

Revised 2012 Hazard Communication Standard Frequently Asked Questions (FAQs)

Q. What are the major changes to the Hazard Communication Standard?

A. The three major areas of change are in hazard classification, labels, and safety data sheets.

- **Hazard classification:** The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and safety data sheets are more accurate as a result.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
- **Safety Data Sheets:** Will now have a specified 16-section format.

For a side-by-side comparison of the current HCS and the final revised HCS please see OSHA's hazard communication safety and health topics webpage at: www.osha.gov/dsg/hazcom/index.html

Q. What Hazard Communication Standard provisions are unchanged in the revised HCS?

A. The revised Hazard Communication Standard (HCS) is a modification to the existing standard. The parts of the standard that did not relate to the GHS remain relatively unchanged as follows:

- Scope
- Exemptions
- Workplace (secondary container) Labeling
- Written Program Elements

Q: Does this new regulation apply to chemicals used in construction?

A: The MIOSHA Hazard Communication Standard has always applied to construction and still does. The requirements applicable to construction work are identical to those set forth at 1910.1200 which MIOSHA adopted verbatim.

Q. Why must training be conducted prior to the compliance effective date?

A. OSHA/MIOSHA is requiring that employees are trained on the new label elements (i.e., pictograms, hazard statements, precautionary statements, and signal words) and SDS format by December 1, 2013, while full compliance with the final rule will begin in 2015. This is because American workplaces will soon begin to receive labels and SDSs that are consistent with the GHS, since many American and foreign chemical manufacturers have already begun to produce HazCom 2012/GHS-compliant labels and SDSs. It is important to ensure that when employees begin to see the new labels and SDSs in their workplaces, they will be familiar with them, understand how to use them, and access the information effectively.

Q: As a chemical manufacturer, importer or employer how often do we need to update the SDSs?

A: 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. 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.

Q: Am I required to keep the old MSDS after I receive the new 16-section Safety Data Sheet (SDS)?

A: Material Safety Data Sheets (MSDSs) are to be replaced with SDSs from the manufacturer; since these would be considered revised MSDSs/SDSs. The MSDSs replaced with SDSs are required to be archived and kept for 30 years. Alternatively, Part 470 Employee Medical Records and Trade Secrets, R 325.3457 Preservation of employee exposure records, Rule 7 (b) gives the employer the option of maintaining a record of the identity of the substance or agent, such as the chemical name if known, where it was used, and when it was used and retaining this information for not less than 30 years (in lieu of archiving the MSDS/SDS itself).

If you have a product that is no longer manufactured and no SDS is available, the MSDS is to be kept with your “active” SDSs as long as you use the product.

Q. When must label information be updated?

A. 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.

Q: I have chemicals purchased before the GHS changes with old labels that are not compliant with the revised standard. Do I have to re-label these chemicals?

A: No, employers/employees using hazardous chemicals are not required to re-label old, original chemical containers provided by the manufacturers unless there is a significant change in hazard information as follows:

1910.1200 Hazard Communication. (f) “Labels and other forms of warning.”

(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

For additional information see OSHA Brief on Labels and Pictograms: <http://www.osha.gov/Publications/OSHA3636.pdf>

Q: Will shipping containers be required to have BOTH DOT AND MIOSHA pictograms on the label?

A: For primary containers that are also the shipping container (i.e. 55 gallon drums), it is required that the manufacturer comply with both DOT and MIOSHA labeling. However, in cases where the DOT label/pictogram represents hazards that are the same as the MIOSHA pictogram, the DOT label/pictogram may be used in lieu of MIOSHA pictogram. Pictograms that are not part of DOT regulations include:

	Health Hazard (chronic, carcinogen, target organ)		Acute Toxicity (less severe = exclamation pictogram)
--	--	---	---

If these are applicable to the chemical, they must be placed on the drum in addition to the DOT pictograms. Both DOT and MIOSHA pictograms may be placed on the container at the discretion of the manufacturer. For additional information, refer to the following OSHA webpage: www.osha.gov/dsg/hazcom/ghs.html.

Q. Can we still use the HMIS labeling system to label our portable, workplace (secondary) containers? How will workplace secondary container labeling provisions change under the revised Hazard Communication Standard?

A. Yes. You may continue to use the HMIS labeling system for labeling workplace secondary containers.

Excerpt from the updated Hazard Communication Standard:

(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:

(i) The information specified under paragraphs (f)(1)(i) through (v) of this section for labels on shipped containers [**same label information as the original container**]; OR

(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** [e.g. HMIS or other labeling system].

Alternative labeling systems (e.g. HMIS) are permitted for workplace containers. However, the information supplied on these labels must be consistent with the revised HCS (e.g., no conflicting hazard warnings or pictograms).

Q: Are the NFPA and HMIS ratings changing to align with the revised Hazard Communication Standard and GHS?

A: National Fire Protection Association (NFPA) and Hazardous Materials Identification System (HMIS) labeling systems are independent from OSHA/MIOSHA. The American Coatings Association (ACA) revised the HMIS label system in 2001 to the "HMIS® III". In this system, the "Reactivity" (yellow) section was changed to "Physical Hazard" with additional criteria. The HMIS® numerical rating of 0-4 with 4 being most hazardous still applies. Cross reference charts are being developed by ACA to enable those responsible for classifying chemicals under the revised Hazard Communication Standard to provide HMIS ratings based on GHS hazard classification. Refer to the American Coatings Association website for additional information: www.paint.org/programs/hmis.

A Quick Card comparing NFPA 704 and the 2012 Hazard Communication Standard labeling requirements can be found at: www.nfpa.org/Assets/files/AboutTheCodes/704/NFPA704_HC2012_QCard.pdf

Additional information on NFPA 704 (labeling system) can be found at: <http://www.nfpa.org>. Search for "GHS" to find meeting minutes and additional information related to NFPA and any proposed changes to NFPA Standards 704 and 400.

Q: HMIS labels are currently rated 0-4 (least severe to most severe). Do all these ratings need to be changed to 1-4 (most severe to least severe in line with GHS hazard categories) to match the new SDS format?

A: No! You may continue to use the HMIS label system for labeling workplace secondary containers. Follow the system ratings as outlined by the American Coating Association. Employees may never see the GHS numerical hazard category representation to know that 1 is most severe and 4 is least severe under GHS as this information will not appear on manufacturers labels. It may or may not appear in the SDS. As long as employees affected understand the difference between GHS and HMIS or NFPA should they encounter information that shows this difference, this meets the requirement in the HCS.

Q: Is MIOSHA revising the signage requirements stated in certain substance specific Standards (e.g. Lead)? A:

Several MIOSHA standards have or will be changing due to the revision to the Hazard Communication Standard. Standards that require placement and language for labels and signs will be changing (i.e. Lead, Asbestos, Cadmium, and others with chemical specific label and signage requirements). Under these standards, changes to label language, is effective June 1, 2015 and changes to signage is effective June 1, 2016. Additional information can be found at the following links:

Standards to change: http://www.michigan.gov/documents/lara/lara_miosha_cet5532_409584_7.doc

Signage to change: http://www.michigan.gov/documents/lara/lara_miosha_cet5533_409585_7.doc

Q. May the International Agency for Research on Cancer (IARC) and the National Toxicology Program (NTP) lists be used to make carcinogen classifications and will it be required on Safety Data Sheets (SDS)?

A. In the revised Hazard Communication Standard (HCS), OSHA/MIOSHA has provided classifiers with the option of relying on the classification listings of IARC and NTP to make classification decisions regarding carcinogenicity, rather than applying the criteria themselves. This should make classification easier for classifiers, as well as lead to greater consistency. In addition, OSHA/MIOSHA has provided in non-mandatory Appendix F of the revised rule, guidance on hazard classification for carcinogenicity.

IARC and NTP classifications have been retained. Therefore, if a chemical is listed as a carcinogen by either IARC or NTP, it must be noted on the SDS. Additionally, if OSHA/MIOSHA finds a chemical to be a carcinogen, it must be noted on the SDS as well.

Q. How has OSHA/MIOSHA addressed pyrophoric gases, simple asphyxiants, combustible dust hazards and other hazards not classified in GHS?

A. In the revised HCS, OSHA/MIOSHA has added pyrophoric gases, simple asphyxiants and combustible dust to the definition of "hazardous chemical."

Pyrophoric gases:

OSHA/MIOSHA has retained the definition for pyrophoric gases from the current HCS. Pyrophoric gases must be addressed both on container labels and SDSs. Label elements for pyrophoric gases include the signal word "danger" and the hazard statement "catches fire spontaneously if exposed to air."

Simple asphyxiants:

In the final HCS, simple asphyxiants must be labeled where appropriate, and be addressed on SDSs. Label elements for simple asphyxiants include the signal word "warning" and the hazard statement "may displace oxygen and cause rapid suffocation."

Combustible dust:

OSHA/MIOSHA has **not** provided a definition for combustible dust to the final HCS given ongoing activities in the specific rulemaking, as well as in the United Nations Sub-Committee of Experts on the GHS (UN/SCEGHS). However, guidance is being provided through existing documents, including the Combustible Dust National Emphasis Program Directive CPL 03-00-008, which includes an operative definition, as well as provides information about current responsibilities in this area. In addition, there are a number of voluntary industry consensus standards (particularly those of the NFPA) that address combustible dust.

In the final HCS, combustible dust hazards must be addressed on labels and SDSs. Label elements are provided for combustible dust in the final HCS and include the signal word "warning" and the hazard statement "May form combustible dust concentrations in the air."

For chemicals in a solid form that do not present a combustible dust hazard, but may form combustible dusts while being processed in normal downstream uses, paragraph (f)(4) of the HCS allows the chemical manufacturer some flexibility in labeling requirements. The manufacturer or importer may transmit the label to the customer at the time of the initial shipment, but the label does not need to be included with subsequent shipments unless it changes. This provides the needed information to the downstream users on the potential hazards in the workplace, while acknowledging that the solid metal or other materials do not present the same hazards that are produced when these materials are processed under normal conditions of use.

Hazards not otherwise classified (HNOC):

All other chemicals for which there is a hazard but the hazard does not fit any other classification are called HNOC. These hazards will not be required to be disclosed on the label but will be required to be disclosed in section 2 of the Safety Data Sheet (SDS). This reflects how GHS recommends these hazards should be disclosed. Chemical manufacturers and importers are expected to assess these hazards when they are conducting their hazard evaluation of physical and health hazards.

LARA is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.



Consultation Education & Training (CET) Division
www.michigan.gov/miosha • (517) 322-1809
CET-0186 • Revised 08/19/13

