29, 2009. Hearings were held in early 2010, and the post-hearing comment period ended on June 1, 2010. Final action is expected in August 2011.

The three pillars of OSHA's current Haz Comm Standard are labeling, safety data sheets ("SDS"s) (also known as Material Safety Data Sheets or "MSDS"s) and employee training. OSHA's proposed modifications to make the Haz Comm Standard consistent with the GHS include:

Revise the criteria for classification of chemical hazards. OSHA proposed to adopt all of the physical and health hazard classes included in the GHS as well as classifications of mixtures.

Revise the labeling provisions to include, for example, consistent use of standardized signal words, pictograms, hazard statements and precautionary statements. OSHA proposed to change labeling requirements by including with each substance's specific standard a list of health effects that must be considered for the hazard classification. The modified Haz Comm Standard will dictate the specific language that is required on labels through the classification process.

Provide a specific format for SDSs. Currently the Haz Comm Standard allows a nine-section format. The modified Haz Comm Standard would require a specific 16-section format. The 16 sections are:

- Identification of the substance or mixture and of the supplier
- Hazards identification
- Composition/information on ingredients
- First aid measures
- Firefighting measures
- Accidental release measures
- Handling and storage
- Exposure controls/personal protection
- Physical and chemical properties

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- Stability and reactivity
- Toxicological information
- Ecological information
- Disposal considerations
- Transport information
- Regulatory information
- Other information including information on preparation and
- revision of the SDS

However, OSHA may allow certain sections to be optional under the modified Haz Comm Standard rule. Also, OSHA proposed to require OSHA permissible exposure limits on the SDSs as well as other exposure limits recommended by the chemical manufacturer, importer or employer who prepares the MSDS.

Address requirements for training. The GHS tends to leave training details to the specific country and, as a result, OSHA will keep the training requirements in the Haz Comm Standard.

OSHA has proposed that chemical manufacturers, importers, distributors and employers be required to comply with all provisions of the modified final rule within three years after its publication. Specifically, OSHA's proposal requires employers to train employees regarding the new labels and SDSs within two years after publication of the modified final Haz Comm Standard rule. During the transition period, employers would be required to be in compliance with either the HCS, the modified GHS or both.

Approximately five million workplaces in the U.S. are expected to be affected by the revised Haz Comm Standard. However, OSHA has stated that the proposed Haz Comm Standard will not have a significant impact on a substantial number of small business entities. Other entities, including the U.S. Chamber of Commerce, have disagreed - "this decision was based on an economic impact assessment that severely underestimated the costs and burdens associated with compliance with this proposal and overestimated the benefits that will flow from it." In any event, OSHA's proposed revisions to the Haz Comm Standard may have far-reaching effects on millions of American workplaces.

The impacts of the proposed modified Haz Comm Standard rule will not be known until the rule is finalized - likely in August 2011.

The bottom line is that OSHA's Haz Comm Standard revisions will affect millions of U.S. employers. Businesses should be aware of these changes and start planning now to ensure compliance when the rule takes effect.

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- Discounted attendance to Annual Meeting,
- Up to 40% discounts on purchases through MSC Industrial Supply,
- Industry Related Legal advice from Donald P. Gallo, shareholder in the Environmental Department of Reinhart Boerner Van Dueren, and
- Regulatory and Health & Safety Information from Industrial Hygienist Ted Hogan of Theodore J. Hogan & Associates.

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Thank you,  
Sam Ferrito & Andy Clock  
Member Services Division Co-Chairs

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