



HR and Benefits Update



2009

OSHA Proposes To Change Hazard Communication Standard

September 30, 2009

December 29, 2009 is the deadline to submit comments to the Occupational Safety and Health Administration (OSHA) on a proposal to modify its existing Hazard Communication Standard (HCS) published in the Federal Register today (September 30, 2009). The proposed changes would have implications for employers, manufacturers, importers and others.

OSHA is proposing to conform with the United Nations' (UN) Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and make various other changes to the HCS. OSHA says the proposed modifications will improve the quality and consistency of information provided to employers and employees regarding chemical hazards and associated protective measures and will enhance the effectiveness of the HCS in ensuring that employees are apprised of the chemical hazards to which they may be exposed, and in reducing the incidence of chemical-related occupational illnesses and injuries.

The proposed modifications to the HCS standard among other things would:

- Revise criteria for classification of chemical hazards;
- Revise labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for safety data sheets; and
- Revise related revisions to definitions of terms used in the standard, requirements for employee training on labels and safety data sheets.
- Modify provisions of a number of other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, to ensure consistency with the modified HCS requirements.

OSHA has proposed to require that employers train employees on the new labels and safety data sheets within two years after publication of the final rule to ensure they are familiar with the new approach and that chemical manufacturers, importers, distributors, and employers be required to comply with all provisions of the modified final rule within three years after its publication. In addition to generally inviting comments on the proposed changes, OSHA has specifically asked for input about the adequacy of these periods.

To review the proposed regulation text, see [here](#).

If you have questions about or need assistance evaluating, commenting on or responding to the Proposed Regulation or other employment, compensation, employee benefit, workplace health and safety, corporate ethics and compliance practices or other related concerns or claims, please contact the author of this article, Curran Tomko Tarski LLP Labor & Employment Practice Group Chair Cynthia Marcotte Stamer. Board Certified in Labor & Employment Law by the

Texas Board of Legal Specialization, Ms. Stamer is experienced with assisting employers and others about these and other human resources related concerns. Ms. Stamer has advised and represented employers on these and other labor and employment, compensation, employee benefit and other personnel and staffing matters for more than 20 years. Ms. Stamer also speaks and writes extensively on these and other related matters. You can learn more about Ms. Stamer and her experience [here](#) and access other selected publications and presentations by Ms. Stamer [here](#). For additional information about the experience and services of Ms. Stamer and other members of the Curran Tomko Tarski LLP team, see [here](#).

Other Information & Resources

We hope that this information is useful to you. If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#) or e-mailing this information [here](#) or registering to participate in the distribution of our Update distributions [here](#).

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