

OSHA Revises Policy on GHS Labeling for Existing Stock

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In a major concession to industry, at the eleventh hour OSHA has relaxed its policy in regard to GHS labeling for “existing stock” of hazardous chemical products, and the June 1st effective date for manufacturers and importers (as well as the December 1st GHS labeling deadline for distributors).

Specifically on May 29, 2015 (literally hours before the June 1 effective date), OSHA issued a memo that contained the information below in regard to GHS compliant labeling and existing stock.

The text of the complete OSHA memo is located at: https://www.osha.gov/dep/enforcement/hcs_guide_052015.html

Manufacturers and Importers. Manufacturers or importers of hazardous chemicals (including businesses that repackage) that have existing stock packaged (e.g., boxed, palletized, shrink-wrapped, etc.) for shipment prior to June 1, 2015, and which are labeled consistent with the “old” OSHA Hazard Communication Standard (“HCS 1994”), may continue to ship those containers downstream. In such instances, there is no requirement to re-label packaged for shipment containers with labels compliant with the GHS revisions to the OSHA Hazard Communication Standard (HCS 2012).

However, the manufacturer or importer must provide HCS 2012-compliant labels and SDSs for each and every individual container shipped, unless the manufacturer or importer can demonstrate that it exercised reasonable diligence and good faith as discussed below under “Relaxed Enforcement Policy.

Note: After June 1, 2015, a manufacturer or importer of hazardous chemicals who packages containers for shipment must label each and every container with a HCS 2012-compliant label prior to shipping.

Distributors. Before December 1, 2015, distributors with existing stock packaged (e.g., boxed, palletized, shrink-wrapped, etc.) for shipment and containers that are HCS 1994-compliant labeled, may continue to ship those containers downstream. In these instances, there is no requirement to re-label packaged for shipment containers with HCS 2012-compliant labels.

However, distributors must provide a HCS 2012-compliant label and SDS for each and every individual container shipped with any future shipments after December 1, 2015 or upon request, unless they can demonstrate reasonable diligence and good faith as discussed in the section below on Relaxed Enforcement Policy. Additionally, distributors must provide HCS 2012-compliant SDSs to downstream users with the first shipment after a new or revised SDS is provided by the manufacturer or importer.

Relaxed Enforcement Policy. In response to an industry petition, OSHA issued its [Enforcement Guidance for the Hazard Communication Standard’s June 1, 2015 Effective Date](#) that provides limited relief from enforcement to those manufacturers and distributors who are not able to comply with the GHS

effective dates for SDSs and labels (due to circumstances beyond their control) because they have not received the necessary classifications, SDSs and labels from their upstream suppliers.

ISSA encourages members to review the [relaxed enforcement policy](#) closely for a clear description of the specific circumstances under which OSHA has indicated it will not cite companies for violations for failure to comply with the GHS revisions as reflected in the SDS and/or labeling.

Additional Information. For additional information, please contact [Bill Balek](#), ISSA.

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