

# Legal Update

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## OSHA Publishes Its Updated Hazard Communication Standard

On May 20, 2024, OSHA published its [final rule](#) on its Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The amendments were made to address issues that arose during the implementation of the 2012 updates to the HCS and provide better alignment with other U.S. agencies and international trading partners while enhancing the effectiveness of the standard.

### HCS Overview

The HCS requires periodic revision to maintain consistency with the GHS and incorporate the progression of scientific principles and best approaches for the classification and communication of workplace hazards related to hazardous chemical exposure.

This rulemaking amends the HCS primarily to align with Revision 7 of the GHS, published in 2017, where appropriate. OSHA has determined that the revisions in this final rule will enhance the effectiveness of the HCS by ensuring employees are appropriately apprised of the chemical hazards to which they may be exposed, thus reducing the incidence of chemical-related occupational illnesses and injuries.

### HCS Modifications

The modifications to the standard include:

- 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 the relabeling of chemicals that have been released for shipment);
- Amendments related to the contents of safety data sheets; and
- New provisions relating to concentrations or concentration ranges claimed as trade secrets.

Specifically, the final rule will require labels on small packaging to be more comprehensive and readable and make changes to help ensure trade secrets no longer prevent workers and first responders from receiving critical hazard information on safety data sheets. Workers will also benefit from other changes in the updated standard, including a clearer hazard classification process to provide more complete and accurate hazard information on labels and safety data sheets; updated physical hazard classes to better inform users on the safe handling of explosives, aerosols and chemicals under pressure; and updated precautionary statements on how to safely handle, store and dispose of hazardous chemicals.



## IMPORTANT DATES

### May 20, 2024

OSHA published HCS amendments.

### July 19, 2024

The final rule becomes effective.

### Jan. 19, 2026

This is the compliance date for chemical manufacturers, importers and distributors who evaluate substances.

### July 20, 2026

This is the compliance date for all employers that evaluate substances.

### July 19, 2027

This is the compliance date for manufacturers, importers and distributors who evaluate mixtures.

### July 20, 2028

This is the compliance date for all employers that evaluate mixtures.

The new rule also includes OSHA's [letters of interpretation](#), which it has provided since the rule was last amended. The letters of interpretation provided for multiple changes that include:

- New, revised and updated definitions;
- Revised definitions;
- Updated labeling requirements;
- Changes to the flammable gas hazard classification;
- Revised health hazard statements and precautionary statement; and
- Revised chapters on skin corrosion/irritation, serious eye damage and irritation.

## HCS Compliance Dates

The final rule will have staggered compliance dates for employers. These include:

- For chemical manufacturers, importers, and distributors evaluating substances, the compliance date is Jan. 19, 2026;
- For evaluating mixtures, the compliance date is July 19, 2027;
- For substances, all employers shall, as necessary, update any alternative workplace labeling, update the hazard communication program, and provide any additional employee training for newly identified physical hazards, health hazards or other hazards no later than July 20, 2026; and
- For mixtures, all employers shall, as necessary, update any alternative workplace labeling, update the hazard communication program, and provide any additional employee training for newly identified physical hazards, health hazards or other hazards no later than Jan. 19, 2028.

Employers have an additional six months beyond these dates to:

- Update alternative workplace labeling;
- Revise their HCS program; and
- Provide any necessary employee training related to newly identified physical, health or other hazards.

## Employer Next Steps

Employers should review the final rule to determine how the changes affect them. Specifically, chemical manufacturers, importers, distributors, and all employers that evaluate substances and mixtures should pay attention to their specific compliance dates for these actions.

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