

AIHA GOVERNMENT AFFAIRS

“MEMBER ALERT”

DATE: October 23, 2009

TO: AIHA Membership
Interested Parties

FROM: Aaron Trippler
Director Government Affairs

SUBJECT: 1) OSHA Proposed Rule on GHS and its Impact on TLVs
2) OSHA ANPR on Combustible Dust

AIHA national is requesting your assistance on two important issues impacting the health and safety of workers. Please take a few minutes to review this information.

Issue 1 – OSHA Proposed Rule to Adopt the Globally Harmonized Hazard Communication System (GHS) and the impact it may have on the TLVs.

On September 30, OSHA published in the Federal Register a proposed rule to align OSHA's Hazard Communication Standard with provisions of the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS). OSHA requests comments on this proposed rule be submitted no later than December 29.

AIHA has been monitoring the GHS issue since the OSHA ANPR on GHS was announced back in 2006. AIHA national submitted detailed comments on this ANPR.

While this proposed rule covers a considerable number of issues, AIHA is concerned about one specific provision within the proposal – that being deletion of the referencing of TLVs within the HazCom Standard.

When the ANPR was announced back in 2006 OSHA requested input on whether or not the requirement that the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) included on the Safety Data Sheets (SDS) be deleted when the requirements are changed to be consistent with the GHS.

AIHA encouraged OSHA to include the ACGIH TLVs and other relevant exposure guidelines on the SDS as a risk management tool, with the recognition that hazard classification under the GHS is based on a review of the available data, and is not based on lists of hazardous chemicals. However, we felt the adjustment to this shift in

approach to hazard determination will take some time and employee protection will be enhanced by continuing to require OSHA Permissible Exposure Limits (PELs) and TLVs on the Safety Data Sheet.

AIHA also recommended that if OSHA decided not to require TLVs on SDS, the agency should add a non-mandatory appendix to the HCS to include reference to the TLVs. (You can read the entire AIHA comments in the attachment).

AIHA believes that, if adopted in its current form, the proposed rule will delete the TLVs from the HazCom Standard.

AIHA national is alerting the AIHA membership and other interested parties that AIHA is preparing comments on this proposed rule. We also plan to appear and present comments at public hearings OSHA is planning to conduct. However, your involvement is also necessary if we are to provide OSHA with comments that reflect the wishes of the membership and the profession.

AIHA is asking you to either prepare your own comments for submission to the agency or submit your comments directly to AIHA. You have plenty of time to do so as comments are not due until December 29.

Attached to this email for your review:

- 1) AIHA comments* on the 2006 ANPR on GHS. Available at www.aiha.org/news-pubs/govtaffairs/Documents/GHS%20ANPR%20Comments-11-13-06.pdf.
- 2) A copy of the OSHA press release on the proposed rule. Within this press release is a link to the proposed rule and details on how to submit comments. Available at www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16473.

Again, AIHA is asking you to comment on the GHS proposed rule and its impact on the TLVs. If you wish to submit your comments directly to OSHA you can find details on how to do so within the Federal Register notice. AIHA will contact you again prior to the comment deadline to remind you to submit comments. We may also ask you to contact other policymakers to enlist support for the AIHA position.

Contact atrippler@aiha.org if you have any questions.

Issue 2 – OSHA Advance Notice of Proposed Rulemaking to Develop a Standard on Combustible Dust.

On October 21, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) as an initial step in development of a standard to address the hazards of combustible dust.

OSHA has requested comments be submitted by January 19, 2010.

AIHA is contacting the AIHA membership (including volunteer groups) and other interested parties to solicit input on this ANPR. Because the issue of combustible dust

overlaps with several volunteer groups within the association, AIHA has determined the best course of action is to contact the entire membership for input.

Attached to this email are two documents:

- 1) A press release from OSHA announcing the ANPR. Within this press release is a link to the Federal Register and the actual ANPR. Available at www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16623.
- 2) A copy of AIHA national correspondence to Congress in support of legislation that would require OSHA to issue a final rule on combustible dust. Available at www.aiha.org/news-pubs/govtaffairs/Documents/HR849-Comb%20Dust-AIHA%20Support-04-02-09.pdf.

AIHA national is requesting the membership to provide comments on this ANPR. These comments can be compiled individually or through a volunteer group. All comments will be considered by AIHA and submitted to the AIHA board of directors for approval or rejection. Approved comments will be forwarded to OSHA for consideration. Of course you may also submit your individual comments directly to OSHA through the process outlined in the ANPR.

There is also the possibility AIHA national will draft comments for presentation at future public hearings to be conducted by OSHA.

Please take a few minutes to review this ANPR and consider whether or not you have specific comments on the questions posed by OSHA.

If you have comments for AIHA consideration, these comments must be received at AIHA national no later than January 1, 2010. Comments received after this date may not be considered.

Should you have any questions, please contact Aaron Tripler, AIHA Government Affairs Director, at (703) 846-0730 or atripler@aiha.org.

Thank you for your consideration.

*The full AIHA position statement referenced in the attached comments is available at www.aiha.org/news-pubs/govtaffairs/Documents/news06_GHSANPRComments-11-13-06.pdf.