

DATE: May 24, 2024
TO: Phylmar Regulatory Roundtable (PRR), OSH Forum
FROM: Helen Cleary
RE: **FedOSHA Final Rule: Hazard Communication Standard §1910.1200 - Overview**

On May 20, 2024, the U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA/FedOSHA) published in the [Federal Register](#), its **Final Rule revising the Hazard Communication Standard (HCS or HazCom) 29 CFR 1910.1200 (HCS §1910.1200)**. The updates primarily align with the seventh (7th) revision of the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS Rev. 7). Updates also include alignment with GHS Rev. 8, address issues from the 2012 revision, and align with other U.S. agencies and international trading partners, including Canada.

Executive Summary

Below is a high-level overview of the changes in the HazCom Final Rule. FedOSHA published a webpage with helpful guidance documents, including a **side-by-side comparison** of the current (2012) requirements and changes. *See links below.*

Scope - The *scope and framework of the rule have not changed* - the revisions are applicable to the same employers, chemical manufacturers, and importers as the current HCS.

Overview of Revisions -

FedOSHA's [news release](#) states the changes will "...better protect workers by improving the amount and quality of information on labels and safety data sheets and allow workers and first responders to react more quickly in an emergency."

The summary in the [final rule](#) highlights the following modifications,

- "...revised criteria for classification of certain health and physical hazards to better capture and communicate the hazards to downstream users;
- Revised provisions for labels (including provisions addressing the labeling of small containers and relabeling of chemicals that have been released for shipment);
- Amendments related to the contents of SDSs; and
- New provisions relating to concentrations or concentration ranges being claimed as trade secrets."

FedOSHA’s Q&A document also highlights the following as the primary revisions,

Key Changes to Align with GHS Rev. 7/8 and U.S. Trading Partners

- §1910.1200 (f)(12) – **Small packages** - labeling requirements for 3ml and 100 ml containers.
- §1910.1200 (i) – **Trade Secrets** – Requirement to use prescribed concentration ranges when exact percentages are claimed as trade secrets.
- §1910.1200 - **Appendix A (Health Hazards)** – Skin corrosion/irritation and serious eye damage/eye irritation chapters, including non-animal test methods as alternative methods.
- §1910.1200 - **Appendix B (Physical Hazards)** – Flammable gases (expanded), desensitized explosives, and a new category for aerosols.
- §1910.1200 - **Appendix C (Label Elements)** – New and updated hazards, guidance, and precautionary statements.
- §1910.1200 – **Appendix D (SDS)** - revised SDS sections 2, 3, 9, and 11.

Changes that Address Issues from the 2012 Update

- §1910.1200 (d)(1) – **Hazard Classification** – clarifies the hazard information on the label vs. the SDS and which hazards must be evaluated.
- §1910.1200 (f)(11) - **Labels** – added flexibility for label updates on packages released for shipment.
- §1910.1200 (f)(12) – **Labels** – clarifies small package label requirements.

Alignment with other U.S. Agencies

- §1910.1200 (f)(5) - **Bulk Shipment** – coordinates with DOT.
- §1910.1200 (c) – **“released for shipment”** – definition aligns with EPA.

Compliance Dates

OSHA developed a *tiered approach to come into compliance*. Compliance dates are based on the rules effective date, July 19, 2024, and range from 18 – 24 months for specific elements. See table below for more details.

The effective dates are specified in the revised text, §1910.1200(j), and in FedOSHA’s Q&A guidance document. (see link below).

Compliance Date	Requirement	Who
January 19, 2026 (18 months after publication)	Update labels and SDS for substances	Chemical manufacturers, importers, distributors, and <i>employers</i>
July 20, 2026	Update workplace labels, hazard communication program and training as necessary	<i>Employers</i>
July 19, 2027	Update labels and SDSs for mixtures	Chemical manufacturers, importers, distributors, and <i>employers</i>
January 19, 2028	Update workplace labels, hazard communication program and training as necessary	<i>Employers</i>
Transition period (Final Rule effective date: July 19, 2024 – the above date)	May comply with this Final Standard or previous standard (2012), or both.	Chemical manufacturers, importers, distributors, and <i>employers</i>

State Plan States (e.g., Cal/OSHA) have six months to adopt changes that are at least as effective as or prove current standards meet this requirement.

Helpful Links and Resources

- Final Rulemaking (entire rulemaking as published in Federal Register)
 - [PDF](#) of the Final Rule and Federal Register [webpage](#)
 - The actual text of the final rule, including appendices, begins on page 211 of the PDF and via this [bookmark link](#) on the Federal Register webpage
- FedOSHA’s Final Rule [webpage](#)
 - [Q&A on the Updates](#)
 - [Side-by-Side Comparison](#) of Current Standard and Changed Sections

Background

The Notice of Proposed Rulemaking (NPRM) was published February 16, 2021. The current HazCom Standard, §1910.1200 was last revised in 2012 to align with GHS Revision 3.