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November 13, 2006

OSHA Docket Office  
Docket H022K, Room N-2625  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

(via electronic submission)

Docket Officer:

The American Industrial Hygiene Association (AIHA) expresses its appreciation to the Occupational Safety and Health Administration (OSHA) for the opportunity to provide comments on the OSHA advance notice of proposed rulemaking (ANPR) to develop a Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The ANPR was published in the *Federal Register* on September 12, 2006, pages 53617-53627.

Founded in 1939, the American Industrial Hygiene Association (AIHA) is the premier association of occupational and environmental health and safety professionals. AIHA's 12,000 members play a crucial role on the front line of worker health and safety every day. Members represent a cross-section of labor, industry, private business, academia, and government.

AIHA members also participate in many technical committees which support the goals of the association. One of these committees is the AIHA Stewardship and Sustainability Committee which provides a bridge between AIHA members and businesses, workers, government, and the community to meet the health, safety, and environmental needs of present generations without compromising the needs of future generations. Through education, and the development of training, communication and resource tools, the committee enables the AIHA membership to utilize sustainability and stewardship models to balance the financial, social, and environmental objectives of the organization.

**AIHA**

*Your Essential Connection:  
Advancing Occupational and Environmental Health  
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One of the goals of the AIHA Stewardship and Sustainability Committee is to increase the awareness and understanding of the Globally Harmonized System (GHS) among AIHA members, including providing comments on related regulations being proposed that affect product health and safety. In addition to the comments developed by the AIHA Stewardship and Sustainability Committee, comments were received from members of the AIHA Management, Communications and Training Methods, and Occupational Epidemiology Committees. Since AIHA is a professional organization, comments will be limited to providing input on portions relevant in representing the professional membership of AIHA.

## **AIHA BACKGROUND INFORMATION ON** **MATERIAL SAFETY DATA SHEETS (MSDS)**

In September of 2005, AIHA adopted a position statement regarding MSDS and the interest in updating the OSHA Hazard Communication Standard (HCS). AIHA stated that it has been almost 20 years since OSHA adopted the HCS with its provisions for development and distribution of MSDSs for hazardous chemicals. As originally intended, an MSDS was not meant to be a stand-alone document. It was part of an overall hazard communication program. The AIHA is keenly interested in the issues surrounding MSDSs because they are essential tools in the protection of employees exposed to chemical hazards in the workplace. Many AIHA members have extensive experience and direct involvement with technical and policy issues regarding MSDSs and are involved in the development or review of MSDSs for their employers.

AIHA considers MSDSs to be essential information sources that enable the anticipation, recognition, evaluation and control of workplace exposures and environmental hazards of chemical substances.

AIHA fully supports one MSDS format for all target audiences. This issue is not confined to the United States, but rather is of global concern. AIHA encourages the use of international standards/guidelines (including recommended phrases and symbols) that allow MSDS preparers to communicate hazards in an understandable way to the various MSDS users. AIHA recognizes that providing information on an MSDS is necessary to fulfill the needs of the various target audiences.

AIHA supports the overall goals of both the ANSI Standard on MSDS Preparation Z400.1 and the Globally Harmonized System (GHS) in that they improve the quality of MSDSs by establishing a harmonized structure and meaningful recommendations on content.

The full AIHA position statement is available at [www.aiha.org/1documents/governmentaffairs/P-MSDS-09-02-05.pdf](http://www.aiha.org/1documents/governmentaffairs/P-MSDS-09-02-05.pdf). This statement provides our input that more standardized labels and Safety Data Sheets (SDS) will make hazard communication information easier to use and therefore improved employee protection from hazards is one of the main benefits of GHS implementation, other than the economic ones.

## **COMMENTS ON ADVANCE NOTICE OF PROPOSED RULEMAKING**

AIHA supports the modification of the Hazard Communication Standard to adopt the GHS as an important step toward MSDS (hereafter referred to Safety Data Sheets (SDS)) quality improvement and offers the following comments on the specific questions raised by OSHA in the ANPR.

### **Timing**

The international goal is for as many countries as possible to adopt the GHS by 2008. OSHA is expected to allow a significant phase-in period for compliance in order to give people sufficient time to review their classifications and amend them as necessary. While OSHA recognizes that the revised requirements could potentially be put in place by 2008, the phase-in period may have to extend beyond that time.

AIHA believes a reasonable time period for phasing in modifications is three to five years and implementation should at the same time for all types of business (national or multi-national, small or large).

Substances should be implemented first, followed by mixtures. It is reasonable to assume that single substances would need to be classified prior to mixtures containing those substances. This should allow adequate time for information to flow through the supply chain but minimize the confusion that could result from a prolonged period of dual regulations.

### **Technical issues**

It is understood that OSHA anticipates adopting all of the health and physical hazard criteria in the GHS. Definitions in the HCS will need to be the same as GHS in order to be harmonized. However, there are some determinations that are left to countries to decide.

- OSHA has requested input on whether or not the requirement that the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) included on the SDS be deleted when the requirements are changed to be consistent with the GHS.

AIHA encourages 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 feel 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.

(Comment/Rationale: Companies that voluntarily include TLVs on SDSs, may be at a competitive disadvantage if competitors only include outdated PELs, therefore it should be a requirement until there are updated PELs available.)

AIHA believes the TLVs 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.

Should OSHA determine that inclusion of the TLVs on the SDS be deleted under the GHS, AIHA recommends that OSHA add a non-mandatory appendix to the HCS to include reference to the TLVs. This appendix would provide chemical manufacturers, employers and employees' guidance in determining what is or is not an acceptable risk to hazards. These references and guidance would not be required for chemical manufacturers' distribution of their products either domestically or internationally, but would provide the latest data to assist in controlling exposure.

- OSHA should not adopt all GHS hazard categories, but should work with major trading partners such as Canada, Mexico, the EU, and various countries in APAC to ensure harmonized adoption of hazard categories for the industrial sector. In order to achieve harmonization and to reap the principal benefits of GHS it would be necessary for GHS to be adopted in a consistent manner worldwide. Though there will differences, every effort should be made to minimize them with the industrial sector. Harmonized adoption with major trading partners will have to be balanced against the economic costs of adopting all GHS hazard categories.

Many GHS hazard categories are appropriate to address anticipated workplace exposures, but some will result in more onerous requirements for chemicals not currently classified as hazardous in the industrial setting. In an attempt to maintain the current level of protection within the existing Hazard Communication Standard (HCS), but not direct resources away from higher risk materials, the following GHS categories should not be adopted in the modified HCS:

Flammable Gases Category 2  
Skin Corrosion/Irritation Category 3  
Aspiration Hazard Category 2  
Acute Toxicity Categories 4 and 5

(Comments: OSHA does not have the regulatory authority to address environmental concerns, and would not adopt the GHS criteria for aquatic toxicity or require inclusion of environmental information for SDSs used in the workplace.)

- If OSHA changes the HCS to adopt the physical hazard criteria in the GHS, it will create unacceptable inconsistencies with other OSHA standards. Therefore OSHA needs to change the criteria in those standards when the HCS changes. Consistent classification between HCS and storage and handling requirements for flammable liquids are the most critical potential problem.

### **Compliance Assistance and Outreach**

AIHA believes that basic training material that can be customized to the needs of the business will be most useful to employers as they work to achieve compliance with HCS modifications to adopt the GHS. Subjects that will be of most interest will be classification criteria, including differences between the current and modified HCS. Other subjects should include required and optional elements of GHS SDSs and labels, and interpretation of GHS pictograms, signal words, and hazard statements. Small businesses should find a comprehensive summary and overview of the GHS especially useful.

Access to computers may be limited in small businesses and for field employees, therefore paper publications such as posters would be beneficial because they could be posted at multiple worksites. Long detailed documents typically would be read in entirety for field personnel, therefore brief and to the point information that provides field personnel with what they need to get their job done now and how this program would impact them is truly what the document should outline.

Training material should be made available electronically for downloading from the OSHA website, but also must be available upon request via U.S. mail.

### **Additional Questions**

AIHA would also like to pose the following questions for consideration as OSHA moves forward with a proposed rule:

- In the document, it states that modifications to the GHS will occur periodically and additional rulemaking will be necessary to the U.S. based GHS. How will OSHA keep up with the international GHS changes given the historically slow action associated with “5b” rulemaking? How will OSHA interact with other federal agencies interested in GHS modifications?
- How will the GHS impact OSHA substance-specific standards? For example, the newly promulgated hexavalent chromium standard utilizes the HCS for several

training aspects associated with worker exposure. Will this be impacted? Will other substance-specific standards have to be modified?

- Under GHS, have there been any provisions made for the unique toxicology profiles associated with nanomaterials?
- Many companies add extra non-required information to MSDSs. Will that still be allowed under the changes and, if so, where/how? Would it then be indicated as new, non-required, supportive information?

### **Conclusion**

The United States is both a major importer and exporter of chemicals, therefore manner in which other countries choose to regulate has an impact on the protection of workers in the U.S. as well as on possible barriers to international trade in chemicals, and vice versa. The GHS clearly addresses a number of the issues raised regarding the current Hazard Communication Standard requirements.

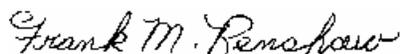
The GHS is intended to accomplish a number of objectives. A major goal is to improve the quality and consistency of chemical hazard information. It is also anticipated that the GHS, when implemented, will facilitate international trade in chemicals and provide a recognized framework for those countries without an existing hazard communication system.

AIHA believes that industrial hygiene professionals have a key role in improving the quality and value of information available on an SDS. We intend to educate our members and others about the current activities related to the preparation and use of SDSs, including efforts to increase their quality and utility, implementation of a globally harmonized approach to their presentation, and updating the existing voluntary consensus standard that provides guidance for development.

AIHA pledges our full assistance to OSHA, other regulatory bodies, industry, and the international community, and will continue to monitor, comment and advise in this process, in order to promote the best safety and health information to all users.

AIHA appreciates the opportunity to comment on this ANPR and offers any assistance possible to OSHA and others as the proposal moves forward. Our concern continues to be the prevention of health risks to workers and others.

Sincerely,



Frank M Renshaw, PhD, CIH, CSP  
President

cc: AIHA Board of Directors  
AIHA Stewardship and Sustainability Committee Chair  
AIHA Respiratory Protection Committee Chair  
AIHA Communication Training and Methods Chair  
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