

**OCCUPATIONAL SAFETY STANDARDS COMMISSION**  
**Adoption by Reference**  
**Bulletin #12-02**

Indiana Code 22-8-1.1-16.2 provides that a United States Occupational Safety and Health Administration (OSHA) standard lawfully adopted by OSHA under federal law may be enforced by the Indiana Department of Labor not earlier than sixty (60) days after the final standard by federal OSHA becomes effective. The Indiana Department of Labor shall publish a statement describing a standard enforceable under this section and making reference to the federal regulation. The statement must be published under Indiana Code 4-22-7-7(b).

The Indiana Department of Labor incorporates by reference the U.S. Department of Labor, Occupational Safety and Health Administration provisions that amend 29 CFR Parts 1910, 1915, and 1926, the final rule on Hazard Communication. The Indiana Department of Labor incorporates by reference the standard 29 CFR Parts 1910, 1915, and 1926, as published in the Federal Register, March 26, 2012, Volume 77, pages 17574 through 17896.

Federal effective dates: May 25, 2012.

Indiana effective dates: July 24, 2012

Lori A. Torres  
Commissioner



**Hazard Communication Standard 1994**  
*as compared to*  
**Hazard Communication Standard of 2012**  
**Including Global Harmonization Amendments**

**April, 2012**

## Side-by-Side Comparison of OSHA's Existing Hazard Communication Standard (HCS 1994) vs. the Revised Hazard Communication Standard (HCS 2012)

This document provides a comparison of the changes from the existing Hazard Communication Standard (the current Hazard Communication Standard, 1910.1200, as published in the Code of Federal Regulations (CFR) on March 11, 1994; herein referred to as HCS 1994) and the final rule revising the Hazard Communication Standard to be consistent with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (herein referred to as the HCS 2012).

The HCS 1994 is a performance-oriented standard that provides guidance for defining hazards and for performing hazard determinations. However, the current standard does not specify an approach or format to follow. The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) has certain aspects that are performance-oriented, but the key provisions are a *uniformity-oriented* approach for the classification and presentation, through labeling and safety data sheets, of hazard information.

The HCS 2012 is written as a modification to the existing standard, and those parts of the standard that do not relate to the GHS, or are already consistent with it remain unchanged. Additionally, some minor changes to terminology have been made in order to align this rule with language used in the GHS. For example, the term "hazard determination" has been changed to "hazard classification" and "material safety data sheet" has been changed to "safety data sheet."

The following side-by-side comparison shows the changes made to the HCS 1994 as stricken text in the left-hand column. Additions or changes made to the existing HCS (1994) to create the revised HCS (aligning the HCS with the GHS, and effective 2012) are shown as underlined text in the right-hand column.

### Purpose.

The Hazard Communication Standard (HCS) 1994 includes a paragraph that describes the purpose of the HCS, and addresses preemption of state and local laws. The Hazard Communication Standard (HCS 2012) includes essentially the same paragraph as the HCS 1994. The primary modification to this paragraph is to state affirmatively that part of the purpose is to harmonize with international requirements. OSHA also clarified the standard's preemptive affect on State laws. Other than terminology, no additional substantive changes have been made in this paragraph of the HCS.

#### HCS 1994

##### (a) Purpose.

(a)(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material-safety data sheets and employee training.

(a)(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, and to preempt any legal requirements of a state, or political subdivision of a state, pertaining to this subject. ~~Evaluating~~ the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: developing and maintaining a written hazard communication program for the workplace, including lists of

#### HCS 2012

##### (a) Purpose.

(a)(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. The requirements of this section are intended to be consistent with the provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS), Revision 3. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training.

(a)(2) This occupational safety and health standard is intended to address comprehensively the issue of classifying the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, and to preempt any legislative or regulatory enactments of a state, or political subdivision of a state, pertaining to this subject. Classifying the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to

hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures. Under section 18 of the Act, no state or political subdivision of a state may adopt or enforce, ~~through any court or agency,~~ any requirement relating to the issue addressed by this Federal standard, except pursuant to a Federally-approved state plan.

employees, may include, for example, but is not limited to, provisions for: developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures. Under section 18 of the Act, no state or political subdivision of a state may adopt or enforce any requirement relating to the issue addressed by this Federal standard, except pursuant to a Federally-approved state plan.

### ***Scope and Application.***

In this paragraph, OSHA has removed reference to Appendix E, which previously provided employers with guidance information regarding the determination of their compliance obligations. Rather than include this information in the Appendix, OSHA will provide separate guidance documents to employers. Additionally, this paragraph in the HCS 2012 will continue to address the many practical accommodations OSHA has made regarding application of the HCS to different types of workplaces, as well as deal with the interface of the HCS to other Federal laws that address similar areas. No changes in these rules are necessary to incorporate the GHS; therefore, only terminology changes have been made in this paragraph of the HCS.

#### **HCS 1994**

#### **HCS 2012**

##### ***(b) Scope and application.***

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(b)(1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers. (Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers. ~~Appendix E of this section is a general guide for such employers to help them determine their compliance obligations under the rule.~~)

(b)(1) This section requires chemical manufacturers or importers to classify the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers. (Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers.)

(b)(2) This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

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(b)(3) This section applies to laboratories only as follows:

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(b)(3)(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

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hazardous chemicals, and ensure that they are readily accessible during each work shift to laboratory employees when they are in their work areas;

(b)(3)(iii) Employers shall ensure that laboratory employees are provided information and training in accordance with paragraph (h) of this section, except for the location and availability of the written hazard communication program under paragraph (h)(2)(iii) of this section; and,

(b)(3)(iv) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with paragraph (f)(1) of this section, and that a material safety data sheet is provided to distributors and other employers in accordance with paragraphs (g)(6) and (g)(7) of this section.

(b)(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to these operations only as follows:

(b)(4)(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b)(4)(ii) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and,

(b)(4)(iii) Employers shall ensure that employees are provided with information and training in accordance with paragraph (h) of this section (except for the location and availability of the written hazard communication program under paragraph (h)(2)(iii) of this section), to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(b)(5) This section does not require labeling of the following chemicals:

(b)(5)(i) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(b)(5)(ii) Any chemical substance or mixture as such terms

their work areas;

(b)(3)(iii) Employers shall ensure that laboratory employees are provided information and training in accordance with paragraph (h) of this section, except for the location and availability of the written hazard communication program under paragraph (h)(2)(iii) of this section; and,

(b)(3)(iv) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with paragraph (f) of this section, and that a safety data sheet is provided to distributors and other employers in accordance with paragraphs (g)(6) and (g)(7) of this section.

(b)(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to these operations only as follows:

(b)(4)(i) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b)(4)(ii) Employers shall maintain copies of any safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a safety data sheet if an employee requests the safety data sheet, and shall ensure that the safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and,

(b)(4)(iii) Employers shall ensure that employees are provided with information and training in accordance with paragraph (h) of this section (except for the location and availability of the written hazard communication program under paragraph (h)(2)(iii) of this section), to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

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(b)(5)(ii) Any chemical substance or mixture as such terms are defined in the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of

are defined in the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(b)(5)(iii) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g. flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. 151 et seq.), and regulations issued under those Acts, when they are subject to the labeling requirements under those Acts by either the Food and Drug Administration or the Department of Agriculture;

(b)(5)(iv) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, and Firearms;

(b)(5)(v) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those Acts, or regulations issued under those Acts by the Consumer Product Safety Commission; and,

(b)(5)(vi) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling regulations issued under that Act by the Department of Agriculture.

(b)(6) This section does not apply to:

(b)(6)(i) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(b)(6)(ii) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the Environmental Protection Agency regulations.

(b)(6)(iii) Tobacco or tobacco products;

(b)(6)(iv) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or

that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(b)(5)(iii) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g. flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. 151 et seq.), and regulations issued under those Acts, when they are subject to the labeling requirements under those Acts by either the Food and Drug Administration or the Department of Agriculture;

(b)(5)(iv) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that Act, when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(b)(5)(v) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those Acts, or regulations issued under those Acts by the Consumer Product Safety Commission; and,

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(b)(6)(iii) Tobacco or tobacco products;

(b)(6)(iv) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility

importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);

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(b)(6)(v) Articles (as that term is defined in paragraph (c) of this section);

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(b)(6)(vi) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(b)(6)(vi) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(b)(6)(vii) 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);

(b)(6)(vii) 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);

(b)(6)(viii) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(b)(6)(viii) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(b)(6)(ix) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(b)(6)(ix) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(b)(6)(x) Nuisance particulates where the chemical manufacturer or importer can establish that they do not pose any physical or health hazard covered under this section;

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(b)(6)(xi) Ionizing and nonionizing radiation; and,

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(b)(6)(xii) Biological hazards.

(b)(6)(xii) Biological hazards.

### **Definitions.**

Several key changes have been made to update the definitions section. This final rule provides more detailed physical and health hazard criteria. However, this information has now been moved from this section into Appendices A and B.

Additionally, in order to be consistent with the GHS, OSHA has added, deleted, and modified a number of the definitions. The

following changes were made to definitions in the HCS 2012:

**Added** the following definitions: Classification, Hazard category, Hazard class, Hazard not otherwise classified, Hazard statement, Label elements, Pictogram, Precautionary statement, Product identifier, Pyrophoric Gas, Safety data sheet, Signal word, Simple asphyxiant, and Substance.

**Deleted** the following definitions: Combustible liquid, Compressed gas, Explosive, Flammable, Flashpoint, Hazard warning, Identity, Material safety data sheet, Organic peroxide, Oxidizer, Pyrophoric, Unstable (reactive), and Water-reactive.

**Revised** the following definitions: Chemical, Chemical name, Hazardous chemical, Health hazard, Label, Mixture, Physical hazard, and Trade secret.

The definition of Hazardous Chemical was located incorrectly in the HCS 1994 and here in this document it has been properly relocated to where it should have been placed in the correct alphabetical order. While it remains an important definition in both the HCS 1994 and the HCS 2012, the proper relocation in alphabetical order is the reason for this definition being struck in the

Refer to the Summary and Explanation of the Final Rule to gain a better understanding of the changes.

#### HCS 1994

##### (c) Definitions.

"Article" means a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Chemical" means any element, chemical compound or mixture of elements and/or compounds.

"Chemical manufacturer" means an employer with a workplace where chemical(s) are produced for use or distribution.

"Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

"Combustible liquid" means any liquid having a flashpoint at or above 100 deg. F (37.8 deg. C), but below 200 deg. F (93.3 deg. C); except any mixture having components with flashpoints of 200 deg. F (93.3 deg. C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

"Commercial account" means an arrangement whereby a retail distributor sells hazardous chemicals to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

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"Article" means a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Chemical" means any substance, or mixture of substances.

"Chemical manufacturer" means an employer with a workplace where chemical(s) are produced for use or distribution.

"Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name that will clearly identify the chemical for the purpose of conducting a hazard classification.

"Classification" means to identify the relevant data regarding the hazards of a chemical; review those data to ascertain the hazards associated with the chemical; and decide whether the chemical will be classified as hazardous according to the definition of hazardous chemical in this section. In addition, classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for health and physical hazards.

"Commercial account" means an arrangement whereby a retail distributor sells hazardous chemicals to an employer, generally

"Common name" means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Compressed gas" means:

- (i) ~~A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70 deg. F (21.1 deg. C); or~~
- (ii) ~~A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130 deg. F (54.4 deg. C) regardless of the pressure at 70 deg. F (21.1 deg. C); or~~
- (iii) ~~A liquid having a vapor pressure exceeding 40 psi at 100 deg. F (37.8 deg. C) as determined by ASTM D-323-72.~~

"Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

"Designated representative" means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Distributor" means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

"Employee" means a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

"Employer" means a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

~~"Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.~~

"Exposure or exposed" means that an employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g. accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (e.g. inhalation, ingestion, skin contact or absorption.)

in large quantities over time and/or at costs that are below the regular retail price.

"Common name" means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

"Designated representative" means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Distributor" means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

"Employee" means a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

"Employer" means a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

"Exposure or exposed" means that an employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g. accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (e.g. inhalation, ingestion, skin contact or absorption.)

"Foreseeable emergency" means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

"Hazard category" means the division of criteria within each hazard class, e.g., oral acute toxicity and flammable liquids include four hazard categories. These categories compare hazard severity within a hazard class and should not be taken as a comparison of hazard categories more generally.

"Hazard class" means the nature of the physical or health

"Flammable" means a chemical that falls into one of the following categories:

(i) "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(ii) "Gas, flammable" means: (A) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen (13) percent by volume or less; or

(B) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve (12) percent by volume, regardless of the lower limit;

(iii) "Liquid, flammable" means any liquid having a flashpoint below 100 deg. F (37.8 deg. C), except any mixture having components with flashpoints of 100 deg. F (37.8 deg. C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(iv) "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

"Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(i) Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100 deg. F (37.8 deg. C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(ii) Pensky Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100 deg. F (37.8 deg. C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(iii) Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint

hazards, e.g., flammable solid, carcinogen, oral acute toxicity.

"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 statement" means a statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including, where appropriate, the degree of hazard.

"Hazardous chemical" 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.

"Health hazard" means a chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to §1910.1200 -- Health Hazard Criteria.

"Immediate use" means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

"Importer" means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or employers within the United States.

"Label" means an appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

"Label elements" means the specified pictogram, hazard statement, signal word and precautionary statement for each hazard class and category.

"Mixture" means a combination or a solution composed of two or more substances in which they do not react.

"Physical hazard" means a chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating;

determination methods specified above.

"Foreseeable emergency" means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard.

"Hazard warning" means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See the definitions for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

"Identity" means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

"Immediate use" means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

"Importer" means the first business with employees within the Customs Territory of the United States which receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or employers within the United States.

"Label" means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

"Material safety data sheet (MSDS)" means written or printed material concerning a hazardous chemical which is prepared in accordance with paragraph (g) of this section.

"Mixture" means any combination of two or more chemicals if

organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to §1910.1200 -- Physical Hazard Criteria.

"Pictogram" means a composition that may include a symbol plus other graphic elements, such as a border, background pattern, or color, that is intended to convey specific information about the hazards of a chemical. Eight pictograms are designated under this standard for application to a hazard category.

"Precautionary statement" means a phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling.

"Product identifier" means the name or number used for a hazardous chemical on a label or in the SDS. It provides a unique means by which the user can identify the chemical. The product identifier used shall permit cross-references to be made among the list of hazardous chemicals required in the written hazard communication program, the label and the SDS.

"Produce" means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

"Pyrophoric gas" means a chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

"Responsible party" means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

"Safety data sheet (SDS)" means written or printed material concerning a hazardous chemical that is prepared in accordance with paragraph (g) of this section.

"Signal word" means a word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used in this section are "danger" and "warning." "Danger" is used for the more severe hazards, while "warning" is used for the less severe.

"*Simple asphyxiant*" means a substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

"Specific chemical identity" means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

"Substance" means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting

~~the combination is not, in whole or in part, the result of a chemical reaction.~~

~~the stability of the substance or changing its composition.~~

~~"Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.~~

"Trade secret" means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Appendix E to §1910.1200-Definition of Trade Secret, sets out the criteria to be used in evaluating trade secrets.

~~"Oxidizer" means a chemical other than a blasting agent or explosive as defined in 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.~~

"Use" means to package, handle, react, emit, extract, generate as a byproduct, or transfer.

~~"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.~~

"Work area" means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

~~"Produce" means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.~~

"Workplace" means an establishment, job site, or project, at one geographical location containing one or more work areas.

~~"Pyrophoric" means a chemical that will ignite spontaneously in air at a temperature of 130 deg. F (54.4 deg. C) or below.~~

"Responsible party" means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

"Specific chemical identity" means the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

"Trade secret" means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Appendix D sets out the criteria to be used in evaluating trade secrets.

~~"Unstable (reactive)" means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.~~

"Use" means to package, handle, react, emit, extract, generate as a byproduct, or transfer.

~~"Water reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.~~

"Work area" means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

"Workplace" means an establishment, job site, or project, at one geographical location containing one or more work areas.

## ***Hazard classification.***

The hazard classification approach in the GHS is quite different from the performance-oriented approach in the HCS 1994. The GHS has specific criteria for each health and physical hazard, along with detailed instructions for hazard evaluation and determinations as to whether mixtures of the substance are covered. OSHA has included the general provisions for hazard classification in paragraph (d) of the revised rule, and added extensive appendixes that address the criteria for each health or physical effect. Mandatory Appendixes A and B provide classification guidance for Health Hazards and Physical Hazards, respectively. The hazard classification criteria contained in the HCS 2012 is test method-neutral. That is, the person classifying a chemical or substance should use available data and no additional testing is required to classify a chemical.

Please refer to the Summary and Explanation of the Final Rule to gain a better understanding of the changes.

### **HCS 1994**

#### ***(d) Hazard determination.***

(d)(1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(d)(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning such hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this section. Appendix A shall be consulted for the scope of health hazards covered, and Appendix B shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(d)(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(d)(3)(i) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or,

(d)(3)(ii) "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment," American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition). The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of this standard.

(d)(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(d)(4)(i) National Toxicology Program (NTP), "Annual Report on Carcinogens" (latest edition);

### **HCS 2012**

#### ***(d) Hazard classification.***

(d)(1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with this section. For each chemical, the chemical manufacturer or importer shall determine the hazard classes, and where appropriate, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(d)(2) Chemical manufacturers, importers or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. Appendix A to §1910.1200 shall be consulted for classification of health hazards, and Appendix B to §1910.1200 shall be consulted for the classification of physical hazards.

#### ***(d)(3) Mixtures.***

(d)(3)(i) Chemical manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendixes A and B to §1910.1200 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section.

(d)(3)(ii) When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of the individual ingredients except where the chemical manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.

(d)(4)(ii) International Agency for Research on Cancer (IARC) "Monographs" (latest editions); or

(d)(4)(iii) 29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: The "Registry of Toxic Effects of Chemical Substances" published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(d)(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(d)(5)(i) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(d)(5)(ii) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under paragraph (d)(4) of this section;

(d)(5)(iii) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and,

(d)(5)(iv) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health risk to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(d)(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director. The written description may be incorporated into the written hazard communication program required under paragraph (e) of this section.

### ***Hazard Communication Program.***

This section of the HCS 1994 was retained. As the GHS does not include any requirements regarding Hazards Communication Programs, OSHA is maintaining the provisions of the HCS 1994. No substantive changes (only terminology) have been made in this paragraph of the HCS.

*(e) Written hazard communication program.**(e) Written hazard communication program.*

(e)(1) Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material-safety data sheets, and employee information and training will be met, and which also includes the following:

(e)(1) Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(e)(1)(i) A list of the hazardous chemicals known to be present using an ~~identity~~ that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,

(e)(1)(i) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,

(e)(1)(ii) 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.

(e)(1)(ii) 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.

(e)(2) "Multi-employer workplaces." Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) shall additionally ensure that the hazard communication programs developed and implemented under this paragraph (e) include the following:

(e)(2) "Multi-employer workplaces." Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) shall additionally ensure that the hazard communication programs developed and implemented under this paragraph (e) include the following:

(e)(2)(i) The methods the employer will use to provide the other employer(s) on-site access to material-safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(e)(2)(i) The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(e)(2)(ii) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,

(e)(2)(ii) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,

(e)(2)(iii) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

(e)(2)(iii) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

(e)(3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this paragraph (e).

(e)(3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this paragraph (e).

(e)(4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director, in accordance with the requirements of 29 CFR 1910.1020 (e).

(e)(4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, the Assistant Secretary and the Director, in accordance with the requirements of 29 CFR 1910.1020 (e).

(e)(5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

(e)(5) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the written hazard communication program may be kept at the primary workplace facility.

## Labels.

This paragraph has been extensively re-written. While, the HCS 1994 had a simple and performance-oriented approach to labels, this final rule sets forth detailed and specific provisions for labeling. Additionally, a new mandatory Appendix C indicates what specific information is to be provided for each hazard class and category once a chemical is classified.

Under this revised paragraph; chemical manufacturers and importers must provide a label that includes: the product identifier, supplier information which is to include name, address and phone number of manufacturer, importer or distributor; and the signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided. The HCS 1994 does not require the use of pictograms, specific signal words, or precautionary statements.

### HCS 1994

### HCS 2012

#### (f) *Labels and other forms of warning.*

#### (f) *Labels and other forms of warning.*

(f)(1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(f)(1) Labels on shipped containers. The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the chemical manufacturer or importer is required to label, tag or mark the following information shall be provided:

(f)(1)(i) Identity of the hazardous chemical(s);

(f)(1)(i) Product identifier;

(f)(1)(ii) ~~Appropriate hazard warnings;~~ and

(f)(1)(ii) Signal word;

(f)(1)(iii) Name and address of the chemical manufacturer, importer, or other responsible party.

(f)(1)(iii) Hazard statement(s);

(f)(1)(iv) Pictogram(s);

(f)(2)(i) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

(f)(1)(v) Precautionary statement(s); and,

(f)(1)(vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.

(f)(2)(ii) The label may be transmitted with the initial shipment itself, or with the material-safety data sheet that is to be provided prior to or at the time of the first shipment; and,

(f)(2) The chemical manufacturer, importer, or distributor shall ensure that the information provided under paragraphs (f)(1)(i) through (v) of this section is in accordance with Appendix C to §1910.1200, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).

(f)(2)(iii) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).

(f)(3) The chemical manufacturer, importer, or distributor shall ensure that the information provided under paragraphs (f)(1)(ii) through (iv) of this section is located together on the tag, label or mark.

(f)(3) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(f)(4) Solid materials

(f)(4)(i) For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

~~(f)(4) If the hazardous chemical is regulated by OSHA in a substance specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.~~

(f)(4)(ii) The label may be transmitted with the initial shipment

(f)(5) Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(f)(5)(i) ~~Identity of the hazardous chemical(s) contained therein; and;~~

(f)(5)(ii) ~~Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.~~

(f)(6) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by paragraph (f)(5) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(f)(7) 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. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

(f)(8) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(f)(9) The employer shall ensure that 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.

~~(f)(10) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.~~

(f)(11) 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 three months of becoming aware of the new information. Labels on containers of hazardous chemicals shipped after that time shall contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importers, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and,

(f)(4)(iii) This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).

(f)(5) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(f)(6) Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

(f)(6)(i) The information specified under paragraphs (f)(1)(i) through (v) of this section for labels on shipped containers; or,

(f)(6)(ii) Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

(f)(7) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by paragraph (f)(6) of this section to be on a label. The employer shall ensure the written materials are readily accessible to the employees in their work area throughout each work shift.

(f)(8) 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. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

(f)(9) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(f)(10) The employer shall 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

speakers of other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(f)(11) 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.

## HCS Pictograms and Hazards

### Health Hazard



- Carcinogen
- Mutagenicity
- Reproductive Toxicity
- Respiratory Sensitizer
- Target Organ Toxicity
- Aspiration Toxicity

### Flame



- Flammables
- Pyrophorics
- Self-Heating
- Emits Flammable Gas
- Self-Reactives
- Organic Peroxides

### Exclamation Mark



- Irritant (skin and eye)
- Skin Sensitizer
- Acute Toxicity
- Narcotic Effects
- Respiratory Tract Irritant
- Hazardous to Ozone Layer (Non-Mandatory)

### Gas Cylinder



- Gases Under Pressure

### Corrosion



- Skin Corrosion/Burns
- Eye Damage
- Corrosive to Metals

### Exploding Bomb



- Explosives
- Self-Reactives
- Organic Peroxides

### Flame Over Circle



- Oxidizers

### Environment

(Non-Mandatory)



- Aquatic Toxicity

### Skull and Crossbones



- Acute Toxicity (fatal or toxic)

Safety Data Sheets, previously referred to as Material Safety Data Sheets, will now require a 16-section format that is essentially the same as the ANSI standard for *Hazardous Workplace Chemicals-Hazard Evaluation and Safety Data Sheets and Precautionary Labeling Preparation* (ANSI Z400.1 & Z129.1 - 2010), already familiar to U.S. employers. Paragraph (g) lists the sections in the order they are to be provided on the Safety Data Sheets.

This paragraph is supplemented by new mandatory Appendix D, which details the information to be included under each heading. The HCS 1994 requires similar information, but allows any format to be used. This final rule is designed more in-line with the GHS, which has a uniform approach. This uniformity will improve the effectiveness of the safety data sheet, as well as make it easier for employers to comply.

The appendix to this side-by-side analysis compares the requirements of the new mandatory Appendix D of the final rule to the current requirements of the HCS 1994.

### HCS 1994

### HCS 2012

#### (g) *Material safety data sheets.*

#### (g) *Safety data sheets.*

(g)(1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet in the workplace for each hazardous chemical which they use.

(g)(1) Chemical manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet in the workplace for each hazardous chemical which they use.

(g)(2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages as well), and shall contain at least the following information:

(g)(2) The chemical manufacturer or importer preparing the safety data sheet shall ensure that it is in English (although the employer may maintain copies in other languages as well), and includes at least the following section numbers and headings, and associated information under each heading, in the order listed (See Appendix D to §1910.1200--Safety Data Sheets, for the specific content of each section of the safety data sheet):

(g)(2)(i) The identity used on the label, and, except as provided for in paragraph (i) of this section on trade secrets:

(i) Section 1, Identification;

(g)(2)(i)(A) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) Section 2, Hazard(s) identification;

(g)(2)(i)(B) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) Section 3, Composition/information on ingredients;

(iv) Section 4, First-aid measures;

(g)(2)(i)(C) If the hazardous chemical is a mixture which has not been tested as a whole:

(v) Section 5, Fire-fighting measures;

(vi) Section 6, Accidental release measures;

(g)(2)(i)(C)(1) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under paragraph (d) of this section shall be listed if the concentrations are 0.1% or greater; and,

(vii) Section 7, Handling and storage;

(viii) Section 8, Exposure controls/personal protection;

(g)(2)(i)(C)(2) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than 1% (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health risk to employees; and,

(ix) Section 9, Physical and chemical properties;

(x) Section 10, Stability and reactivity;

(xi) Section 11, Toxicological information.

(xii) Section 12, Ecological information;

(xiii) Section 13, Disposal considerations;

(g)(2)(i)(C)(3) The chemical and common name(s) of all ingredients which have been determined to present a physical

(xiv) Section 14, Transport information;

hazard when present in the mixture;

(xv) Section 15, Regulatory information; and

(g)(2)(ii) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(xvi) Section 16, Other information, including date of preparation or last revision.

(g)(2)(iii) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

Note 1 to paragraph (g)(2): To be consistent with the GHS, an SDS must also include the headings in paragraphs (g)(2)(xii) through (g)(2)(xv) in order.

(g)(2)(iv) The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

Note 2 to paragraph (g)(2): OSHA will not be enforcing information requirements in sections 12 through 15, as these areas are not under its jurisdiction.

(g)(2)(v) The primary route(s) of entry;

(g)(3) 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.

(g)(2)(vi) The OSHA permissible exposure limit, ACGIH Threshold Limit Value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g)(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one safety data sheet to apply to all of these similar mixtures.

(g)(2)(vii) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by OSHA;

(g)(5) The chemical manufacturer, importer or employer preparing the safety data sheet shall ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If the chemical manufacturer, importer or employer preparing the safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the safety data sheet before the chemical is introduced into the workplace again.

(g)(2)(viii) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(g)(2)(ix) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(g)(6)(i) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate safety data sheet with their initial shipment, and with the first shipment after a safety data sheet is updated;

(g)(2)(x) Emergency and first aid procedures;

(g)(2)(xi) The date of preparation of the material safety data sheet or the last change to it; and;

(g)(6)(ii) The chemical manufacturer or importer shall either provide safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

(g)(2)(xii) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(g)(6)(iii) If the safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and,

(g)(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(g)(6)(iv) The chemical manufacturer or importer shall also provide distributors or employers with a safety data sheet upon request.

(g)(4) Where complex mixtures have similar hazards and

(g)(7)(i) Distributors shall ensure that safety data sheets, and updated information, are provided to other distributors and

contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material-safety data sheet to apply to all of these similar mixtures.

(g)(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(g)(6)(i) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated;

(g)(6)(ii) The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

(g)(6)(iii) If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and,

(g)(6)(iv) The chemical manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.

(g)(7)(i) Distributors shall ensure that material-safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material-safety data sheet is updated;

(g)(7)(ii) The distributor shall either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(g)(7)(iii) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material-safety data sheet is available;

(g)(7)(iv) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also provide material-safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a material-safety data sheet is

employers with their initial shipment and with the first shipment after a safety data sheet is updated;

(g)(7)(ii) The distributor shall either provide safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(g)(7)(iii) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a safety data sheet is available;

(g)(7)(iv) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also provide safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a safety data sheet is available;

(g)(7)(v) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have safety data sheets on file (i.e., the retail distributor does not have commercial accounts and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a safety data sheet can be obtained;

(g)(7)(vi) Wholesale distributors shall also provide safety data sheets to employers or other distributors upon request; and,

(g)(7)(vii) Chemical manufacturers, importers, and distributors need not provide safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(g)(8) The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(g)(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the safety data sheets may be kept at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(g)(10) Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each

available;

work shift to employees when they are in their work area(s).

(g)(7)(v) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material-safety data sheets on file (i.e., the retail distributor does not have commercial accounts and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material-safety data sheet can be obtained;

(g)(11) Safety data sheets shall also be made readily available, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements

(g)(7)(vi) Wholesale distributors shall also provide material safety data sheets to employers or other distributors upon request; and,

(g)(7)(vii) Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(g)(8) The employer shall maintain in the workplace copies of the required material-safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material-safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(g)(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(g)(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(g)(11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the Assistant Secretary, in accordance with the requirements of 29 CFR 1910.1020(e). ~~The Director shall also be given access to material safety data sheets in the same manner.~~

### ***Training and Information.***

The provisions in paragraph (h) indicate that the new label, safety data sheet formats and presentation of information must be discussed in training. All employers will be required to conduct additional training to ensure that their employees are familiar with the new standardized labels and safety data sheets. Otherwise, the training provisions remain the same as the HCS 1994.

(h) *Employee information and training.*

(h)(1) Employers shall 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 ~~physical or health 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 ~~material~~ safety data sheets.

(h)(2) Information. Employees shall be informed of:

(h)(2)(i) The requirements of this section;

(h)(2)(ii) Any operations in their work area where hazardous chemicals are present; and,

(h)(2)(iii) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and ~~material~~ safety data sheets required by this section.

(h)(3) Training. Employee training shall include at least:

(h)(3)(i) 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 being released, etc.);

(h)(3)(ii) The physical ~~and health~~ hazards of the chemicals in the work area;

(h)(3)(iii) 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,

(h)(3)(iv) The details of the hazard communication program developed by the employer, including an explanation of the labeling system ~~and the material safety data sheet~~, and how employees can obtain and use the appropriate hazard information.

(h) *Employee information and training.*

(h)(1) Employers shall 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.

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(h)(2)(i) The requirements of this section;

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(h)(2)(iii) 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.

(h)(3) Training. Employee training shall include at least:

(h)(3)(i) 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 being released, etc.);

(h)(3)(ii) 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;

(h)(3)(iii) 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,

(h)(3)(iv) 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.

**Trade secrets.**

The trade secret provisions of the GHS are consistent with the HCS 1994 and therefore only a few changes were made to this section. The GHS, unlike the current HCS, requires disclosure of the percentage composition of mixtures on the SDS. This final rule adopts this requirement, but allows the manufacturer to claim trade secret protection for this requirement. This is the only substantive change to the existing standard's trade secret protections.

(i) *Trade secrets.*

(i)(1) The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(i)(1)(i) The claim that the information withheld is a trade secret can be supported;

(i)(1)(ii) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(i)(1)(iii) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,

(i)(1)(iv) The specific chemical identity is made available to health professionals, employees, and designated representatives in accordance with the applicable provisions of this paragraph.

(i)(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of paragraphs (i)(3) and (4) of this section, as soon as circumstances permit.

(i)(3) In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under paragraph (i)(1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(i)(3)(i) The request is in writing;

(i)(3)(ii) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i)(3)(ii)(A) To assess the hazards of the chemicals to which employees will be exposed;

(i)(3)(ii)(B) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(i)(3)(ii)(C) To conduct pre-assignment or periodic medical surveillance of exposed employees;

(i) *Trade secrets.*

(i)(1) The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture, from the safety data sheet, provided that:

(i)(1)(i) The claim that the information withheld is a trade secret can be supported;

(i)(1)(ii) Information contained in the safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(i)(1)(iii) The safety data sheet indicates that the specific chemical identity and/or percentage of composition is being withheld as a trade secret; and,

(i)(1)(iv) The specific chemical identity and percentage is made available to health professionals, employees, and designated representatives in accordance with the applicable provisions of this paragraph (i).

(i)(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of paragraphs (i)(3) and (4) of this section, as soon as circumstances permit.

(i)(3) In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity or percentage composition, otherwise permitted to be withheld under paragraph (i)(1) of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(i)(3)(i) The request is in writing;

(i)(3)(ii) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i)(3)(ii)(A) To assess the hazards of the chemicals to which employees will be exposed;

(i)(3)(ii)(B) To conduct or assess sampling of the workplace

- (i)(3)(ii)(D) To provide medical treatment to exposed employees;
- (i)(3)(ii)(E) To select or assess appropriate personal protective equipment for exposed employees;
- (i)(3)(ii)(F) To design or assess engineering controls or other protective measures for exposed employees; and,
- (i)(3)(ii)(G) To conduct studies to determine the health effects of exposure.
- (i)(3)(iii) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representative, would not satisfy the purposes described in paragraph (i)(3)(ii) of this section:
  - (i)(3)(iii)(A) The properties and effects of the chemical;
  - (i)(3)(iii)(B) Measures for controlling workers' exposure to the chemical;
  - (i)(3)(iii)(C) Methods of monitoring and analyzing worker exposure to the chemical; and,
  - (i)(3)(iii)(D) Methods of diagnosing and treating harmful exposures to the chemical;
- (i)(3)(iv) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,
- (i)(3)(v) The health professional, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.
- (i)(4) The confidentiality agreement authorized by paragraph (i)(3)(iv) of this section:
  - (i)(4)(i) May restrict the use of the information to the health purposes indicated in the written statement of need;
  - (i)(4)(ii) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages; and,
  - (i)(4)(iii) May not include requirements for the posting of a

- atmosphere to determine employee exposure levels;
- (i)(3)(ii)(C) To conduct pre-assignment or periodic medical surveillance of exposed employees;
- (i)(3)(ii)(D) To provide medical treatment to exposed employees;
- (i)(3)(ii)(E) To select or assess appropriate personal protective equipment for exposed employees;
- (i)(3)(ii)(F) To design or assess engineering controls or other protective measures for exposed employees; and,
- (i)(3)(ii)(G) To conduct studies to determine the health effects of exposure.
- (i)(3)(iii) The request explains in detail why the disclosure of the specific chemical identity or percentage composition is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representative, would not satisfy the purposes described in paragraph (i)(3)(ii) of this section:
  - (i)(3)(iii)(A) The properties and effects of the chemical;
  - (i)(3)(iii)(B) Measures for controlling workers' exposure to the chemical;
  - (i)(3)(iii)(C) Methods of monitoring and analyzing worker exposure to the chemical; and,
  - (i)(3)(iii)(D) Methods of diagnosing and treating harmful exposures to the chemical;
  - (i)(3)(iii)(iv) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,
  - (i)(3)(iii)(v) The health professional, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.
- (i)(4) The confidentiality agreement authorized by paragraph (i)(3)(iv) of this section:
  - (i)(4)(i) May restrict the use of the information to the health

penalty bond.

(i)(5) Nothing in this standard is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(i)(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to OSHA, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(i)(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(i)(7)(i) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(i)(7)(ii) Be in writing;

(i)(7)(iii) Include evidence to support the claim that the specific chemical identity is a trade secret;

(i)(7)(iv) State the specific reasons why the request is being denied; and,

(i)(7)(v) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(i)(8) The health professional, employee, or designated representative whose request for information is denied under paragraph (i)(3) of this section may refer the request and the written denial of the request to OSHA for consideration.

(i)(9) When a health professional, employee, or designated representative refers the denial to OSHA under paragraph (i)(8) of this section, OSHA shall consider the evidence to determine if:

(i)(9)(i) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(i)(9)(ii) The health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information; and,

(i)(9)(iii) The health professional, employee or designated representative has demonstrated adequate means to protect the confidentiality.

(i)(10)(i) If OSHA determines that the specific chemical identity requested under paragraph

purposes indicated in the written statement of need;

(i)(4)(ii) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable pre-estimate of likely damages; and,

(i)(4)(iii) May not include requirements for the posting of a penalty bond.

(i)(5) Nothing in this standard is meant to preclude the parties from pursuing non-contractual remedies to the extent permitted by law.

(i)(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to OSHA, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(i)(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity or percentage composition, the denial must:

(i)(7)(i) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(i)(7)(ii) Be in writing;

(i)(7)(iii) Include evidence to support the claim that the specific chemical identity or percent of composition is a trade secret;

(i)(7)(iv) State the specific reasons why the request is being denied; and,

(i)(7)(v) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the trade secret.

(i)(8) The health professional, employee, or designated representative whose request for information is denied under paragraph (i)(3) of this section may refer the request and the written denial of the request to OSHA for consideration.

(i)(9) When a health professional, employee, or designated representative refers the denial to OSHA under paragraph (i)(8) of this section, OSHA shall consider the evidence to determine if:

(i)(9)(i) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity or percentage composition is a trade secret;

(i)(9)(ii) The health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information; and,

(i)(3) of this section is not a "bona fide" trade secret, or that it is a trade secret, but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by OSHA.

(i)(10)(ii) If a chemical manufacturer, importer, or employer demonstrates to OSHA that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret ~~specific chemical identity~~, the Assistant Secretary may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(i)(11) If a citation for a failure to release ~~specific chemical identity~~ information is contested by the chemical manufacturer, importer, or employer, the matter will be adjudicated before the Occupational Safety and Health Review Commission in accordance with the Act's enforcement scheme and the applicable Commission rules of procedure. In accordance with the Commission rules, when a chemical manufacturer, importer, or employer continues to withhold the information during the contest, the Administrative Law Judge may review the citation and supporting documentation "in camera" or issue appropriate orders to protect the confidentiality of such matters.

(i)(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(i)(13) Nothing in this paragraph shall be construed as requiring the disclosure under any circumstances of process or ~~percentage of mixture~~ information, which is a trade secret.

(i)(9)(iii) The health professional, employee or designated representative has demonstrated adequate means to protect the confidentiality.

(i)(10)(i) If OSHA determines that the specific chemical identity or percentage composition requested under paragraph (i)(3) of this section is not a "bona fide" trade secret, or that it is a trade secret, but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by OSHA.

(i)(10)(ii) If a chemical manufacturer, importer, or employer demonstrates to OSHA that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret, the Assistant Secretary may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

(i)(11) If a citation for a failure to release trade secret information is contested by the chemical manufacturer, importer, or employer, the matter will be adjudicated before the Occupational Safety and Health Review Commission in accordance with the Act's enforcement scheme and the applicable Commission rules of procedure. In accordance with the Commission rules, when a chemical manufacturer, importer, or employer continues to withhold the information during the contest, the Administrative Law Judge may review the citation and supporting documentation "in camera" or issue appropriate orders to protect the confidentiality of such matters.

(i)(12) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(i)(13) Nothing in this paragraph shall be construed as requiring the disclosure under any circumstances of process information which is a trade secret.

OSHA's final rule requires employers to train employees on the new label elements and safety data sheet format by December 1, 2013. All other provisions are to be in effect by June 1, 2015, with two exceptions. First, distributors will be given an extra six months to ensure all manufacturer labels are updated. Second, all employers will have an additional year to ensure that updated workplace signs, hazard communication program, and auxiliary training necessary for newly identified physical or health hazards, as provided in (h)(1), are in place.

(j) *Effective dates.* Chemical manufacturers, importers, distributors, and employers shall be in compliance with all provisions of this section by March 11, 1994.

(j) *Effective dates.*

(j)(1) Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

(j)(2) Chemical manufacturers, importers, distributors, and employers shall be in compliance with all modified provisions of this section no later than June 1, 2015, except:

(j)(2)(i) After December 1, 2015, the distributor shall not ship containers labeled by the chemical manufacturer or importer unless the label has been modified to comply with paragraph (f)(1) of this section.

(j)(2)(ii) All employers shall, as necessary, update any alternative workplace labeling used under paragraph (f)(6) of this section, update the hazard communication program required by paragraph (h)(1), and provide any additional employee training in accordance with paragraph (h)(3) for newly identified physical or health hazards no later than June 1, 2016.

(j)(3) Chemical manufacturers, importers, distributors, and employers may comply with either §1910.1200, revised as of October 1, 2011, or the current version of this standard or both during the transition period.

Note: The effective date of the clarification that the exemption of wood and wood products from the Hazard Communication standard in paragraph (b)(6)(iv) only applies to wood and wood products including lumber which will not be processed, where the manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility, and that the exemption does not apply to wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut generating dust has been stayed from March 11, 1994 to August 11, 1994.

## Appendix

### Section-By-Section Comparison of the Changes to Safety Data Sheets to the Requirements of the 1994 Hazard Communication Standard

**Section 1. Identification:** The requirements in this section are not new except for format and the requirement to list recommended uses and restrictions on use.

HCS 1994	HCS 2012
Product identity same as on label and common names (g)(2)(i)(A) - (C)	1. Identification
Name address and telephone number of the manufacturer, distributor, employer or other responsible party (g)(2)(xii)	(a) Product identifier used on the label;
	(b) Other means of identification;
	(c) Recommended use of the chemical and restrictions on use;
	(d) Name, address, and telephone number of the manufacturer, importer, or other responsible party;
	(e) Emergency phone number.

**Section 2. Hazard(s) identification:** In this section, the employer must identify the hazards according to the new classification criteria in Appendices A and B. Pictograms, standardized hazard statements, signal words, and precautionary statements are now required.

HCS 1994

HCS 2012

• Physical hazards (g)(2)(iii)

• Health hazards (g)(2)(iv)

## 2. Hazard(s) identification

(a) Classification of the chemical in accordance with paragraph (d) of §1910.1200;

(b) Signal word, hazard statement(s), symbol(s) and precautionary statement(s) in accordance with paragraph (f) of §1910.1200. (Hazard symbols may be provided as graphical reproductions in black and white or the name of the symbol, e.g., flame, skull and crossbones);

(c) Describe any hazards not otherwise classified that have been identified during the classification process;

(d) Where an ingredient with unknown acute toxicity is used in a mixture at a concentration  $\geq 1\%$  and the mixture is not classified based on testing of the mixture as a whole, a statement that X% of the mixture consists of ingredient(s) of unknown acute toxicity is required.

**Section 3. Composition/information on ingredients.** This section contains no new requirements other than format.

### HCS 1994

### HCS 2012

• Chemical and common name of ingredients contributing to known hazards (g)(2)(i)(A), (B)

• For untested mixtures, the chemical and common name of ingredients at 1% or more that present a health hazard and those that present a physical hazard in the mixture (g)(2)(i)(C)(1), (3)

• Ingredients at 0.1% or greater, if listed carcinogens (g)(2)(i)(C)(2)

### 3. Composition/information on ingredients

Except as provided for in paragraph (i) of §1910.1200 on trade secrets:

#### For Substances

(a) Chemical name;

(b) Common name and synonyms;

(c) CAS number and other unique identifiers;

(d) Impurities and stabilizing additives which are themselves classified and which contribute to the classification of the substance.

#### For Mixtures

In addition to the information required for substances:

(a) The chemical name and concentration (exact percentage) or concentration ranges of all ingredients which are classified as health hazards in accordance with paragraph (d) of §1910.1200 and

(1) are present above their cut-off/concentration limits; or

(2) present a health risk below the cut-off/concentration limits.

(b) The concentration (exact percentage) shall be specified unless a trade secret claim is made in accordance with §1910.1200(i), when there is batch-to-batch variability in the production of a mixture, or for a group of substantially similar

mixtures (*See* A.0.5.1.2) with similar chemical composition. In these cases, concentration ranges may be used.

**For All Chemicals Where a Trade Secret is Claimed**

Where a trade secret is claimed in accordance with paragraph (i) of §1910.1200, a statement that the specific chemical identity and/or exact percentage of composition (concentration) has been withheld as a trade secret is required.

**Section 4. First-aid measures.** This section contains no new requirements other than format.

**HCS 1994**

**4. First-aid measures**

- Emergency and first-aid procedures **(g)(2)(x)**
- Signs and symptoms of exposure **(g)(2)(iv)**

**HCS 2012**

- (a) Description of necessary measures, subdivided according to the different routes of exposure, i.e., inhalation, skin and eye contact, and ingestion;
- (b) Most important symptoms/effects, acute and delayed.
- (c) Indication of immediate medical attention and special treatment needed, if necessary.

**Section 5. Fire-fighting measures.** This section contains no new requirements other than format.

**HCS 1994**

- Physical hazards (potential for fire, explosion) **(g)(2)(iii)**
- Emergency procedures **(g)(2)(x)**

**HCS 2012**

**5. Fire-fighting measures**

- (a) Suitable (and unsuitable) extinguishing media.
- (b) Specific hazards arising from the chemical (e.g., nature of any hazardous combustion products).

**Section 6. Accidental release measures.** This section contains no new requirements other than format.

**HCS 1994**

- Procedures for cleanup of spills and leaks **(g)(2)(viii)**
- Protective measures during maintenance and repair of contaminated equipment **(g)(2)(viii)**

**HCS 2012**

**6. Accidental release measures**

- (a) Personal precautions, protective equipment, and emergency procedures.
- (b) Methods and materials for containment and cleaning up.

**Section 7. Handling and storage.** This section contains no new requirements other than format

**HCS 1994**

- Precautions for safe handling and use, including appropriate hygienic practices **(g)(2)(viii)**

**HCS 2012**

**7. Handling and storage**

- (a) Precautions for safe handling.

**Section 8. Exposure controls/personal protection.** This section contains no new requirements other than format.

### HCS 1994

- General applicable control measures, such as appropriate engineering controls, work practices, and personal protective equipment **(g)(2)(ix)**
- Protective measures during maintenance and repair of contaminated equipment **(g)(2)(viii)**
- **(g)(2)(ix)**
- Permissible exposure levels, threshold limit values, listed by OSHA, ACGIH, and other limit recommended or used by the MSDS preparer **(g)(2)(vi)**

### HCS 2012

#### 8. Exposure controls/personal protection

- (a) OSHA permissible exposure limit (PEL), American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV), and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the safety data sheet, where available.
- (b) Appropriate engineering controls.

Section 9. Physical and chemical properties. This section contains no new requirements other than format.

### HCS 1994

- Physical and chemical properties such as vapor pressure, flash point, etc. **(g)(2)(ii)**

### HCS 2012

- 9. Physical and chemical properties
  - (a) Appearance (physical state, color, etc.);
  - (b) Odor;
  - (c) Odor threshold;
  - (d) pH;
  - (e) Melting point/freezing point;
  - (f) Initial boiling point and boiling range;
  - (g) Flash point;
  - (h) Evaporation rate;
  - (i) Flammability (solid, gas);
  - (j) Upper/lower flammability or explosive limits;
  - (k) Vapor pressure;
  - (l) Vapor density;
  - (m) Relative density;
  - (n) Solubility(ies);
  - (o) Partition coefficient: n-octanol/water;
  - (p) Auto-ignition temperature;
  - (q) Decomposition temperature;
  - (r) Viscosity.

**Section 10. Stability and reactivity.** Although the information on conditions to avoid and hazardous decomposition products is new to HCS, it has been required in the ANSI Z400.1 standard for a number of years.

HCS 1994	HCS 2012
<ul style="list-style-type: none"> <li>• Physical hazards (potential for fire, explosion, reactivity) <b>(g)(2)(iii)</b></li> <li>• Organic peroxides, pyrophoric, unstable(reactive), or water-reactive hazards <b>(g)(2)(iii), definitions in (c)</b></li> </ul>	<p>10. Stability and reactivity</p> <ul style="list-style-type: none"> <li>(a) Reactivity;</li> <li>(b) Chemical stability;</li> <li>(c) Possibility of hazardous reactions;</li> <li>(d) Conditions to avoid (e.g., static discharge, shock, or vibration);</li> <li>(e) Incompatible materials;</li> <li>(f) Hazardous decomposition products.</li> </ul>

Section 11. Toxicological information. This section contains no new requirements other than format.

HCS 1994	HCS 2012
<ul style="list-style-type: none"> <li>• Health hazards, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical <b>(g)(2)(iv)</b></li> <li>• Primary routes of entry <b>(g)(2)(iv)</b></li> <li>• Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by OSHA. <b>(g)(2)(vi)</b></li> </ul>	<p>11. Toxicological information</p> <p>Description of the various toxicological (health) effects and the available data used to identify those effects, including:</p> <ul style="list-style-type: none"> <li>(a) Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact);</li> <li>(b) Symptoms related to the physical, chemical and toxicological characteristics;</li> <li>(c) Delayed and immediate effects and also chronic effects from short- and long-term exposure;</li> <li>(d) Numerical measures of toxicity (such as acute toxicity estimates).</li> <li>(e) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by OSHA.</li> </ul>

Section 12. Ecological information (Non-mandatory). To be GHS-compliant the requirements for this section are provided.

HCS 1994	HCS 2012
<ul style="list-style-type: none"> <li>• No present requirements</li> </ul>	<p><b>12. Ecological information (Non-mandatory)</b></p> <ul style="list-style-type: none"> <li>(a) Ecotoxicity (aquatic and terrestrial, where available);</li> </ul>

(b) Persistence and degradability;

(c) Bioaccumulative potential;

(d) Mobility in soil;

Section 13. Disposal considerations (Non-mandatory). To be GHS-compliant the requirements for this section are provided, but OSHA will not enforce. However, OSHA may enforce provisions associated with safe handling and use, including appropriate hygienic practices. See Section 7 above.

**HCS 1994**

· See Section 7

· No present requirements

**HCS 2012**

13. Disposal considerations (Non-mandatory)

Description of waste residues and information on their safe handling and methods of disposal, including the disposal of any contaminated packaging.

Section 14. Transport information (Non-mandatory). To be GHS-compliant the requirements for this section are provided, but OSHA will not enforce.

**HCS 1994**

· No present requirements

**HCS 2012**

14. Transport information (Non-mandatory)

(a) UN number;

(b) UN proper shipping name;

(c) Transport hazard class(es);

(d) Packing group, if applicable;

(e) Environmental hazards (e.g., Marine pollutant (Yes/No));

(f) Transport in bulk (according to Annex II of MARPOL 73/78 and the IBC Code);

(g) Special precautions, which a user needs to be aware of, or needs to comply with, in connection with transport or conveyance either within or outside their premises.

Section 15. Regulatory information (Non-mandatory). To be GHS-compliant the requirements for this section are provided, but OSHA will not enforce.

**HCS 1994**

· No present requirements

**HCS 2012**

15. Regulatory information (Non-mandatory)

Safety, health and environmental regulations specific for the product in question.

Section 16. Other information, including date of preparation or last revision. This section contains no new requirements other than format.

**HCS 1994**

**HCS 2012**

· Date of preparation of MSDS or date of last change **(g)(2)(xi)**

16. Other information, including date of preparation or last revision.

The date of preparation of the SDS or the last change to it.

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## Effective Dates

The table below summarizes the phase-in dates required under the revised Hazard Communication Standard (HCS):

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015* December 1, 2015	Compliance with all modified provisions of this final rule, except:  The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition Period to the effective completion dates noted above	May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both	Chemical manufacturers, importers, distributors, and employers

