Safety Culture

4 Keys to Complying with OSHA's New Hazard Communication Rule

James Langford | Mar 16, 2023

The U.S. Occupational Safety and Health Administration's requirement that businesses warn employees about hazardous chemicals is already one of the agency's most violated rules, with fines totaling nearly $4 million a year.

That figure may rise even higher as the first update since 2012—slated to take effect this year—introduces new variables to a policy with which manufacturers in particular have struggled to comply. The ***$1.65 million in fines*** OSHA imposed on the industry last year comprised more than 40 percent of the total charged to employers nationwide.

Requirements for the hazard communication program mandated under OSHA's ***standard*** include labeling all ***hazardous chemicals***, providing 16-section safety data sheets on the materials to workers handling them and conducting training sessions. Chemical companies have the additional responsibility of classifying the hazards of substances they either produce or import.

But even though the rule appears straightforward, "many facilities find it challenging to implement a sustainable, systematic, chemical inventory management program," John Scifres of safety software and consulting firm Cornerstone writes ***in a post*** on the company's website.

Most violations stem "from a failure to communicate risks caused by exposure to hazardous chemicals," Scifres writes, with common mistakes relating to chemical labeling, provision of safety data sheets, employee training and maintaining a written program.

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The good news is that those costly errors can be prevented. Here are answers to some common questions about how to do that, including the vital elements of hazard communication plans and OSHA's revisions to the rule.

Who is responsible for complying with the Hazard Communication rule?

Responsibilities fall primarily on employers, with additional duties assigned to chemical manufacturers and importers, OSHA says. Manufacturers and importers must evaluate the hazards of the materials in

their care and prepare labels and safety data sheets that will make customers aware of the risks involved. All employers with hazardous chemicals in their workplace—regardless of industry—must make sure that they're labeled and accompanied by safety data sheets and that workers are trained to handle the substances properly. The rule also covers temporary employees, typically holding both the agency that pays them and the business operating the worksite to which they're assigned ***jointly responsible*** for fulfilling hazard communication requirements.

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What are OSHA's requirements for Hazard Communication training?

Training must show workers how to identify chemicals, analyze them and protect themselves from exposure. Topics ***covered*** might include ways in which a chemical could enter the body, such as inhalation, ingestion or absorption through the skin as well as short- and long-term health effects. Specific requirements include elements of a hazard communications program such as:

- **Labels:** Identifiers of hazardous chemicals, e.g., name, code number or batch number.
- **Signal words:** There are only two: "danger," for more severe hazards and "warning" for less severe risks.
- **Pictograms:** Symbols used in ***OSHA pictograms*** include a flame, an exploding bomb, skull and crossbones, corrosion (toxic substances dripping from test tubes), health hazard (silhouetted head and distorted upper torso), environmental hazard (a dead tree and fish), and an exclamation point. The symbols, all in black, must be displayed on a white background within a red frame.
- **Hazard statement:** Description of the nature of the hazard and, if appropriate, the degree of risk. One example from OSHA: "Causes damage to kidneys through prolonged or repeated exposure when absorbed through the skin."
- **Precautionary statement:** Recommended steps to prevent or minimize health effects from exposure.
- **Name, address and phone number of chemical maker or importer.**
- **How employees might use the labels:** Examples include storing the chemical correctly or locating information on first aid, if needed.

Read More: *The Evolution of The Hazard Communication Standard*

What are the elements of an effective Hazard Communication plan?

An effective plan includes the following ***six steps***, according to OSHA:

- Learning the standard and identifying responsible staff.
- Drafting and implementing a written program.
- Ensuring containers are labeled.
- Maintaining safety data sheets.
- Informing and training employees.
- Evaluating and revising the program as appropriate.

What changes is OSHA making to the rule and when do they take effect?

OSHA's update to the rule, proposed in early 2021 and subjected to public review and hearings afterward, is slated to go into effect in March, according to the Labor Department's ***latest regulatory agenda***.

The update adds classification requirements for chemicals sold together with the intent of mixing them and addresses issues that include labeling for small containers, shipments in tanker trucks or rail cars and packages prepared for distribution in the future, Rachel Krubsack of J.J. Keller & Associates explains in a ***webinar*** with the American Society of Safety Professionals. Chemical manufacturers, importers and distributors are affected most directly, she says.

What elements of hazard communication are most challenging for your business? Tell us in the comments below.