

Safety|NewsAlert

2023 Hazard Communication Update: *Complying with the latest revisions*



Today's Presenter



Jack Fearing, CPEA

Managing Partner

Fearing International Group LLC

jack@fearing-international.com

(908) 303-8359



Presentation Outline

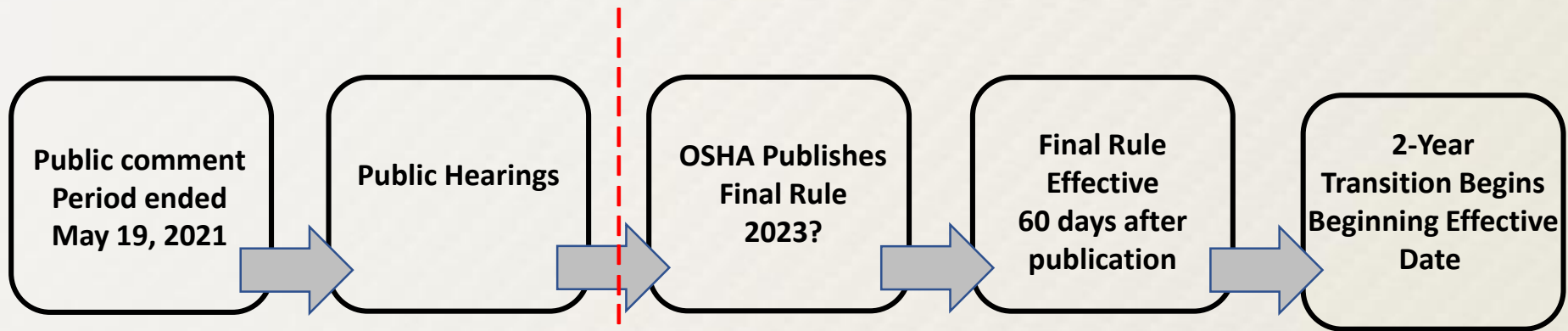
- Introduction
- OSHA 2021 NPRM Status
- GHS & Proposed HazCom Changes
- Contractor Management
- OSHA Inspection Process
- Q & A

OSHA's Proposed NPRM

- Published February 16, 2021 in the Federal Register (86 FR 9576)
- Public Comment period until April 2021 (extended)
- Public hearing will take place during the comment period

Industries Most Likely Affected?

Next Steps



Factors Affecting Rulemaking

- Technology
- BLS Injury & Illness Data
- Recommendations
- Petitions and/or Lawsuits
- Agency Requests
- NIOSH Studies
- President

www.osha.gov/hazcom/rulemaking

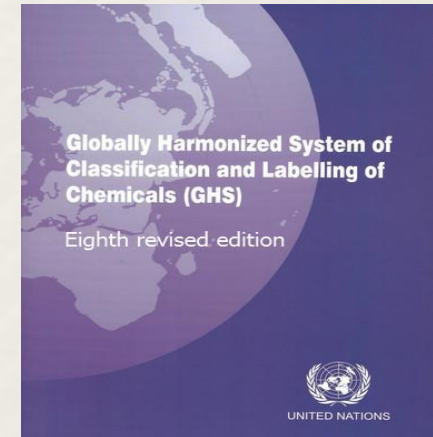
The Global Harmonized System (GHS)



1999 – United Nations Develops GHS



2012 – OSHA Adopts GHS v3



2023 – OSHA NPRM v7-8

- 1992 – “Earth Summit” in Rio de Janeiro
- 1999 – Adopted GHS title
- 2003 – Promulgated by the United Nations
- 2012 - USA adopts HazCom/GHS v3
- 2021-3 – Revision 7 (8)

Maintaining Alignment with GHS

- Appendix A – Health Hazards:
 - Revised health hazard definitions & classes
 - Updated skin/eye corrosion & irritation
- Appendix B – Physical Hazards:
 - Flammable gases
 - Desensitized explosives
 - Aerosols
- Appendix C – Label Elements:
 - New/updated hazards, guidance & precautionary statements
- Appendix D – Safety Data Sheets (SDS):
 - Updates to Sections 2, 9 & 11

Appendix A – Health Hazards

- Revised health hazard definitions & classes
 - e.g., Updated information for germ cell mutagenicity
- Updated skin/eye corrosion & irritation
 - Clarification on classification scheme
- General updates to hazard classes
 - e.g., acute toxicity – clarification on the use of data from human

Appendix A – Health Hazards

Hazard Class	Hazard Category			
Acute Toxicity	1	2	3	4
Skin Corrosion	1A	1B	1C	2
Serious Eye Damage/Eye Irritation	1	2A	2B	
Respiratory or Skin Sensitizer	1			
Germ Cell Mutagenicity	1A	1B	2	
Carcinogenicity	1A	1B	2	
Reproductive Toxicity	1A	1B	2	Lactation
STOT (Single Exposure)	1	2	3	
STOT (Repeated Exposure)	1	2		
Aspiration	1			

Appendix B – Physical Hazards

- Explosives
- Flammable gases
- Desensitized explosives
- Aerosols
- Pyrophoric gases & unstable gases

Appendix B – Physical Hazards

Hazard Class	Hazard Category						
Explosives	Unstable	Div. 1.1	Div. 1.2	Div. 1.3	Div. 1.4	Div. 1.5	Div. 1.6
Flammable Gases	1	2					
Flammable Aerosols	1	2					
Oxidizing Gases	1						
Gases Under Pressure	1						
Flammable Liquids	1	2	3	4			
Flammable Solids	1	2					
Self Reactive Chemicals	Type A	Type B	Type C	Type D	Type E	Type F	Type G

Appendix C - Labeling Elements

New/updated hazards, guidance & precautionary statements

6 Main Elements:

1. Product/Chemical Identifier
2. Signal Word*
3. Pictograms*
4. Hazard Statement
5. Precautionary Statements**
6. Supplier identifier

*Standardized under GHS

**Standardized under HCS

1 ACETONE

DANGER 2

- Highly flammable liquid and vapor
- Causes serious eye irritation
- May cause drowsiness or dizziness

3  

4

- Keep away from heat, sparks, open flames, hot surfaces. No smoking.
- Use explosion-proof electrical, ventilating, and lighting equipment.
- Use only non-sparking tools. Take precautionary measures against static discharge.
- Avoid breathing vapors, mist, and spray.
- Wash hands and other exposed areas thoroughly after handling.
- Use only in well-ventilated area.
- Wear protective gloves, and eye, face and respiratory protection.
- If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower.
- If inhaled: Seek fresh air and keep comfortable for breathing.
- If in eyes: Flush for at least 15 minutes. Remove contact lenses if possible. Continue rinsing.
- Call a poison center or doctor if you feel unwell.
- Store in a well-ventilated place. Keep container tightly closed. Keep cool. Store locked up.
- In case of fire: Use dry chemical, CO₂, water spray (fog) or foam.
- Dispose of contents/container to local, regional, national, and international regulations.

5

(Sample Only)

6 [Company Name, Street Address, City, State/Province, Country
Telephone: (Country Code#)-###-####

Additional non-conflicting info is permitted

Labeling Requirements

Primary Consideration:

Container size

- Small (<100 mL)
- Very Small (<3mL)

Other Considerations:

- Bulk Shipments
- Containers Released for Shipping

Appendix D – Safety Data Sheets

Updates to Sections 2, 9 & 11

- Section 1: Identification
- **Section 2: Hazard(s) identification**
- Section 3: Ingredients information
- Section 4: First-aid measures
- Section 5: Fire-fighting measures
- Section 6: Accidental release measures
- Section 7: Handling and storage
- Section 8: Exposure control/PPE
- **Section 9: Physical/chemical property**
- Section 10: Stability and reactivity
- **Section 11: Toxicological information**
- *Section 12: Ecological information**
- *Section 13: Disposal considerations**
- *Section 14: Transport information**
- *Section 15: Regulatory information**
- Section 16: Other information

* Non-Mandatory (not regulated by OSHA)

Contractor Responsibilities

- Responsibility to Client
- Responsibility to Employees
- Managing Hazards
- Information & Training
- Reporting

OSHA Inspection Process

- Type
- Credentials & Opening Conference
- Walkaround
- Closing Conference
- Follow-Up



#2

Hazard Communication

OSHA Standard: 29 CFR 1910.1200

Total Violations:

FY2022 - 2,424(+21%)

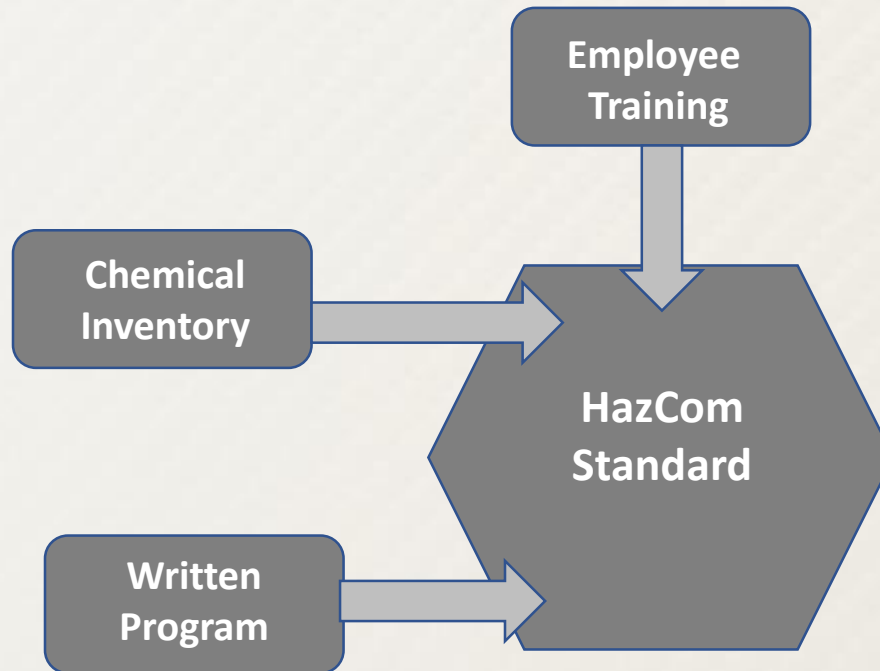
FY2021 - 1,939

This standard addresses chemical hazards both produced, and imported, into the workplace. It also governs the communication of those hazards to employees.

Top 3 Sections Cited:

- 1. 1910.1200(e)(1)** – Employers must develop, implement and maintain a written HazCom program which describes all appropriate establishment information
- 2. 1910.1200(h)(1)** – Provide employees with chemical information and training
- 3. 1910.1200(g)(8)** – Ensure each HM container is properly labeled, tagged or marked

The 5 Key Elements of HazCom



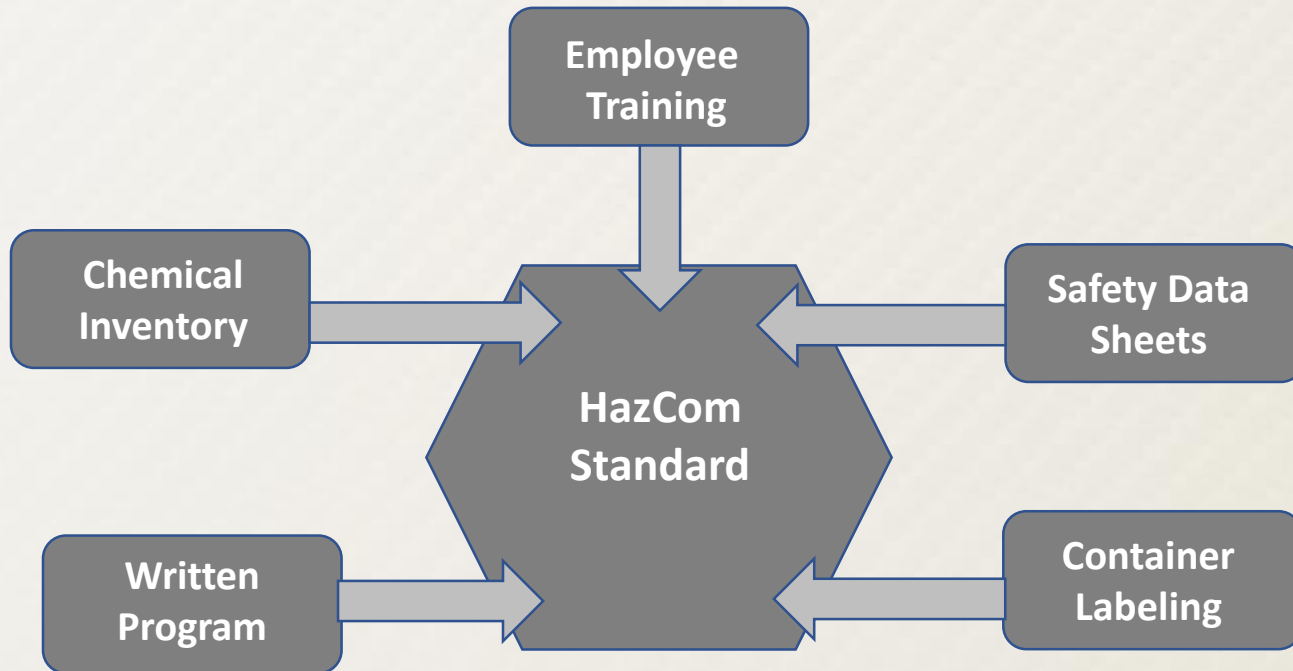
OSHA Training Criteria

Training should be delivered using different formats (e.g., classroom, videos, conference, hands-on) and technologies (e.g., online & CBT, etc.) provided that:

- Documented
- Complies with the applicable standard
- Delivered in a manner & language understood by all employees
- Prepared & delivered by ***“Qualified Person”***

Note: A *“Qualified Person”* is defined by OSHA as one who, “by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, and/or the project.”

The 5 Key Elements of HazCom



OSHA Required Documentation

- Written Plans & Permits
- **Written Procedures***
- Postings (3)
- **Sampling and exposure monitoring data***
- Operating procedures
- **Chemical inventory & Safety Data Sheets***
- **Medical evaluation records***
- Inspection & test records
- **Maintenance & repair records***
- **Training records***
- **Injury & Illness logs (OSHA 300)***

*Directly related to HazCom (1910.1200)

Current OSHA Citations & Penalties

TYPE OF VIOLATION	MINIMUM PENALTY	MAXIMUM PENALTY
OTHER THAN SERIOUS SERIOUS POSTING REQUIREMENTS	OTS - \$0. per violation Serious - >\$1000. per violation Posting - \$0. per violation	\$15,625. max. per violation
WILLFUL & REPEAT	>\$10,000. per violation	\$156,259. max. per violation
FAILURE TO ABATE	N/A	\$15,625. per day beyond the abatement date.

Bipartisan Budget Act of 2015 – Aug 2016 (Effective Jan 2023)

Note: State Plan states that operate their own OSHA Plans are required to adopt maximum penalty levels that are at least as much as federal OSHA.

Employee Protection from Retaliation

OSHA's Whistleblower Protection Program

OSHA's Whistleblower Protection Program enforces the provisions of more than 20 federal laws protecting employees from retaliation for, among other things, raising or reporting concerns about hazards or violations of various workplace safety and health, aviation safety, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws. Employees who believe that they have experienced retaliation in violation of one of these laws may file a complaint with OSHA.

Whistleblower Laws Enforced by OSHA

Following is a list of statutes over which OSHA has jurisdiction. Each statute has a different time frame in which a complaint can be filed.

- *Asbestos Hazard Emergency Response Act (90 days)*
- *Clean Air Act (30 days)*
- *Comprehensive Environmental Response, Compensation and Liability Act (30 days)*
- *Consumer Financial Protection Act of 2010 (180 days)*
- *Consumer Product Safety Improvement Act (180 days)*
- *Energy Reorganization Act (180 days)*
- *Federal Railroad Safety Act (180 days)*
- *Federal Water Pollution Control Act (30 days)*
- *International Safe Container Act (60 days)*
- *Moving Ahead for Progress in the 21st Century Act (motor vehicle safety) (180 days)*
- *National Transit Systems Security Act (180 days)*
- *Occupational Safety and Health Act (OSH Act) (30 days)*
- *Pipeline Safety Improvement Act (180 days)*
- *Safe Drinking Water Act (30 days)*
- *Sarbanes-Oxley Act (180 days)*
- *Seaman's Protection Act (180 days)*
- *Section 402 of the FDA Food Safety Modernization Act (180 days)*
- *Section 1558 of the Affordable Care Act (180 days)*
- *Solid Waste Disposal Act (30 days)*
- *Surface Transportation Assistance Act (180 days)*
- *Toxic Substances Control Act (30 days)*
- *Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (90 days)*

What Is Retaliation?

Retaliation is an adverse action against an employee because of activity protected by one of these whistleblower laws. Retaliation can include several types of actions, such as:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation
- Reassignment affecting promotion prospects
- Reducing pay or hours
- Making threats

Filing a Complaint

Employees who believe that their employers retaliated against them because they engaged in protected activity should contact OSHA as soon as possible because they must file any complaint within the legal time limits.

An employee can file a complaint with OSHA by visiting or calling his or her local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. A particular form is required and complaints must be submitted in any language.

Written complaints may be filed by fax, electronic communication, hand delivery during business hours, U.S. mail (confidential services recommended), or other third commercial carrier.

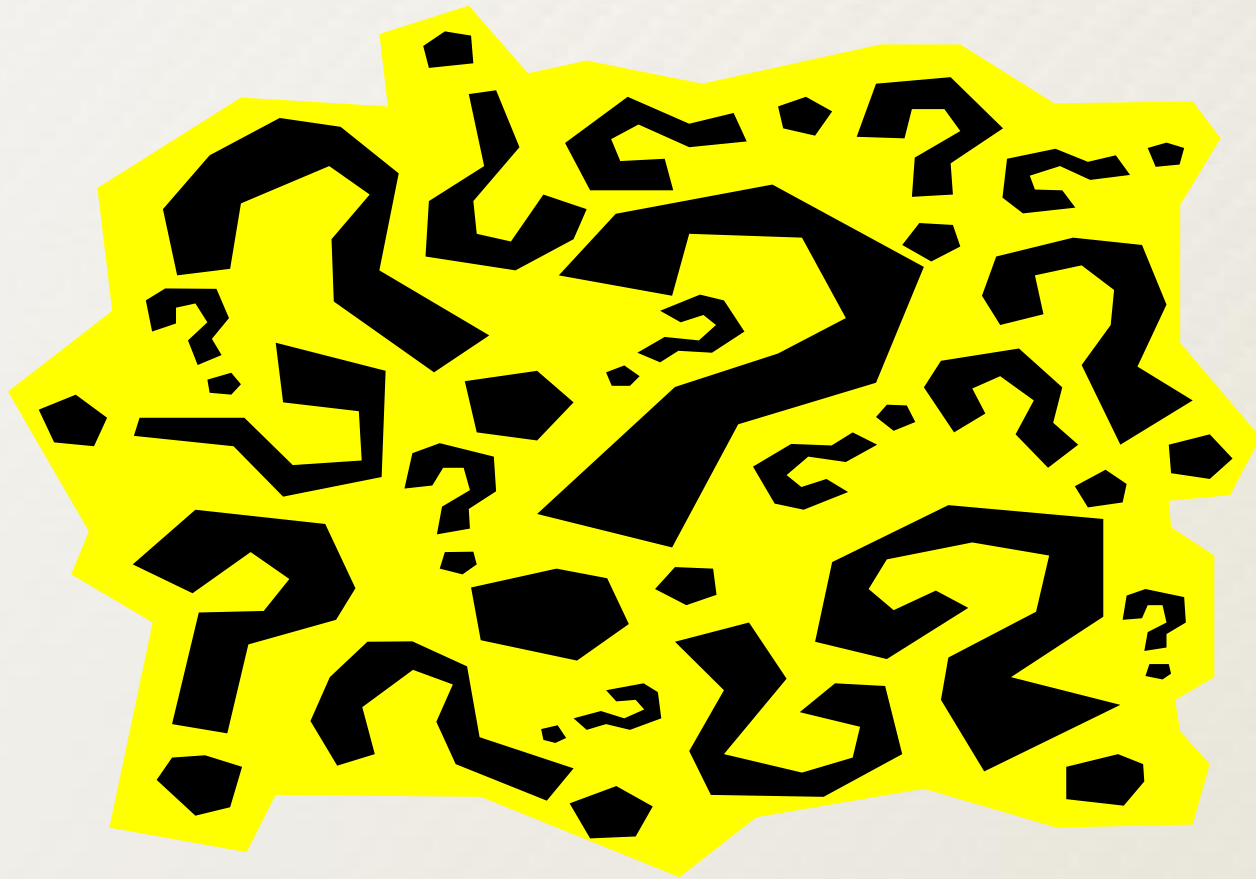


OSHA's Cooperative Programs

OSHA offers the following cooperative programs under which businesses, labor groups, and other organizations can work cooperatively with the Agency to help prevent fatalities, injuries, and illnesses in the workplace, including Hazard Communication. If your organization is located in a State with OSHA-approved State Plan, please contact your state agency for information about cooperative programs.



Questions?



Thank You for Your Participation

Jack Fearing, CPEA

(908) 303-8359 / jack@fearing-international.com



**For more information or additional questions, please email
mmyers@successfuel.com**

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