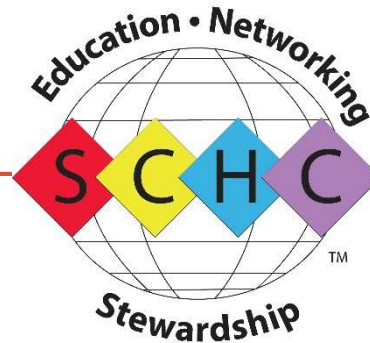


HAZARD COMMUNICATION STANDARD HIGHLIGHTS



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OSHA, Office of Health Enforcement
September 26, 2017

Overview

- **Highlighted HCS issues covering:**
 - **Use of Concentration Ranges & Trade Secret**
 - **Labeling**
 - June 1/December 1
 - HNOC
 - HCS v. DOT
 - Other Information
 - Colored bottles
- **Hazard Communication enforcement**



SAMPLE LABEL

CODE _____	Product Identifier	Hazard Pictograms
Product Name _____		 
Company Name _____	Supplier Identification	Signal Word
Street Address _____		Danger
City _____ State _____		Hazard Statements
Phone Code _____ Country _____		Precautionary Statements
Emergency Phone Number _____		Supplemental Information

Keep container tightly closed. Store in a cool, well-ventilated area that is locked.
 Keep away from heat/spark/open flame. No smoking.
 Only use non-sparking tools.
 Use explosion proof electrical equipment.
 Take appropriate measures against static discharge.
 Ground and bond container and receiving equipment.
 Do not breathe vapors.
 Wear protective gloves.
 Do not eat, drink or smoke when using this product.
 Wash hands thoroughly after handling.
 Dispose of in accordance with local, regional, national, international regulations as specified.

First Aid
 If inhaled: Call Poison Center.
 If on skin or hair: Take off contaminated clothing. Wash skin with water.

Supplemental Information
 Instructions for Use _____
 Fill weight _____ Lit. Number _____
 Gross weight _____ PZ # _____
 Expiration Date _____



Concentration Ranges/ Trade Secret

- **A concentration range may be used when:**
 - A trade secret claim has been made (for the exact percentage);
 - There is batch-to-batch variability in the production of a mixture; or
 - for a group of substantially similar mixtures with similar chemical composition.
- **Trade secret status may be claimed for exact percentage composition but not for concentration ranges.**
- **When classifier uses a range of concentrations:**
 - must be sufficiently narrow to meet the intent of disclosing the actual concentration;
 - Accurate representation of the variation.
- **The hazard classification must reflect the highest degree of hazard that the mixture could present.**
- **FAQ developed and posted.**
 - Haz Com Web page under Highlights: NEW [Use of concentration ranges on SDSs FAQ](#)

Concentration Ranges/ Trade Secret

Does the Mfg/Imp consider the specific chemical identity a trade secret?	Is the Mfg/Imp using an exact percentage or percentage range to identify the ingredient?	Can the percentage be claimed as a trade secret?	Trade secret indication
Yes	Exact percentage	Yes	SDS indicates the ingredient name and/or exact percentage is being withheld as a trade secret.
No	Exact percentage	Yes	SDS indicates the exact percentage is being withheld as a trade secret but <u>not</u> the ingredient name.
Yes	Percentage range	No	SDS indicates the ingredient name is being withheld as a trade secret but <u>not</u> the percentage range.
No	Percentage range	No	SDS may not indicate either the ingredient name or percentage range as a trade secret.

Packaged for Shipment HCS 2012 Compliant Labels

- **Guidance from 2015:**
 - June 1 – manufacturer or importer must have an HCS 2012-compliant label for each shipped container
 - December 1 – distributor must have an HCS 2012-compliant label for each shipped container
- Existing stock – containers were allowed to be shipped with HCS 1994 labels under certain circumstances

- **June 1, 2017 & December 1, 2017**
- **All containers shipped must be HCS 2012-compliant labeled**

SAMPLE LABEL

CODE _____ Product Name _____	} Product Identifier	Hazard Pictograms
Company Name _____ Street Address _____ City _____ State _____ Postal Code _____ Country _____ Emergency Phone Number _____	} Supplier Identification	
Keep container tightly closed. Store in a cool, well-ventilated place that is locked. Keep away from heat/sparks/open flame. No smoking. Only use non-sparking tools. Use explosion-proof electrical equipment. Take precautionary measures against static discharge. Ground and bond container and receiving equipment. Do not breathe the vapors. Wear protective gloves. Do not eat, drink or smoke when using this product. Wash hands thoroughly after handling. Dispose of in accordance with local, regional, national, international regulations as specified.		Signal Word Danger
Precautionary Statements In Case of Fire: use dry chemical (BC) or Carbon Dioxide (CO ₂) fire extinguisher to extinguish. First Aid If exposed call Poison Center. If on skin (or hair): Take off immediately any contaminated clothing. Rinse skin with water.		
		Hazard Statements Highly flammable liquid and vapor. May cause liver and kidney damage.
		Supplemental Information Directions for Use _____ _____ _____ Fill weight: _____ Lot Number: _____ Gross weight: _____ Fill Date: _____ Expiration Date: _____

OSHA 3492-01R 2016

Hazards Not Otherwise Classified (HNOC)

- Hazard Communication Directive CPL 02-02-079 states:
 - “The manufacturer, importer or distributor may include hazard symbols on the label or SDS for HNOCs as long as that symbol is not an HCS 2012 pictogram and does not contradict or cast doubt on the information that is required.”

Change in Guidance

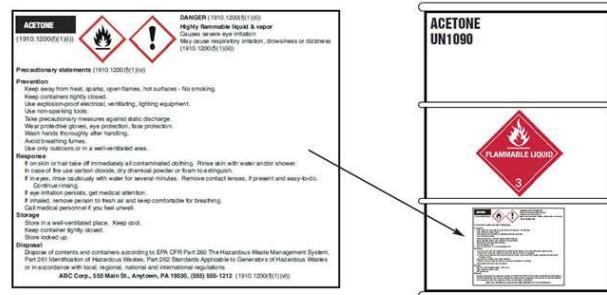


HNOC

- OSHA will allow the use of the exclamation mark pictogram for HNOCs:
 - “HNOC” or “Hazard Not Otherwise Classified” must appear below the exclamation mark pictogram.
- Exclamation point pictogram may only appear once on a label.

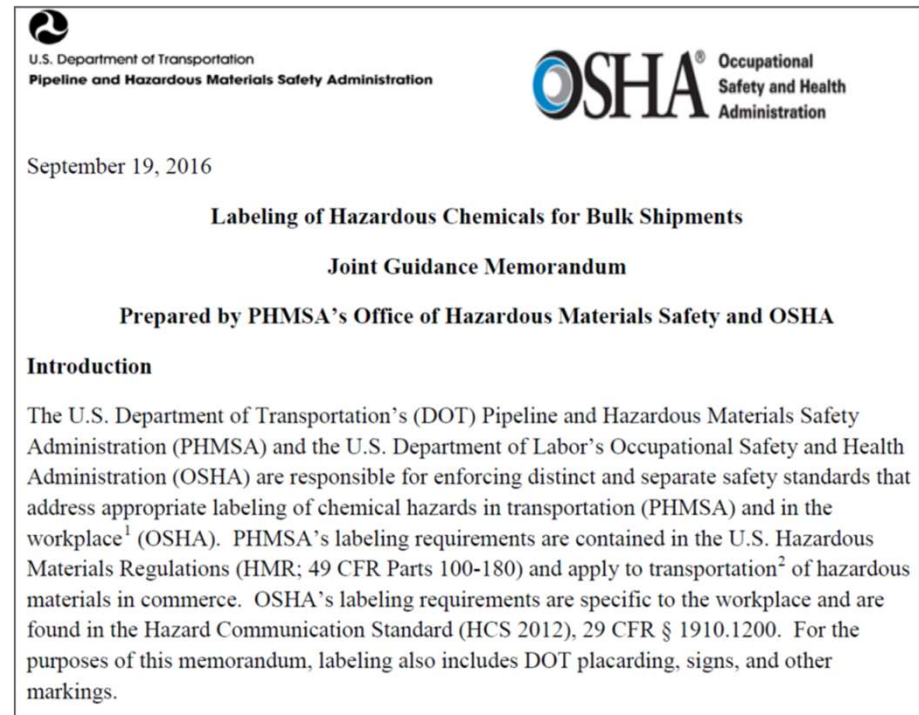
HCS vs. DOT (PHMSA) Labeling

- Two points of concern:
 - Applicability of OSHA HCS labeling:
 - on DOT placarded bulk shipments (rail car/tanker truck); and
 - on tanks containing material not requiring DOT placarding.
- Guidance in HCS CPL 02-02-079; same since 1994.
- During transportation, HCS 2012 labeling is not required on shipping containers, even when DOT's Hazardous Materials Regulation (HMR) does not require labeling in transportation.



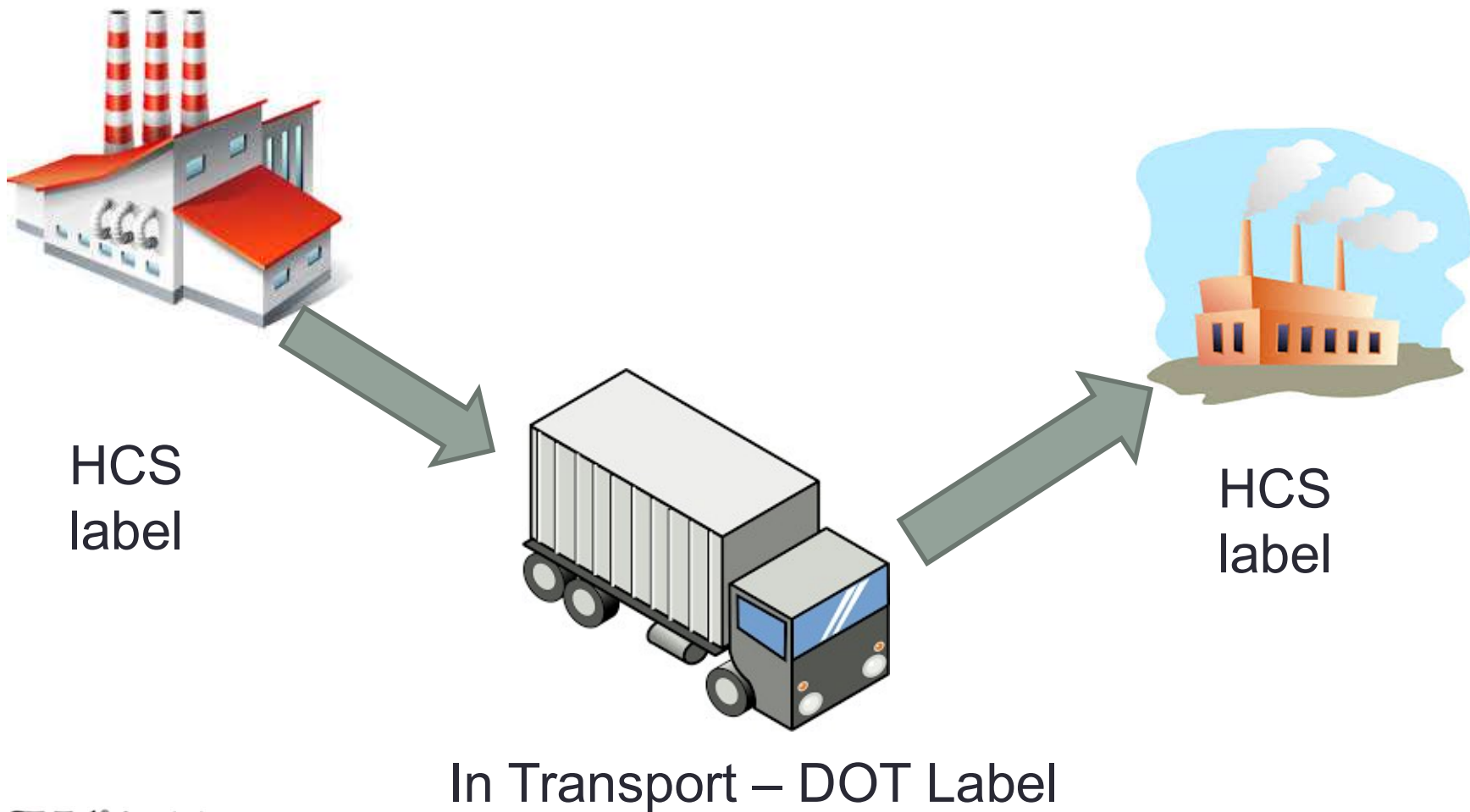
HCS vs. DOT (PHMSA) Labeling

- **OSHA requires HCS 2012 labeling both before and after transportation in commerce.**
- **Label included in shipping papers, bills of lading, or by other technological or electronic means so that the label is immediately available in printed form on the receiving end of a shipment.**

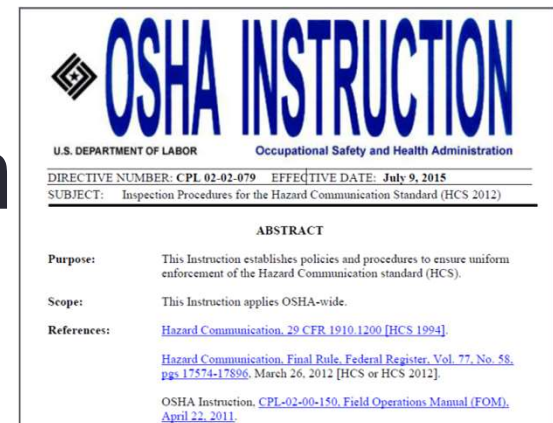


https://www.osha.gov/dsg/hazcom/joint_phmsa_memo_09192016.html

HCS versus DOT label



Use of Other Information



- **Question:** Is a safety data sheet allowed as other information under workplace labeling, 1910.1200(f)(6)(ii), and/or individual stationary process containers, 1910.1200(f)(7)
- It was brought to our attention that the wording in CPL 02-02-073 is confusing.
- **Answer:** An SDS may be used to supplement hazard warnings as “other information readily available” or “other such written materials.”
- Future HCS compliance directive will contain clearer language

Colored Containers/Caps

- **Question:** Are colored containers or caps allowed to meet the labeling requirements for workplace container labeling - 1910.1200(f)(6)(ii)?

Answer: No. A colored container (or the color spelled out) or cap is not a “name or number,” associated with the chemical and it does not “allow cross-references to be made among the list of hazardous chemicals required in the written hazard communication program, the label and the SDS.” 29 CFR 1910.1200(c) (definition of “product identifier”).



Hazard Communication Violations

12/1/13-9/1/16
(federal data only)

20,708

**Serious –
11,891**

Willful - 15

**Repeat -
535**

**Other –
8,267**

1910.1200(e)(1) – written program

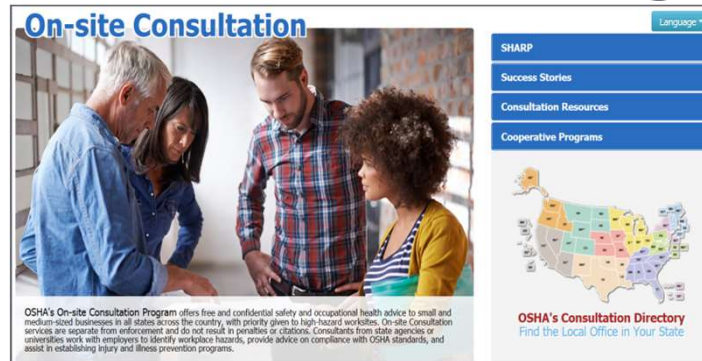
1910.1200(h)(1) – information and training program

1910.1200(g)(8) – maintain SDS for each hazardous chemical and readily accessible during each work shift

1910.1200(h)(3)(iv) – training on shipped labels, workplace labeling & SDS and how employees can obtain and use the appropriate hazard information.

1910.1200(g)(1) – Mfg/Imp obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet for each hazardous chemical which they use.

OSHA On-Site Consultation Program



<http://www.osha.gov/dcsp/smallbusiness/consult.html>

- ▶ **Free and confidential advice to small and medium-sized businesses in all states.**
- ▶ **On-site Consultation services are separate from enforcement and do not result in penalties or citations.**
- ▶ **Consultants from state agencies or universities:**
 - ▶ **Work with employers to identify workplace hazards;**
 - ▶ **Provide advice on compliance with OSHA standards; and**
 - ▶ **Assist in establishing injury and illness prevention programs.**



Questions ?

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