



OSHA

Public Hearing

**Proposal to Modify the
Hazard Communication Standard
To conform to the United Nations'
Globally Harmonized System of Classification and
Labeling of Chemicals (GHS)**

Presented by

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My name is Cathy Cole and I am President of the American Industrial Hygiene Association (AIHA). I am a certified industrial hygienist, a certified safety professional and have been involved in the occupational health and safety profession for nearly 25 years. It is a privilege for me to represent the AIHA and I appreciate the opportunity to appear at this public hearing to discuss the OSHA proposal to modify the Hazard Communication Standard to conform to the Globally Harmonized System and Classification and Labeling of Chemicals, referred to as GHS. AIHA and our members thank you for holding this public hearing.

AIHA is the premier association serving the needs of professionals involved in occupational and environmental health and safety practicing industrial hygiene in industry, government, labor, academic institutions, and independent organizations. The AIHA mission is to promote healthy and safe environments by advancing the science, principles, practice, and value of industrial and occupational hygiene. AIHA is not only committed to protecting and improving worker health, but the health and well-being of adults and children in our communities. One of AIHA's goals is to bring "good science" and the benefits of our workplace experience to the public policy process directed at worker health and safety.

AIHA shares the concerns that inaccurate, incomplete and outdated Material Safety Data Sheets (MSDSs) can increase risks of illnesses and injuries and environmental consequences arising from the handling, storage, transportation and use of hazardous chemicals. Industrial hygiene, safety, emergency response and environmental health professionals rely on MSDSs as a source of information to assist employers and employees properly manage hazardous chemicals.

With the few minutes I am allotted to provide input on this GHS proposal, I would like to touch upon one of AIHA's major concerns with this proposal as well as several areas that AIHA supports. AIHA submitted more extensive comments that appear in the federal docket.

AIHA agrees the proposed modifications to the Hazard Communication Standard (HCS) will improve the quality and consistency of hazard communication information provided to employers and employees. Standardized label elements will make hazard identification easier and the use of pictograms will be helpful in workplaces where literacy and English language reading is limited. The detailed criteria underlying the hazard classification system should result in far more consistent classification between chemical manufacturers resulting in similar hazards and precautions appearing on labels and Safety Data Sheets (SDSs), as they are now called, for similar chemicals. A standardized format for SDSs will also assist employers, employees and emergency responders in identifying needed information more efficiently.

AIHA supports the proposed revision of the Hazard Communication Standard (HCS) and believes it will result in better hazard recognition and safer use of chemicals in the workplace.

However, there is one area where AIHA and the agency proposal disagree. The agency is proposing to require that OSHA permissible exposure limits (PELs) are included on the Safety Data Sheet, as well as any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the SDS.

AIHA is aware that to bring the HCS in compliance with the GHS, the Haz Com Standard would no longer include a requirement to include the Threshold Limit Values (TLVs) and simply include the mandatory PELs. Yet the proposal provides an option for chemical manufacturers, importers or employers preparing the SDSs to "include other occupational exposure limits used or recommended". AIHA believes if the agency provides this as an option, the agency should take this one step further and add a non-mandatory appendix to the HCS to include reference to the TLVs and other

occupational exposure limits such as the Workplace Environmental Exposure Levels (WEELs).

AIHA has several rationales for making this recommendation:

- Including only references to PELs raises many concerns. OSHA PELs have not been updated in years (many are 40 years old) and do not reflect the latest guidance or best understanding of what is acceptable exposure. Furthermore, OSHA PELs are derived with scientific, technological feasibility and economic considerations. TLVs and WEELs do not consider economic and technological feasibility, but remain the most robust exposure guidance for chemicals available today.
- TLVs, WEELs and other Occupational Exposure Limits (OELs) play an important role and provide guidelines for industrial hygienists to use in making decisions regarding safe levels of exposure to various chemical and physical agents found in the workplace.
- Hazard classification under the GHS is based on review of the available data and is not based on lists of hazardous chemicals. However, 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 PELs in the HCS and, at the minimum, providing a non-mandatory appendix that would reference TLVs, WEELs and other OELs.
- Removing TLVs from the HCS and not including these and other OELs as references would go against existing uses by others in the federal government. As an example, DOE Orders in the past and DOE regulations (10CFR851) at this time specifically state that TLVs are to be used in preference to PELs. In addition, many colleagues abroad have historically relied on the TLVs and WEELs for their basic guidance and many foreign governments have adopted TLVs as their regulated limits.

AIHA respectfully requests the agency to reconsider its “option” for manufacturers to include other OELs and amend the proposal to state that TLVs, WEELs and other occupational exposure limits will be included as an appendix to the HCS.

Reference to these OELs in an appendix would provide chemical manufacturers, employers and employees’ guidance in determining what is or is not an acceptable risk to hazards. They would not be required for distribution of chemical products either domestically or internationally, but would provide the latest data to assist in controlling exposure. AIHA believes providing a reference to all occupational exposure limits would be the prudent approach to provide the utmost information and protection to workers.

One additional comment regarding PELs, TLVs, WEELs and other OELs – AIHA respectfully requests OSHA to work with stakeholders to address the issue of updating the PELs so that employees and employers no longer must rely on outdated PELs to protect workers.

There are a considerable number of additional issues found within this proposal where AIHA agrees with the agency. While not attempting to cover all of these, AIHA believes these sections are noteworthy:

- AIHA supports OSHA’s decision to adopt all of the physical and health hazard classes in the GHS but to exclude those hazard categories Acute Toxicity Category 5 for oral, dermal, or inhalation exposures; Skin Corrosion/Irritation Category 3; and Aspiration Hazard Category 2.
- AIHA supports the definition of unclassified hazards to be included in the HCS to cover specific hazards until such time that criteria for these hazards can be developed at the international level, added to the GHS and then added to the HCS.

- AIHA supports a time interval for label updating when new and significant information about the hazards becomes known. OSHA provisions require labels be updated within three months of obtaining this new information. Although we cannot comment on the adequacy of the time frame we feel the broader issue is the enforcement of label updates. AIHA encourages the agency to place more emphasis on this enforcement activity, which encourages efficient and timely updates of labels.
- AIHA supports the proposed implementation schedule in the proposal. Three years should be adequate time for manufacturers and importers to revise their MSDSs and labels. AIHA agrees two years is reasonable to permit employers time to modify their internal training programs and for commercial training materials to be developed.

In conclusion, it should be recognized that the United States is both a major importer and exporter of chemicals, therefore the manner in which other countries choose to regulate has an impact on the protection of workers in the U.S. as well as possible barriers to international trade in chemicals, and vice versa.

The GHS clearly addresses a number of these issues. The GHS, when fully implemented, will facilitate international trade in chemicals and provide a recognized framework that adds to the protection of employers and employees. AIHA pledges our full assistance to OSHA, other regulatory bodies, industry, and the international community to see that the GHS accomplishes its intended objectives. AIHA's concern continues to be the prevention of health risks to workers and others.

On behalf of AIHA, thank you for this opportunity to participate and present our views.