

Proposed Revisions to the OSHA Hazard Communication Standard Go Far Beyond Alignment with the GHS

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The proposed revisions to the OSHA Hazard Communication Standard (HCS) that are designed to achieve alignment with the 7th Revision to the Globally Harmonized System¹ will trigger extensive compliance obligations for employers meaningfully subject to the HCS. Those GHS-related changes will require: updating the label and safety data sheet (SDS) for every chemical manufactured or imported into the US; updating every written program; updating every training program; providing training updates to all employees; and reclassifying many chemicals. As extensive as those new obligations may be, they pale in comparison to proposed hazard classification requirements that have nothing to do with recent revisions to the GHS. Under this proposal, a chemical manufacturer or importer would be responsible for:

- (1) identifying each downstream chemical reaction of its chemical (with any substance or mixture) that is conducted or naturally occurs in commerce in the US
- (2) identifying each hazard posed by each of those reactions
- (3) identifying each product (including by-products and decomposition products) of those reactions
- (4) identifying and classifying each hazard posed by those reaction products

In other words, the chemical supplier-manufacturer would be responsible for performing the front end of a process hazard analysis for every downstream chemical reaction of its product or a mixture containing its product, and for classifying its product based on the hazards of the products of those downstream reactions.

For further details on this unprecedented initiative and other proposed changes to the OSHA HCS, see the article by Lawrence Halprin posted at <https://www.khlaw.com/insights/proposed-revisions-osh-hazard-communication-standard-go-far-beyond-alignment-ghs>.

¹Globally Harmonized System of Classification and Labelling of Chemicals (GHS), Seventh Revised

Edition (2017) <https://unece.org/ghs-rev7-2017>. The GHS is updated every two years; the Eighth Revised Edition of the GHS was adopted in 2019.

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