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Regulatory
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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16VAC25-90-1910-1200 (See next page for the list of Other Related Standards in Parts 1910, 1915 and 1926)
Regulation title	Hazard Communication Standard
Action title	Final Rule for Hazard Communication Standard
Final agency action date	September 12, 2012
Document preparation date	September 18, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Hazard Communication Standard and Other Related Standards in Parts 1910 - General Industry, 1915- Shipyard Employment, and 1926 – Construction

Part 1910-GENERAL INDUSTRY-16VAC25-90-	PART 1910- CONT'D	Part 1926-CONSTRUCTION 16VAC25-175-
Subpart H-Hazardous Materials	1910.1029, Coke Oven Emissions	Subpart D-Occupational Health and Environmental Controls
1910.106, Flammable Liquids	1910.1043, Cotton Dust	1926.60, Methylenedianiline
1910.107, Spray Finishing using Flammable and Combustible Materials	1910.1044, 1,2-dibromo-3-chloropropane	1926.62, Lead
1910.119, Process Safety Management of Highly Hazardous Chemicals	1910.1045, Acrylonitrile	Appendix B to 1926.62 – Employee Standard Summary
1910.120, Hazardous Waste Operations and Emergency Response	1910.1047, Ethylene Oxide	1926.64, Process safety management of highly hazardous chemicals
1910.123, Dipping and Coating Operations: Coverage and Definitions	1910.1048, Formaldehyde	1926.65, Hazardous waste operations and emergency response
1910.124, General Requirements for Dipping and Coating Operations	1910.1050, Methylenedianiline	Subpart F –Fire Protection and Prevention
1910.125, Additional Requirements for Dipping and Coating Operations that the Flammable Liquids or Liquids with Flashpoints Greater than 199.4°F (93°C)	1910.1051, 1,3-Butadiene	1926.152, Flammable and Combustible Liquids
Subpart Q-Welding, Cutting and Brazing	1910.1052, Methylene Chloride	1926.155, Definitions applicable to this subpart
1910.252, General Requirements	1910.1200, Hazard Communication	Subpart Z –Toxic and Hazardous Substances
Subpart Z-Toxic and Hazardous Substances	Appendix A to1910.1200 –Health Hazard Criteria (Mandatory)	1926.1101, Asbestos
1910.1001, Asbestos	Appendix B to1910.1200-Physical Criteria (Mandatory)	1926.1126, Chromium (VI)
1910.1003, Lead	Appendix C to1910.1200 –Allocation of Label Elements (Mandatory)	1926.1127, Cadmium
1910.1017, Vinyl Chloride	Appendix D to1910.1200 – Safety Data Sheets (Mandatory)	
1910.1018, Inorganic Arsenic	Appendix F to1910.1200 – Guidance for Hazard Classifications Re: Carcinogenicity (Non-Mandatory)	
1910.1025, Lead	1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories	
Appendix B to 1910.1025		
1910.1026, Chromium (VI)	PART 1915-SHIPYARD EMPLOYMENT – 16VAC25-100-	
1910.1027, Cadmium	Subpart Z-Toxic and Hazardous Substances	
1910.1028, Benzene	1915.1001, Asbestos	
	1915.1026, Chromium (VI)	

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Hazard communication in the workplace 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), formerly known as Material Safety Data Sheets (MSDSs).

In this final rule, federal OSHA has modified its Hazard Communication Standard (HAZCOM) in General Industry, Part 1910; Construction, Part 1926; and Shipyard Employment, Part 1915, that contain hazard classification and communication provisions so that they will be internally consistent and aligned with the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and, as a result, would enhance worker safety and facilitate international trade. The modifications to the standard include:

- revised criteria for classification of chemical hazards;
- revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements;
- a specified format for safety data sheets; and
- related revisions to definitions of terms used in the standard, and requirements for employee training on labels and safety data sheets. [77 FR 17683]

Federal OSHA has also modified provisions of other standards, including standards for flammable and combustible liquids for both General Industry and Construction, §§1910.106 and 1926.152, respectively, to align the requirements of the standards with the GHS hazard categories for flammable liquids. Modifications to the Process Safety Management of Highly Hazardous Chemicals standard, §1910.119, will ensure that the scope of the standard is not changed by the revisions to the HAZCOM. In addition, modifications have been made to most of OSHA's substance-specific health standards, to ensuring that requirements for signs and labels and safety data sheets (SDSs) are consistent with the modified HAZCOM. [77 FR 17582]

There are three information communication components in this system – labels, SDSs, and employee training, all of which are essential to the effective functioning of the program. Labels provide a brief, but immediate and conspicuous, summary of hazard information at the site where the chemical is used. SDSs provide detailed technical information and serve as a reference source for exposed employees, industrial hygienists, safety professionals, emergency responders, health care professionals, and other interested parties. Training is designed to ensure that employees understand the chemical hazards in their workplace and are aware of protective measures to follow. Labels, SDSs, and training are complementary parts of a comprehensive hazard communication program—each element reinforces the knowledge necessary for effective protection of employees. [77 FR 17676]

Like Federal OSHA, VOSH is seeking to use the extended the phase-in period for this final rule with the **same federal date schedule for implementation** so that the additional time granted to manufacturers, distributors, and users of chemicals will serve to reduce the transitional costs associated with this rule. [77 FR 17679]

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On September 12, 2012, the Safety and Health Codes Board adopted federal OSHA’s Final Rule for the Hazard Communication Standard, §1910.1200, and Other Related Standards in Parts 1910, 1915 and 1926, as published in 77 FR 17573 on March 26, 2012, with an effective date of January 1, 2013.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family and family stability.

NOTE: *The Safety and Health Codes Board adopted the entire Hazard Communication Standard, §1200, and Other Related Standards in Parts 1910, 1915 and 1926, with the **exception** of the following: “§1910.6, Incorporation by Reference.”*

To view the regulatory text and various Appendices of the Hazard Communication Standard, §1200; Final Rule; and Other Related Standards in Parts 1910, 1915 and 1926, please click on the links below:

- <http://www.osha.gov/dsg/hazcom/HCSFinalRegTxt.html>
- http://www.osha.gov/dsg/hazcom/appendix_a.pdf
- http://www.osha.gov/dsg/hazcom/appendix_b.pdf
- http://www.osha.gov/dsg/hazcom/appendix_c.pdf
- http://www.osha.gov/dsg/hazcom/appendix_d.pdf
- http://www.osha.gov/dsg/hazcom/appendix_e.pdf
- http://www.osha.gov/dsg/hazcom/appendix_f.pdf

**Hazard Communication Standard, §1910.1200; Final Rule
and Other Related Standards in Parts 1910, 1915, and 1926**

As Adopted by the

Safety and Health Codes Board

Date: September 12, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

16VAC25-90-1910

16VAC25-100-1915

16VAC25-175-1926

Hazard Communication Standard and Other Related Standards in Parts 1910 - General Industry, 1915- Shipyard Employment, and 1926 – Construction

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	1915.1026, Chromium (VI)	

When the regulations, as set forth in the Final Rule for the Hazard Communication Standard, §1910.1200, and Other Related Standards in Parts 1910, 1915, and 1926, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
May 25, 2012	January 1, 2013

Implementation Schedule for federal OSHA and VOSH

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015*	Compliance with all modified provisions of this final rule, except:	Chemical manufacturers, importers, distributors and employers
December 1, 2015	The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition Period to the effective completion dates noted above	May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both	Chemical manufacturers, importers

*This date coincides with the EU implementation date for classification of mixtures