

VII. OMB Review under the Paperwork Reduction Act of 1995

The final rule revises existing Hazard Communication collection of information (paperwork) requirements that are currently approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA-95), 44 U.S.C. 3501 et seq., and OMB's regulations at 5 CFR part 1320. On October 30, 2009, the Department of Labor submitted Hazard Communication collection of information requirements identified in the NPRM to OMB for review in accordance with 44 U.S.C. 3507(d). In accordance with 44 U.S.C. 3506(c)(2), the proposed regulation solicited public comments on the revision of the Hazard Communication Standard's (HCS) Information Collection Request (ICR) (paperwork burden hour and cost analysis) for the proposal. OSHA received no public comments on the Hazard Communication Standard's ICR. On November 18, 2009, OMB filed a comment on the Hazard Communication Standard NPRM ICR in accordance with 44 U.S.C. 3507(d). OMB stated, "This OMB action is not an approval to conduct or sponsor an information collection request under the Paperwork Reduction Act of 1995." The final Standard modifies existing information collection requirements that are currently approved under OMB Control Number 1218-0072. This ICR has been revised and submitted to OMB. OSHA will publish a separate notice in the **Federal Register** that will announce the result of OMB's reviews. The Department of Labor notes that a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it under the PRA-95, and the agency displays a currently valid OMB control number. Also, notwithstanding any other provision of law, no employer shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number.

The final rule standardizes the hazard communication requirements for hazardous chemical products used in U.S. workplaces, and thus provides employees with consistent hazard communication information. Hazard communication is currently addressed by many different international, national, and State authorities. These existing requirements are not always consistent and often contain different definitions of hazards and varying provisions for what information is required on labels and safety data sheets (SDSs). The final standard harmonizes the U.S. system with international norms and as a result would enhance worker safety and facilitate international trade. The final rule's modifications to the Hazard Communication Standard's collection of information requirements include: (1) revised criteria for classification of chemical hazards; (2) revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; (3) a specified format for SDSs; and (4) related revisions to definitions of terms used in the Standard and to requirements for employee training on labels and SDSs.

Paragraph (d), "hazard classification," requires chemical manufacturers and importers to evaluate chemicals produced in their workplaces or imported by them to classify the chemicals' health and physical hazards in accordance with the Standard. For each chemical, the chemical manufacturer or importer must determine the hazard classes, and the category of each hazard class, that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical. Chemical manufacturers, importers or employers classifying chemicals must identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. Mandatory Appendix A to §1910.1200

shall be consulted for classification of health hazards, and Mandatory Appendix B to §1910.1200 shall be consulted for the classification of physical hazards.

For mixtures, chemical manufacturers, importers, or employers evaluating chemicals also must follow the procedures described in Appendixes A and B to §1910.1200 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by the Standard. When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on current SDSs of the individual ingredients except where the chemical manufacturer or importer knows, or in the exercise of reasonable diligence should know, that the SDS misstates or omits information required by the provisions in the final HCS.

Pursuant to paragraph (e), employers are required to develop, implement, and maintain at each workplace a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of the standard on labels and other forms of warning, SDSs, and employee information and training will be met, and which also includes the following: (i) a list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate SDS (the list may be compiled for the workplace as a whole or for individual work areas); and (ii) the methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels) and the hazards associated with chemicals contained in unlabeled pipes in their work areas. The final rule makes no changes to this requirement.

Paragraph (f) modifies existing label requirements by requiring more specific information. Paragraph (f)(1) requires chemical manufacturers, importers, or distributors to

ensure that each shipped container of classified hazardous chemicals leaving the workplace is labeled, tagged, or marked with the following information:

- (i) Product identifier;
- (ii) Signal word;
- (iii) Hazard statement(s);
- (iv) Pictogram(s);
- (v) Precautionary statement(s); and
- (vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.

The chemical manufacturer, importer, or distributor must ensure that the information provided under (i) through (v) above must be in accordance with the mandatory Appendix C, Allocation of Label Elements, for each hazard class and associated hazard category for the hazardous chemical; prominently displayed; and in English (other languages may also be included if appropriate). In addition, the information in (ii) through (iv) must be located together on the label, tag, or mark.

For labels in the workplace, except as provided in paragraphs (f)(7) and (f)(8) of the Standard, employers must ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with either (i) the information specified under (f)(1)(i) through (v) for labels on shipped containers; or (ii) product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

OSHA has also updated the language for workplace signs and labels to incorporate the GHS hazard statement and the applicable precautionary statement(s), where required. Most OSHA substance-specific health standards require hazard warning signs, usually for regulated

areas, and the language required on the signs varies. With the GHS revision, these standards retain the requirements for specific warning language for specific signs; however, OSHA has modified the language to be compatible with GHS and consistent throughout the OSHA standards. The GHS classification process for a specific substance dictates the hazard warnings and the precautionary statements that will be required on the new GHS-compliant product labels. OSHA believes that having signs and labels in the same formats and containing identical warnings for the same health effects will make it far easier for employers and employees to quickly recognize the hazard and the degree of danger of a hazard, thus enhancing communication.

The final rule modifies the language requirements for signs and labels found in the Agency’s health standards listed below in Table VII-1. Since the final rule provides specific language for signs and for labels on containers of contaminated clothing, waste and debris, the Agency is exempted from taking burden hours and costs for these provisions. (*See* 5 CFR 1320.2(c)(2) (“Controlling paperwork burden on the public”). The Agency is taking burden hours and costs for employers to label, tag, or mark each container of hazardous chemicals with either (i) the information specified under (f)(1)(i) through (v) for labels on shipped containers; or (ii) the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals.

Table VII-1

General Industry	
Standard	OMB Control Number
Welding, Cutting, and Brazing 1910.252	1218-0207

Asbestos 1910.1001	1218-0133
13 Carcinogens 1910.1003	1218-0085
Vinyl Chloride 1910.1017	1218-0010
Inorganic Arsenic 1910.1018	1218-0104
Lead 1910.1025	1218-0092
Chromium (VI) 1910.1026	1218-0252
Cadmium 1910.1027	1218-0185
Benzene 1910.1028	1218-0129
Coke Oven Emissions 1910.1029	1218-0128
Cotton Dust 1910.1043	1218-0061
1,2-dibromo-3-chloropropane 1910.1044	1218-0101
Acrylonitrile 1910.1045	1218-0126
Ethylene Oxide 1910.1047	1218-0108
Formaldehyde 1910.1048	1218-0145
Methylenedianiline 1910.1050	1218-0184
1,3-Butadiene 1910.1051	1218-0170
Methylene Chloride 1910.1052	1218-0179
Hazard Communication 1910.1200	1218-0072
Construction Industry	
Standard	OMB Control Number
Methylenedianiline 1926.60	1218-0183
Lead 1926.62	1218-0189
Asbestos 1926.1101	1218-0134

Chromium 1926.1126	1218-0252
Cadmium 1926.1127	1218-0186
Maritime	
Standard	OMB Control Number
Asbestos 1915.1001	1218-0195
Chromium (VI) 1915.1026	1218-0252

Pursuant to paragraph (f)(11), chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

Paragraph (g)(2) requires the chemical manufacturer or importer preparing the SDS to ensure that it is in English (although the employer may maintain copies in other languages as well), and include the following section numbers and headings, and associated information under each heading, in the order listed (See Appendix D to §1910.1200--Safety Data Sheets, for the specific content of each section of the safety data sheet).

- Section 1, Identification;
- Section 2, Hazard(s) identification;
- Section 3, Composition/information on ingredients;
- Section 4, First-aid measures;
- Section 5, Fire-fighting measures;
- Section 6, Accidental release measures;

Section 7, Handling and storage;
Section 8, Exposure controls/personal protection;
Section 9, Physical and chemical properties;
Section 10, Stability and reactivity;
Section 11, Toxicological information; and
Section 16, Other information, including date of preparation or last revision.

Although not required by the final rule, an employer may include the following sections to be consistent with the GHS:

Section 12, Ecological information;
Section 13, Disposal considerations;
Section 14, Transport information; and
Section 15, Regulatory information.

Paragraph (g)(5) requires the chemical manufacturer, importer or employer preparing the SDS to ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If the chemical manufacturer, importer or employer preparing the SDS becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information must be added to the SDS within three months. If the chemical is not currently being produced or imported, the chemical manufacturer or importer must add the information to the SDS before the chemical is introduced into the workplace again.

Paragraph (g)(11) requires that employers ensure the SDSs are readily available, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements of 29 CFR 1910.1020(e).

OMB Control Number: 1218-0072

Affected Public: Business or other for-profit

Number of Respondents: 5,514,697

Frequency: On Occasion

Average Time per Response: The average time per response ranges from twelve seconds for employers to label portable in-plant containers to seven hours for employers to reclassify chemicals and revise SDSs and labels.

Estimated Total Burden Hours: 11.3 million hours

Estimated Cost: \$34.7 million