O'NEILCANNON
HOLLMAN DEJONG & LAING S.C.

EMPLOYERS MUST PROVIDE TRAINING FOR OSHA'S REVISED HAZARD COMMUNICATION STANDARD BY DECEMBER 1, 2013

By December 1, 2013, OSHA is requiring employers to provide initial training to its employees on OSHA's new Hazard Communication Standard. OSHA revised its Hazard Communication Standard (HCS) by adopting the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. The **final rule** for the new HCS was published in the Federal Register on March 20, 2012. The most significant changes to the HCS requires the use of new labeling elements and a standardized format for Safety Data Sheets (SDSs), formerly known as, Material Safety Data Sheets (MSDSs).

The initial training requirement does not include a requirement to re-train on all hazards. However, the mandated initial training does require employers to ensure that employees understand the new label elements and SDS approach. "Label element" means the specified pictogram(s), hazard statement(s), signal word and precautionary statement(s) for each hazard class and category. Initial training on label elements include:

- Product Identifier: How the hazardous chemical is identified.
- Signal Words: Signal words are used to indicate the relative level of severity of hazard. There are only two signal words, "Danger" and "Warning."
- Pictogram: Eight **pictograms** have been designated under the HCS for application to a hazard category.
- Hazard Statement(s): A hazard statement is a statement assigned to a hazard class and category that describes the nature of the hazard(s) of a chemical, including where appropriate, the degree of hazard. An example of a hazard statement is: "Fatal if swallowed."
- Precautionary Statement(s): A precautionary statement is a phrase that describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous chemical, or improper storage or handling. For example, a precautionary statement could read: "Do not eat, drink, or smoke when using this product."

The new Safety Data Sheets will be organized using specified order of information. Employers must train employees on the format of the SDS which now consists of a standardized 16-section format, including the type of information found in the various sections. The 16 sections include:

1. Identification
2. Hazard identification
3. Composition/information on ingredients
4. First-Aid measures
5. Fire-fighting measures
6. Accidental release measures
7. Handling and storage
8. Exposure control/personal protection
9. Physical and chemical properties
10. Stability and reactivity
11. Toxicological information
12. Ecological information
13. Disposal considerations
14. Transport information
15. Regulatory information
16. Other information

Although initial training must be completed by December 1, 2013, full compliance with the preparation of new labels and SDSs is not required until **June 1, 2015** and employers will have until June 1, 2016 to update their hazard communication programs or any other workplace labeling as necessary. *See* OSHA's **fact sheet** for additional information on the revised Hazard Communication Standard.