

ALERTS

Labor & Employment Law Alert - OSHA's Revised Hazard Communication Standard Imposes New Training Requirements By Dec. 1, 2013

June 18, 2013 | [Atlanta](#) | [Chicago](#) | [Columbus](#) | [Delaware](#) | [Elkhart](#) | [Fort Wayne](#) | [Grand Rapids](#) | [Indianapolis](#) | [Los Angeles](#) | [Minneapolis](#) | [South Bend](#)

OSHA's revised Hazard Communication Standard (HCS) requires sweeping mandatory training for most employers across the country on the new requirements for chemical labeling as well as the new Safety Data Sheets by Dec. 1, 2013.

Background

OSHA's revised Hazard Communication Standard (HCS) took effect May 25, 2012. It was revised to align it with the internationally accepted Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Any employer that uses hazardous chemicals in its workplace is subject to the communication and training requirements of the HCS. OSHA estimates that this revised standard will affect more than 5 million workplaces across the country employing more than 43 million workers. The revised HCS imposes new obligations on chemical manufacturers and importers as well but some of those requirements do not become effective until 2015.

Major Training Issues For Employers

1. Labels— Employers must train employees on new labeling elements including: product identifiers, signal words and precautionary statements; and
2. Safety Data Sheets (SDS) – Employers must train employees on the new standardized format of SDS (formerly known as Material Safety Data Sheets (MSDS)). These will cover everything from potential hazards of the chemicals, first aid measures as well as how to deal with it during an accidental release or fire.
3. Confusing New format for categorizing hazards – The new system rates the severity of hazards on a 5-point scale (5 = least severe and 1 = most severe). The old Hazard Materials Identification System (HMIS) and National Fire Protection Association (NFPA) use the opposite (5 = most severe and 1 = least severe).
4. Employers must complete the training for their employees on the new label elements and the SDSs by Dec. 1, 2013. When new updated SDSs are received from chemical manufacturers, employers may be required to update their hazard communication programs if new hazards are identified.

Chemical manufacturers, importers and distributors must comply with new hazard classifications and the classifications of chemical mixtures on their labels by June 1, 2015. Distributors may ship chemicals labeled by manufacturers under the old systems until Dec. 1, 2015. During the

RELATED PEOPLE



Kenneth J. Yerkes

Partner
Indianapolis

P 317-231-7513
F 317-231-7433
ken.yerkes@btlaw.com



John T.L. Koenig

Partner
Atlanta

P 404-264-4018
F 404-264-4033
john.koenig@btlaw.com



Norma W. Zeitler

Partner
Chicago

P 312-214-8312
F 312-759-5646
norma.zeitler@btlaw.com



William A. Nolan

Partner
Columbus

P 614-628-1401
F 614-628-1433
bill.nolan@btlaw.com

transition period, chemical manufacturers may use either labeling system and that is why employers are required to train their employees to recognize the new labels and SDS documents.

Hazard Communication has been one of the most frequently cited standards by OSHA for years. In fact, in fiscal year 2012, it was the most frequently cited standard for general industry. Given this fact, employers are advised to consult competent legal counsel regarding compliance with the revised regulations.

For more information, please contact the Barnes & Thornburg Labor and Employment attorney with whom you work, or a leader of the firm's Labor and Employment Department in the following offices:

Kenneth J. Yerkes, Chair (317) 231-7513; John T.L. Koenig, Atlanta (404) 264-4018; Norma W. Zeitler, Chicago (312) 214-8312; William A. Nolan, Columbus (614) 628-1401; Eric H.J. Stahlhut, Elkhart (574) 296-2524; Mark S. Kittaka, Fort Wayne (260) 425-4616; Michael A. Snapper, Grand Rapids (616) 742-3947; Peter A. Morse, Indianapolis (317) 231-7794; Scott J. Witlin, Los Angeles (310) 284-3777; Tina Syring Petrocchi, Minneapolis (612) 367-8705; Janilyn Brouwer Daub, South Bend (574) 237-1139; Teresa L. Jakubowski, Washington, D.C. (202) 371-6366.

© 2013 Barnes & Thornburg LLP. All Rights Reserved. This page, and all information on it, is proprietary and the property of Barnes & Thornburg LLP. It may not be reproduced, in any form, without the express written consent of Barnes & Thornburg LLP.

This Barnes & Thornburg LLP publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation.



Mark S. Kittaka

Partner

Fort Wayne, Columbus

P 260-425-4616

F 260-424-8316

mark.kittaka@btlaw.com



Michael A. Snapper

Of Counsel (Retired)

P 616-742-3947

mike.snapper@btlaw.com



Peter A. Morse, Jr.

Partner

Indianapolis, Washington, D.C.

P 317-231-7794

F 317-231-7433

pete.morse@btlaw.com



Scott J. Witlin

Partner

Los Angeles

P 310-284-3777

F 310-284-3894

scott.witlin@btlaw.com



Janilyn Brouwer Daub

Partner

South Bend, Elkhart

P 574-237-1139

F 574-237-1125

janilyn.daub@btlaw.com



Teresa L. Jakubowski

Partner

Washington, D.C.

P 202-371-6366

F 202-289-1330

teresa.jakubowski@btlaw.com

RELATED PRACTICE AREAS

Labor and Employment