

# **Hazard Communication 2012 Compliance and Guidance**

**DNREC EPCRA Workshops January 2018**

Erin G. Patterson  
OSHA Wilmington Area Office  
Area Director



# Disclaimer

- This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, *it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature.* Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at [www.osha.gov](http://www.osha.gov).



# Outline

- OSHA HazCom Standard vs. GHS
- Hazard Classification
- Responsibilities of manufacturers, importers, distributors and employers
- Labeling requirements
- Safety Data Sheets
- Best practices for training
- OSHA Resources

# HCS vs. GHS

- HCS - OSHA Hazard Communication Standard 2012. (29 CFR 1910.1200)
- GHS- Globally Harmonized System for Classification and Labeling of Chemicals
- GHS is not synonymous with the OSHA Hazard Communication Standard.
- HCS Final Rule based on GHS Revision 3.



# Hazardous Chemical Definition

“Means any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or **hazard not otherwise classified.**”

# Hazard Not Otherwise Classified

**“Hazard not otherwise classified (HNOC)”** means an adverse physical or health effect identified through evaluation of scientific evidence during the classification process that does not meet the specified criteria for the physical and health hazard classes addressed in this section. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in this section, but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by OSHA (e.g., acute toxicity Category 5).



# Hazard Classification

- Chemical manufacturers and importers must classify each chemical they produce or import:
  - Determine the appropriate hazard classes and associated hazard categories
  - Base this on an evaluation of the full range of available data/evidence on the chemical (no testing is required)
  - Use Appendix A for health hazard criteria and Appendix B for physical hazard criteria
  - **Appendix C specifies required information for each hazard class and associated hazard category.**

# Labels on Shipped Containers

- Each container of a classified hazardous chemical leaving the workplace is to be labeled, tagged, or marked with the following:
  - Product identifier
  - Pictogram(s)
  - Signal word
  - Hazard statement(s)
  - Precautionary statement(s)
  - Name, address, and telephone number of responsible party

# Label Example

## New style Label (GHS)



Xyz... Chemical

### WARNING

Flammable Liquid and vapor

Harmful if swallowed

May cause damage to organs (liver)

May cause damage to organs through prolonged or repeated exposure (heart)

Suspected of damaging fertility

Keep away from heat, sparks, open flames and hot surfaces - No smoking. Do not breathe vapors. Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Use protective equipment as required. Wear protective gloves and eye protection. Wash thoroughly after handling. Do not eat, drink or smoke when using this product. Keep container tightly closed. Ground container and receiving equipment. Use explosion-proof electrical, ventilating, lighting equipment. Use only non-sparking tools. Take precautionary measures against static discharge. Store locked up in a well ventilated place. Keep cool. Dispose of contents and container in accordance with local, state and federal regulations.

#### First Aid:

If swallowed: Call a doctor if you feel unwell, Rinse mouth.

If on skin or hair: Remove immediately all contaminated clothing. Rinse skin with water.

If exposed or if you feel unwell: call a doctor.

#### Fire:

In case of fire: Use water spray foam, dry chemical or carbon dioxide (CO<sub>2</sub>) for extinction

GHS Company, 123 Global Drive, Cincinnati, OH

telephone (800) 555-8888

# Labeling Guidance

- Pictograms must have white background – see Appendix C.2.3.1
- Blank red frames, words, the letter "X," or other means to indicate that the red frame has been intentionally left blank are not permitted on labels, unused pictograms must be fully blacked-out when not in use.
- Hazard statements may be combined as long as all of the hazard information is conveyed - see Appendix C.2.2.1

# Labeling Guidance

- Signal word, Hazard statement(s), and Pictogram(s) must be located together – per (f)(3).
- Label elements must be affixed to the immediate container/package holding the chemical.
- Tags, pull-out labels, or fold-back labels can be used to label small containers.
  - If tags, pull-out labels, or fold-back labels cannot be used, OSHA's practical accommodation for small shipped containers include:
    - Product Identifier
    - Pictogram(s)
    - Signal word
    - Manufacturer's name and phone number
    - A statement indicating the full label information for the chemical is provided on the outside package.



# Workplace (in-house) Labeling

- Adhere to label requirements of (f)(1)(i)-(v);  
**or**
- Product identifier and words, pictures, symbols, or a combination thereof, providing general information on the hazards of the chemicals, and with other HCS information available.

Pictogram(s), and Hazard and Precautionary statements may be used but are not required.

Key - Information must achieve a level of employee awareness which equals or exceeds if employer had used a label with complete information.



Is this workplace label adequate?

# Use of NFPA/HMIS® Rating Systems

- Alternative labeling
  - Use of NFPA or HMIS® rating systems allowed; but must include product identifier and to make sure that general information regarding all of the hazards of the chemical(s) can be conveyed.
- The NFPA/HMIS® rating systems do not directly correlate with HCS classifications.
- Level of employee awareness must equal or exceed if employee was provided complete health effects information.
- **Must not cast doubt or contradict the validity of the label information.**



# U.S. Address and U.S. Phone Number

- Manufacturer, importer or other responsible party of whoever is preparing or distributing SDS/label.
  - Provides additional information on the hazardous chemical and appropriate emergency procedures.
- Label and SDS:
  - Emergency number must be a U.S. number.
  - Name and address of the manufacturer, importer or responsible party **MUST** be the same on both.
- Importer is required to include their name on the SDS and label in order to complying with the HCS 2012.
  - Preferably the original foreign manufacturer's name and address are removed to prevent confusion.



# Safety Data Sheets

- 16-section safety data sheet (SDS)
- Sections 12-15 will not be mandatory since they address information outside OSHA's jurisdiction
- Appendix D, Safety Data Sheets, provides the details of what is to be included in each section
- OSHA PEL, ACGIH TLV are required in Section 8, Exposure Controls/Personal Protection
- If no relevant information is found for any sub-heading within a section on the safety data sheet, the chemical manufacturer, importer or employer preparing the safety data sheet shall mark it to indicate that no applicable information was found.



# Laboratories

- Laboratories considered quality control/quality assurance laboratories are classified as adjuncts of production operations and are covered under the HCS.
- HCS requirements for laboratories include:
  - Ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;
  - Maintain any safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible during each workshift to laboratory employees when they are in their work areas;
  - Provide employees information and training
- “Laboratory use of hazardous chemicals” on a “laboratory scale” are covered by 1910.1450



# Drug Exemption

- HCS does not apply to:
  - Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in **solid, final form for direct administration to the patient** (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

# HCS 2012 Effective Dates

Effective Completion Date	Requirement(s)	Who
<b>December 1, 2013</b>	Train employees on the new label elements and SDS format.	Employers
<b>June 1, 2015*</b> <b>December 1, 2015</b>	Comply with all modified provisions of this final rule, except:  Distributors may ship products labeled by manufacturers under the old system until December 1, 2015.	Chemical manufacturers, importers, distributors and employers
<b>June 1, 2016</b>	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
<b>Transition Period</b>	Comply with either 29 CFR 1910.1200 (this final standard), or the current standard, or both.	All chemical manufacturers, importers, distributors and employers



# HCS Final Effective Date

Effective Date	Requirement(s)	Who
<b>June 1, 2016</b>	<p>1) Update alternative workplace labeling – (f)(6);</p> <p>2) Update hazard communication program as necessary – (h)(1); and,</p> <p>3) Provide additional employee training for newly identified physical or health hazards – (h)(3).</p>	Employers



# Guidance on Limited Use of HCS 1994 labels/MSDS

- Enforcement discretion in limited situations.
- Applies to manufacturer or importer:
  - Includes those that repackage, blend, mix.
    - Have not received classification and SDS information from upstream suppliers of raw materials due to circumstances beyond their control.
    - Exercised “reasonable diligence and good faith” efforts.
    - Labels and MSDSs must comply with HCS 1994.



## OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

---

DIRECTIVE NUMBER: CPL 02-02-079 EFFECTIVE DATE: July 9, 2015

---

SUBJECT: Inspection Procedures for the Hazard Communication Standard (HCS 2012)

---

### ABSTRACT

**Purpose:** This Instruction establishes policies and procedures to ensure uniform enforcement of the Hazard Communication standard (HCS).

**Scope:** This Instruction applies OSHA-wide.

**References:** [Hazard Communication, 29 CFR 1910.1200 \[HCS 1994\].](#)  
[Hazard Communication, Final Rule, Federal Register, Vol. 77, No. 58, pgs 17574-17896, March 26, 2012 \[HCS or HCS 2012\].](#)  
OSHA Instruction, [CPL-02-00-150, Field Operations Manual \(FOM\), April 22, 2011.](#)



# Guidance on Use of Existing Stock

## Manufacturer/Importer

- Packaged for shipment:

### Before June 1, 2015:

- Label must be HCS 1994 compliant.
- If available, must provide HCS 2012-compliant labels for each and every individual container shipped and the appropriate SDS(s).

### After June 1, 2015:

- Label must be HCS 2012 compliant.
  - Unless “reasonable diligence and good faith” can be demonstrated.

- After June 1, 2017 - All containers shipped must be HCS 2012 labeled.

## Distributor

- Packaged for shipment:

### Before December 1, 2015:

- May continue to ship containers with HCS 1994 label;
- If available, must provide HCS 2012-compliant labels for each and every individual container shipped and the appropriate SDS(s).

### After December 1, 2017:

- Labels must be HCS 2012-compliant.
  - Unless the distributor can demonstrate reasonable diligence and good faith efforts.



# “Reasonable Diligence” & “Good Faith Efforts”

Manufacturer or importer must provide documentation of its substantive efforts to:

- Obtain classification information and SDSs from upstream suppliers;
  - Demonstrate attempt(s) to obtain the necessary SDSs through both oral and written communication directly with the upstream supplier.
- Find hazard information from alternative sources (e.g., chemical registries); and,
- Classify the data themselves.

# Time Period to Create HCS Compliant SDSs and Labels

## SDSs

- A manufacturer or importer must create HCS 2012-compliant SDSs within **six months from the date it receives all of the hazard information for the ingredients in a mixture.**

## Labels

- A manufacturer or importer must create container labels to comply with HCS 2012 within **six months from the date that it has developed HCS 2012-compliant SDSs.**



# Requirements for Employers

- If an employer has made a good faith effort to contact the manufacturer, importer or distributor because they have not received the SDS and still has not been able to receive an SDS, they can contact their nearest OSHA office for a possible referral.
- Employers must maintain the most recent received version of the SDS (or MSDS). When an SDS is received, it must replace the MSDS for the corresponding hazardous chemical.
- Employers assume no responsibility for the content and accuracy of the SDS provided to them by the manufacturer, importer or distributor, unless the employer changes the SDS.



# Training Requirements

- Must include at a minimum:
  - Methods and observations to detect the presence or release of a hazardous chemical in the work area
  - Physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;
  - The measures employees can take to protect themselves from these hazards such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,
  - Details of the hazard communication program, 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.



# OSHA Resources

## OSHA BRIEF

### Hazard Communication Standard: Labels and Pictograms

OSHA has adopted new hazardous chemical labeling requirements as a part of the recent revision of the Hazard Communication Standard, 29 CFR 1910.1200 (HCS), bringing it into alignment with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). These changes will help ensure improved quality and consistency in the classification and labeling of all chemicals, and will also enhance worker comprehension. As a result, workers will have better information available on the safe handling and use of hazardous chemicals, thereby allowing them to avoid injuries and illnesses related to exposures to hazardous chemicals.

The revised HCS changes the existing Hazard Communication Standard (HCS) to conform with a performance-based standard to one that has more detailed requirements for the labeling of chemicals. The revised standard requires that information about chemical hazards be conveyed on labels using graphic visual notations to alert the user, providing immediate recognition of the hazards. Labels must also provide instructions on how to handle the chemical so that chemical users are informed about how to protect themselves.

The label provides information to the workers on the specific hazardous chemical. While labels provide important information for anyone who handles, uses, stores, and manages hazardous chemicals, they are limited by design to the amount of information they can provide. Safety Data Sheets (SDS), which must accompany hazardous chemicals, are the more complete resource for details regarding hazardous chemicals. The revised

SDS to the SDS states, the revised communication standard for the first time requires that the hazard information be placed in the same or in the same format as the hazard information in the SDS, printed in the 10th through 12th version of the SDS of these regulations. It is available on OSHA's website.

standard also requires the use of a 16-section safety data sheet format, which provides detailed information regarding the chemical. This is a separate OSHA form or SDS that provides information on the new SDS requirements.

All hazardous chemicals shipped after June 1, 2015, must be labeled with specified elements including pictograms, signal words and hazard and precautionary statements. Importers, manufacturers, importers, and distributors may start using the new labeling system on the revised HCS before the June 1, 2015 effective date if they so choose. Until the June 1, 2015 effective date, manufacturers, importers and distributors may remain in compliance with the requirements of HCS 2004 as the initial standard. Distributors may continue to ship containers labeled by manufacturers or importers that met the HCS 2004 requirements in compliance with the HCS 2004 until December 1, 2015.

This document is designed to inform chemical users, chemical purchasers, and importers about the label requirements. It explains the new labeling elements, identifies what goes on a label, and describes what pictograms are and how to use them.

**Label Requirements**  
Labels, as defined in the HCS, are an appropriate group of written, printed or graphic informational elements conveying a hazardous chemical that are affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

The HCS requires chemical manufacturers, importers, or distributors to ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information: product identifier, signal word, hazard statement, precautionary

## OSHA Occupational Safety and Health Administration

## OSHA QUICK CARD Hazard Communication Standard Pictogram

As of June 1, 2015, the Hazard Communication Standard (HCS) will require pictograms on labels to alert users of the chemical hazards to which they may be exposed. Each pictogram consists of a symbol on a white background framed within a red border and represents a distinct hazard(s). The pictogram on the label is determined by the chemical hazard classification.

HCS Pictograms and Hazards		
<b>Health Hazard</b>  <ul style="list-style-type: none"> <li>• Carcinogens</li> <li>• Mutagens</li> <li>• Reproductive Toxicity</li> <li>• Respiratory Sensitizers</li> <li>• Target Organ Toxicity</li> <li>• Aspiration Toxicity</li> </ul>	<b>Flame</b>  <ul style="list-style-type: none"> <li>• Flammable</li> <li>• Self Heating</li> <li>• Explosive Peroxides</li> <li>• Self Reactive</li> <li>• Organic Peroxides</li> </ul>	<b>Exclamation Mark</b>  <ul style="list-style-type: none"> <li>• Irritant (skin and eye)</li> <li>• Skin Sensitizer</li> <li>• Acute Toxicity (oral)</li> <li>• Acute Toxicity (dermal)</li> <li>• Acute Toxicity (inhalation)</li> </ul>
<b>Gas Cylinder</b>  <ul style="list-style-type: none"> <li>• Gas Under Pressure</li> </ul>	<b>Corrosion</b>  <ul style="list-style-type: none"> <li>• Skin Corrosion</li> <li>• Eye Damage</li> <li>• Corrosive to Metals</li> </ul>	<b>Explosive Bomb</b>  <ul style="list-style-type: none"> <li>• Explosives</li> <li>• Self Reactive</li> <li>• Organic Peroxides</li> </ul>
<b>Flame Over Circle</b>  <ul style="list-style-type: none"> <li>• Oxidizers</li> </ul>	<b>Environment (No Moustard)</b>  <ul style="list-style-type: none"> <li>• Aquatic Toxicity</li> </ul>	<b>Skull and Crossbones</b>  <ul style="list-style-type: none"> <li>• Acute Toxicity (oral or toxic)</li> </ul>

## OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration  
**INSPECTIVE DIVISION, CPE 80-60-016 EFFECTIVE DATE: July 8, 2015**  
**SUBJECT: Inspection Procedures for the Hazard Communication Standard (HCS 2015)**

**ABSTRACT**  
This instruction establishes policies and procedures to ensure uniform enforcement of the Hazard Communication Standard (HCS).

**Scope:**  
This instruction applies OSHA-wide.

**References:**  
Hazard Communication, 29 CFR 1910.1200 (HCS 2015)  
Hazard Communication, Final Rule, Federal Register, Vol. 77, No. 28, 8333-3338, March 23, 2012 (75 FR 14,619-14,621)  
OSHA Instruction, CPE 80-00-130, Field Operations Manual (FOM), April 22, 2014  
OSHA Instruction, CPE 80-00-124, White Employee Grievance Policy, December 18, 2009  
OSHA Instruction, CPE 80-00-028, Combustible Dust National Enforcement Program, March 11, 2008  
OSHA Instruction, CPE 80-00-008, Suspension Procedures for the Hazard Communication Standard, March 20, 2010  
OSHA Instruction, CPE 80-02-038, Sample Material Safety Data Sheet, March 27, 1998  
OSHA Memorandum, Enforcement Guidance for the Hazard Communication Standard's (HCS) June 1, 2015 Effective Date, February 9, 2015  
OSHA Memorandum, Revised Enforcement Guidance for the Hazard Communication Standard's (HCS) June 1, 2015 Effective Date, May 29, 2015

**ABSTRACT-2**



<https://www.osha.gov/dsg/hazcom/index.html>