
product
intelligence

OSHA's Hazard Communication Standard

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CHEMICAL WATCH NEWS

US finalises update to hazcom standard to align with GHS 7



21 May 2024

OSHA modifies controversial language over the disclosure of downstream chemical reactions

The US Occupational Safety and Health Administration (OSHA) has finalised changes to its Hazard Communication Standard (HCS), significantly updating for the first time in more than ten years the US standard for classifying, labelling and communicating chemical hazards.

The final rule, published on 20 May, aims to align the HCS with the seventh revised edition of the UN's Globally Harmonized System of Classification and Labelling of Chemicals (GHS 7) as well as with the systems used by other US trading partners, like [Canada](#).

Modifications to the overhauled HCS include:

- added classification categories for aerosols, desensitised explosives and flammable gases;
- updated hazard and precautionary statements;
- language clarifying the requirement to disclose hazards resulting from 'known or reasonably anticipated' downstream chemical reactions;
- revised labelling requirements for small containers, with specific requirements for containers with a capacity of 100ml or less;
- updated labelling requirements for packaged containers that have been released for shipment or that constitute bulk shipping; and
- prescribed concentration ranges to be used when claiming the specific concentration of a substance as a trade secret.



The rule takes effect on 19 July this year, with staggered compliance deadlines for different entities and for the handling of substances or mixtures.

Manufacturers, importers and distributors have until 19 January 2026 to comply with the new requirements relating to substances, and until 19 July 2027 for mixtures. Employers who operate sites with substances covered by the HCS have slightly more time, with a 20 July 2026 deadline to meet requirements for substances and until 19 January 2028 for mixtures.

Classifying downstream reactions

The final rule modifies controversial language from the 2021 [proposal](#) that called for manufacturers and importers to identify and disclose hazards resulting from downstream chemical reactions “under normal conditions of use and foreseeable emergencies”.

Chemical trade groups and other entities [argued](#) that the breadth of the proposed language would require manufacturers and distributors to understand all possible uses, hazards and potential reactions associated with downstream customers’ processes, making compliance cost prohibitive and “extremely challenging, if not impossible”.

In the final rule, however, OSHA said “it did not intend for an upstream supplier or manufacturer to identify and classify every single hazard associated with downstream use of chemicals, only those where the manufacturer knows or can reasonably anticipate the chemical’s uses”.

In response to industry concerns, OSHA modified the language in the final rule to focus on a chemical’s “intrinsic properties”. This

includes identifying “changes in the chemical’s physical form and chemical reaction products associated with known or reasonably anticipated uses or applications”.

Both should be considered when preparing product labels and safety data sheets (SDSs), it said.

Mixed response

The new language received a mixed response from Genevieve Strand, director of government relations with the Society of Chemical Manufacturers and Affiliates (SOCMA).

“While this specification will reduce the burden on manufacturers, it is still unclear to what extent the rule would require manufacturers to anticipate downstream chemical uses,” she said.

The Alliance for Chemical Distribution (ACD) said the changes in the final rule were a slight improvement. Nevertheless, the trade group said the rule will still add “needless complexity and liability to the system and will require our members to shift substantial resources to update safety data sheets (SDS) and labels”.

SOCMA’s Strand said challenges also remain around the provisions related to protecting trade secrets.

“The current HCS [allows](#) a manufacturer to claim as confidential the exact percentage of a chemical in a mixture,” she said. “The final rule will now require manufacturers to disclose the concentration range in which the secret concentration falls, drawn from a [specified list](#) of narrow ranges currently used by Health Canada,” which could have serious commercial impacts on speciality chemical manufacturers.

Further information

[Final rule](#)

[Rulemaking page](#)

[OSHA hazcom page](#)

[ACD press release](#)





FORECASTER

Companies subject to OSHA's hazard communication (HCS) standard must comply with revised HCS provisions including, very small container labeling, trade secrets, classification categories, and contents of safety data sheets

Effective 19 July 2024, companies that manufacture, import, or distribute chemicals must comply with revisions to the U.S. Occupational Safety and Health Administration's Hazard Communication Standard (HCS). Specifically, amendments to the HCS include revised criteria for classification of certain health and physical hazards, revised provisions for updating labels, new labeling provisions for small containers, new provisions related to trade secrets, and additions to safety data sheets (SDSs) contents. For example, chemical manufacturers can choose to use concentration ranges of chemicals to claim trade secrets. Compliance for those evaluating substances must be by 19 January 2026 and companies evaluating mixtures by January 2028.

of certain health and physical hazards, revised provisions for updating labels, new labeling provisions for small containers, new provisions related to trade secrets, trade secret provisions, and additions to safety data sheets (SDSs) contents. For example, if the company can demonstrate that it is not feasible to use pull-out labels, fold-back labels, or tags containing the full label information on containers with a capacity of 3 milliliters or less, it does not need to provide a label; however, it does need to ensure that a product identifier has been affixed to the container.

The company should note that while the final rules effective date is 19 July 2024, OSHA has set a compliance date of 19 January 2026 for chemical manufacturers, importers, and distributors evaluating substances. Additionally, if the company is evaluating mixtures, it must ensure compliance by 19 January 2028.

Date:	03 June 2024
Jurisdiction:	United States of America (the)
Topics:	Chemicals Management: Classification of Chemicals, Chemical Labeling Product Management: Compulsory Labeling, User Information
Content set:	Chemicals, Generic

Generic

If the company manufactures, imports, uses, or stores chemicals that are subject to the Occupational Safety and Health Administration (OSHA) hazard communication (HCS) standard, it must comply with an updated HCS standard that aligns the HCS standard with the 7th revision of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), effective 19 July 2024. The updates include revised criteria for classification of certain health and physical hazards, revised provisions for updating labels, new labeling provisions for small containers, new provisions related to trade secrets, trade secret provisions, and additions to safety data sheets (SDSs) contents. For example, if the company can demonstrate that it is not feasible to use pull-out labels, fold-back labels, or tags containing the full label information on containers with a capacity of 3 milliliters or less, it does not need to provide a label; however, it does need to ensure that a product identifier has been affixed to the container. The company should note that while the final rules effective date is 19 July 2024, OSHA has set a compliance date of 19 January 2026 for chemical manufacturers, importers, and distributors evaluating substances. Additionally, if the company is evaluating mixtures, it must ensure compliance by 19 January 2028.

Business impacts

Chemicals

If the company manufactures, imports (for own use), or distributes chemicals that are subject to the Occupational Safety and Health Administration (OSHA) hazard communication (HCS) standard, it must comply with an updated HCS standard that aligns the HCS standard with the 7th revision of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), effective 19 July 2024. The updates include revised criteria for classification



Source documents

20-May-2024

Hazard Communication Standard (89 FR 44144)

English

Reported Changes

Actionable Requirements

If the facility manufactures, imports, distributes, or has hazardous chemicals in the workplace and learns new significant information about chemical hazards, it revises the chemical labels within 6 months of learning the information. (Modified)

If the facility manufactures, imports, or distributes hazardous chemicals, it ensures that each container of hazardous chemicals is labeled, tagged, or marked with the appropriate information. (Modified)

If the facility manufactures or imports hazardous chemicals, it develops or obtains a safety data sheet (SDS) for each chemical manufactured or imported. (Modified)

If the facility develops a safety data sheet (SDS), it ensures that the SDS contains the information specified in the federal Hazard Communication Standard (HCS). (Modified)

What Has Changed

Effective 19 July 2024, companies that manufacture, import, or distribute chemicals must comply with U.S. Occupational Safety and Health Administration's (OSHA) final rule to amend the Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS), primarily Revision 7. The HCS requires chemical manufacturers or importers to classify the hazards of chemicals they produce or import. All companies with hazardous chemicals in their workplaces must have labels and safety data sheets for their exposed workers.

Updated HCS Provisions

Small Container Labeling Currently, the HCS requires companies to label all shipped containers with certain specified information. Under the final rule, OSHA has provided the following practical accommodations, that applies where the chemical manufacturer, importer, or distributor can

demonstrate that it is not feasible to use pull-out labels, fold-back labels, or tags containing the full label information:

- allows limited information to be included on the small container label, but requires complete label information to be provided on the outside packaging;
- labels on small containers that are less than or equal to 100 milliliter (ml) capacity must include, at minimum: product identifier; pictogram(s); signal word; chemical manufacturer's name and phone number; and a statement that the full label information for the hazardous chemical is provided on the immediate outer package;
- provide that no labels are required for very small containers of 3 ml capacity or less where the chemical manufacturer, importer, or distributor can demonstrate that any label would interfere with the normal use of the container; however, that same proposed provision states that if a container meets certain conditions and no label is required, the container must bear, at minimum, the product identifier. For example, the product identifier (such as, chemical name, code number or batch number) could be etched on a 3 ml glass vial (container) to ensure that the identifier remains fixed to the vial;
- small containers must have immediate outer packaging that includes the full label information for each hazardous chemical in the immediate outer package, along with a statement that the small container(s) inside must be stored in the immediate outer package bearing the complete label when not in use; and
- labels affixed to the immediate outer package must not be removed or defaced.

Release for Shipment Previously, if chemical manufacturers, importers, distributors, or employers became aware of new hazard information for a chemical, they were required to revise the labels for chemicals within 6 months.

Under the final rule, companies would not need to relabel chemical products already released for shipment. For chemicals released for shipment but still in a holding facility before future distribution, companies may opt not to relabel those containers, however, they must either provide the updated label for each individual container with each shipment or, under an agreement with the receiving entity, transmit the labels by electronic or other technological means. Chemicals that are not currently produced or imported, require updated labels prior to the chemical being shipped or introduced into the workplace again.

Adding classification categories The revisions to OSHA's HCS require manufacturers and importers to reclassify aerosols, desensitized explosives, and flammable gases in accordance with the new classification criteria and make corresponding revisions to SDSs and labels. More specifically, the final rule



creates a new hazard class for desensitized explosives and a new hazard category for pyrophoric gases; miscellaneous provisions intended to clarify the criteria for some hazard classes (explosives, specific target organ toxicity following single exposure, aspiration hazard, and hazardous to the aquatic environment).

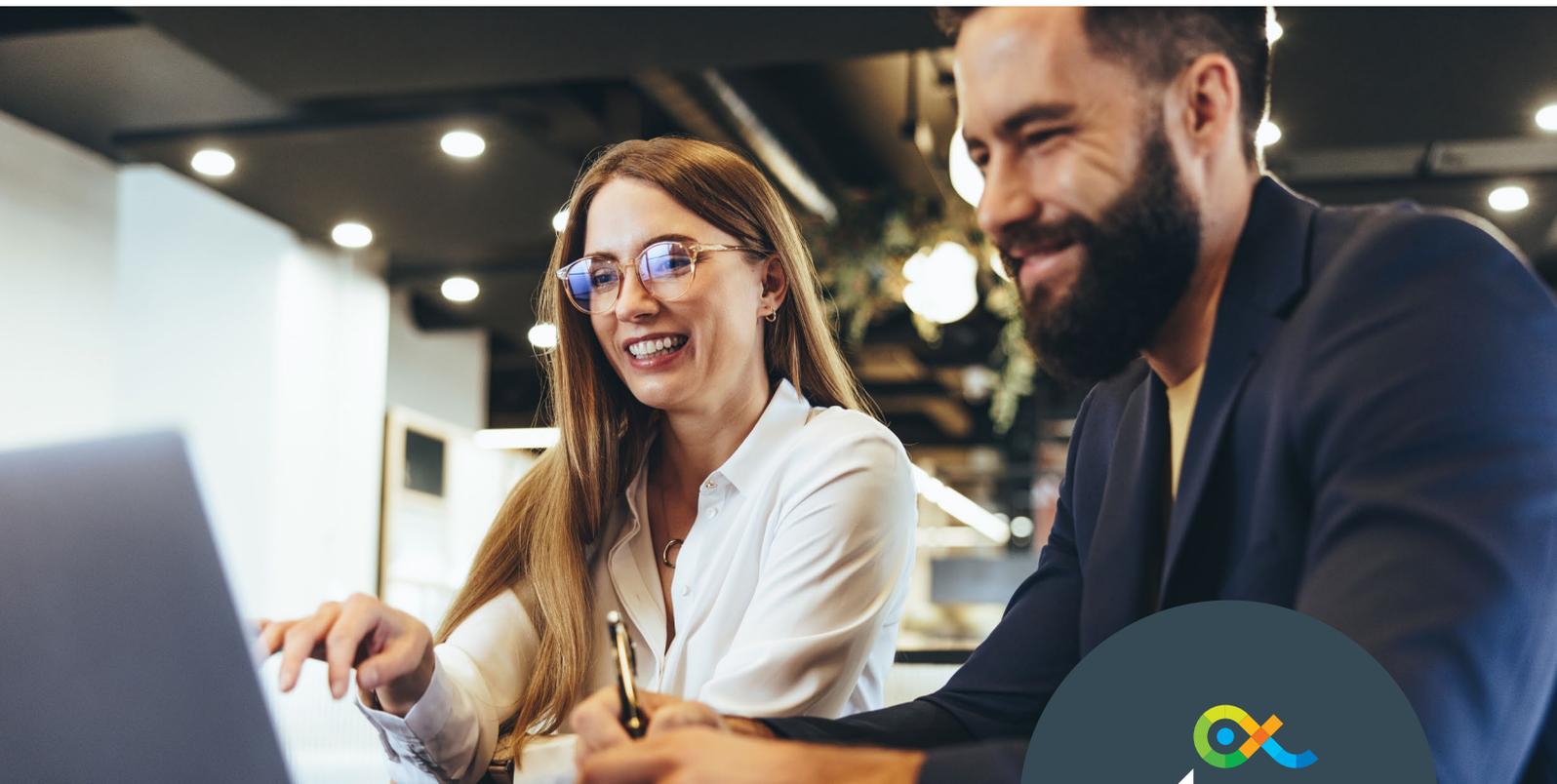
Compliance with these requirements will mainly involve revisions to the presentation of information (such as hazard pictograms) and is not expected to involve any technological obstacles. OSHA does not estimate any training costs for users of aerosols, desensitized explosives, or flammable gases in the workplace because the it does not believe that companies would need to dedicate more than a trivial amount of time to training associated with the reclassification of these chemicals.

Concentration Ranges Allowance Under the final rule, companies are allowed to use prescriptive concentration ranges in lieu of the actual concentration or concentration range whenever the actual concentration or concentration range is claimed as a trade secret.

Safety Data Sheets In order to improve hazard communications, the final rule updates SDS requirements to include particle characteristics as a new physical property for solids. This only applies to solids and should include, the particle size (median and range), and if available and appropriate, further properties (such as size distribution (range), shape, aspect ratio, and specific surface area). This update does not require chemical manufacturers to conduct testing to determine particle characteristics.

Additional Information & Implementations

A full list of compliance and implementation dates is available as part of the Regulatory Database membership, by Enhesa Product Intelligence.



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