Regulatory Briefing

Globally Harmonized System for Hazard Communication

October 2006

INSIDE THIS BRIEFING

Countries and Organizations with Existing Hazard Communication Systems include:

US

Canada

European Union

UN – for Transportation

Overview

In 1992, the United Nations Conference on the Environment and Development (UNCED) adopted a mandate that a standardized system be developed to classify, label and communicate the hazard of materials. Several countries, including the US and Canada, had developed their own systems; however, inconsistencies between the individual requirements of these countries made international trade more challenging. While similar, the regulations of each country are different enough to require multiple labels and safety data sheets for the same product in international trade. A multinational work group, including representatives from U.S. Occupational Safety & Health Administration (OSHA), began developing the standard, now termed the Globally Harmonized System (GHS).

The GHS was adopted by the United Nations (UN) in 2003 and there is an international goal for as many countries as possible to implement the GHS by 2008.

OSHA intends to revise the Hazard Communication Standard to align with the GHS and published an Advanced Notice of Proposed Rulemaking in the Sept. 12, 2006 Federal Register seeking public comment on the implementation of the GHS. Comments must be submitted to OSHA by Nov. 13, 2006.

Who Should Be Interested?

The current Hazard Communication Standard affects many, if not most, industrial and commercial employers in the US. Most will have developed Hazard Communication programs to meet the current OSHA requirements. Changes to the requirements will impact most of these companies.

The revision to the Hazard Communication Standard will also directly affect manufacturers and distributors of chemicals. These companies may need to review and revise existing Material Safety Data Sheets (MSDS) to meet new requirements.

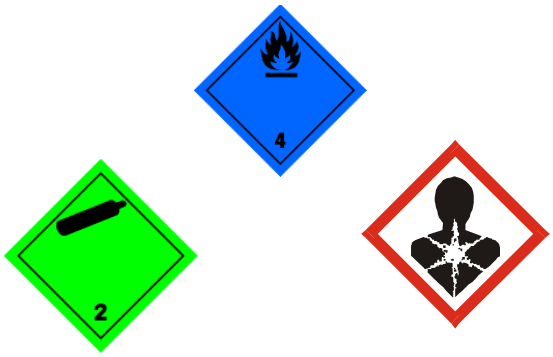
What Changes Are Proposed?

This section highlights some of the key changes reflected in the GHS compared to the current OSHA Hazard Communication Standard.

Labeling requirements. The GHS will expand the information required for labeling. Under the current OSHA requirements, labels need to identify: 1) chemical or common name, and 2) nature of hazard.

The GHS will require the label to include:

- Product identifier
- Identify chemicals present
- Signal word – "warning" or "danger"
- Hazard statement
- Standard hazard pictogram
- Precautionary statement or pictogram
- Supplier information



Hazard Classification. One of the most significant changes compared to the current OSHA requirement is the classification of hazards. Although the current standard does include a system of hazard classification, the GHS revises this classification system and the criteria used to assign hazards to chemicals. The GHS also incorporates a standard list of potential health effects to be considered.

Training. The training requirements under the GHS are less prescriptive compared the current OSHA Hazard Communication Standard.

Material Safety Data Sheets. The basic information required in an MSDS will be similar to what is currently familiar to most employees and employers. However, several sections will become mandatory; these include Ecological Information, Transportation Information, Disposal Information & Regulatory Information. Although these sections are often voluntarily included in MSDS, the GHS will require they be included in all MSDSs.

Transportation Placarding. The GHS provides for standard pictograms to be used to mark dangerous goods in transport. Below are some examples of pictograms that are included:

Response To GHS From Other US Agencies

The communication of hazards is also regulated by other agencies. The USEPA regulates labeling and hazard communication for pesticides; the US DOT regulates the labeling and placarding of hazardous materials while in transport. These agencies will also be responding to the GHS. DOT is currently working to implement the GHS into its program and could be finished as early as 2007. EPA has outlined initial thinking on the application of the GHS to pesticide labels in a white paper and has solicited public comment on its plans through a notice published in the *Federal Register* (the comment period ended in December 2004).

Relationships to Other Regulations

Although required by OSHA, the information contained in an MSDS will be used by other regulatory programs.

For example, many facilities that have an air emission permit and must prepare an annual air emission inventory (AEI) will utilize the information contained in their raw material MSDSs to determine their facility emissions. Facilities may also use the MSDS data to determine if wastes contain chemicals that are used to identify "hazardous wastes".

Previously, information on other regulations that may apply to a chemical has not been required to be included in an MSDS. This is primarily due to the fact that OSHA, the agency requiring the MSDS, did not have authority in these other areas.

In many cases, companies preparing MSDSs have included information on other regulatory programs. For example, an MSDS will often list the Reportable Quantity (RQ) under CERCLA in the event of spills.

Under the GHS, information on other regulations that apply to the substance is required on the MSDS. One of the challenges chemical manufacturers and distributors will have is to determine what regulations apply – especially considering that this is an "international" system, and therefore would not be limited to the regulations of one country, such as the US.

What Should I Be Doing?

The recent publication by OSHA is an advance notice of rulemaking. There is nothing required of employers at this time.

However, OSHA is soliciting comments on the GHS. The comment period is open for 60 days, which ends on November 13, 2006 (see link below)

http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-7584.pdf

Parties wishing to comment on the draft can do so by submitting written comments by email, on disk or CD-ROM, by mail, or by hand delivery.

The complete text of the GHS document can be obtained through the UNECE website at the following URL:

http://www.unece.org/trans/danger/publi/ghs/ghs_rev00/00files_e.html

The UN website also provides access to various summary documents and supporting information which may be of interest, or useful in preparing written comments.

Once the comment period is over, OSHA will review the comments received and will incorporate them into rulemaking, as they deem appropriate.

Regulatory Briefings are published periodically by Caltha to highlight new or proposed environmental, health & safety regulations.

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