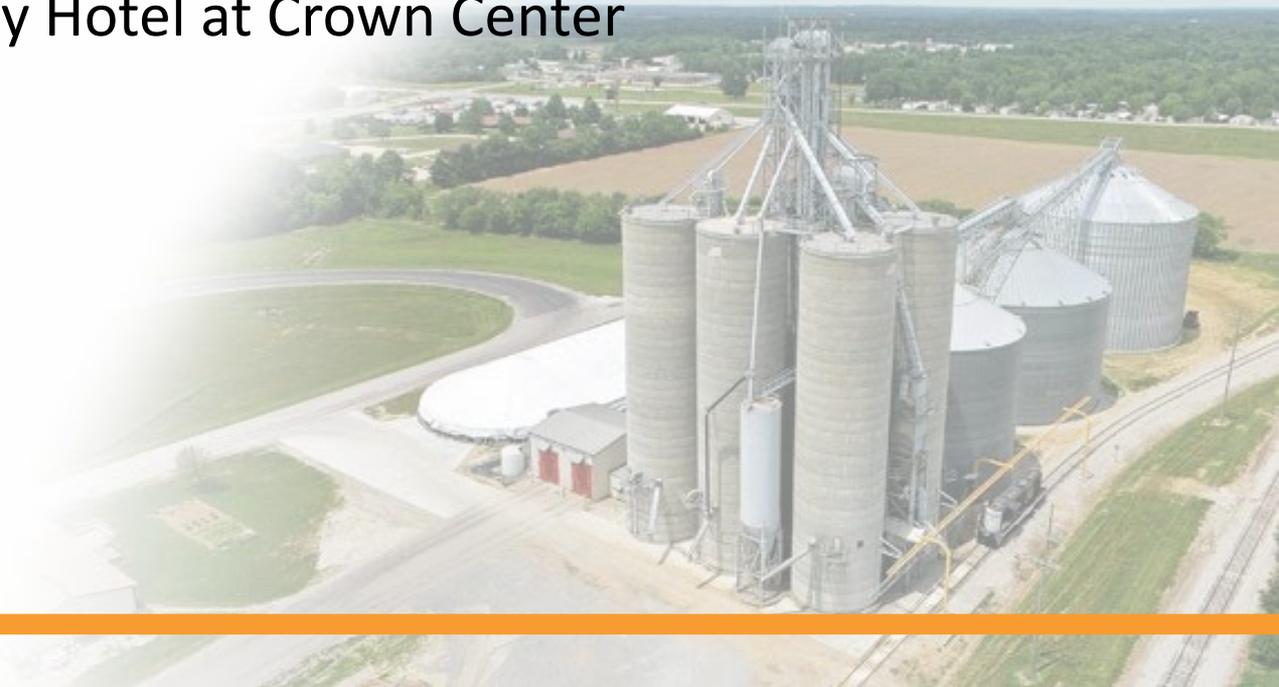


**National Grain
and Feed Association**

OSHA Revised Hazard Communication Standard

2015 NGFA Country Elevator Conference
Sheraton Kansas City Hotel at Crown Center
Kansas City, MO
December 7, 2015





Revised Hazard Communication Standard

- May 26, 2012 - Updates to the Hazard Communication Standard (HCS) became final
- Majority of revisions involved OSHA adopting the Globally Harmonized Standard for Classification of Chemicals (GHS)
- Most significant changes to 2012 HCS for grain/feed industries are how combustible dust is addressed and distribution of safety data sheets and labels



Phase-in Dates for HCS 2012

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format	Employers
<ul style="list-style-type: none">• June 1, 2015• December 1, 2015	<ul style="list-style-type: none">• Compliance with all modified provisions of this final rule, except:• The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
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



OSHA Enforcement

- On Feb. 9, 2015, OSHA issued a [memorandum](#) to its Regional Administrators outlining how OSHA enforcement personnel will enforce the HCS for chemical manufacturers, importers, and distributors who may have difficulty complying with the June 1, 2015, regulatory deadline by establishing a 6 month extension on future compliance.
- On July 9, OSHA issued its updated [HCS compliance directive](#) for their inspectors that specifically stated "operators" of grain elevators meet the definition of a chemical manufacturer.
- **As of Dec. 1, the six-month compliance extension period outlined in the Feb. 9 memo is expired and compliance to the new standard's labeling and SDS provisions are required.**





2012 HCS: What's Changed

- **Hazard classification:** Chemical manufacturers and importers are required to classify the hazards associated with chemicals
 - Hazard classification under the revised standard provides specific criteria to address health and physical hazards, as well as classification of chemical mixtures
- **Labels:** Chemical manufacturers and importers must provide labels that include signal words, pictograms, hazard statements, and precautionary statements for each hazard class and category
- **Safety Data Sheets:** The new format includes 16 specific sections



Revised Safety Data Sheet

- Identification of Preparation and the Supplier
- Composition
- Hazard Identification
- First Aid Measures
- Fire Fighting Measures
- Accidental Release Measures
- Handling and Storage
- Exposure Controls/Personal Protection
- Physical and Chemical Properties
- Stability and Reactivity
- Toxicological Information
- Ecological Information
- Disposal Considerations
- Transport Information
- Regulatory Information
- Other Relevant Information





New Combustible Dust Requirements

- Combustible dust is expressly classified as a “hazardous chemical”
 - Classification means new SDS’s and labels for manufacturers, distributors and importers. Based on final rule, grain handling, feed/pet food, processing and milling facilities are considered manufacturers and distributors of an explosive hazard if the product handled/distributed is combustible
- Food/feed products, such as grain and feed/pet food, are subject to FDA labeling requirements and, therefore, exempt from OSHA HSC labeling requirements
 - New standard does not change longstanding food exemption



Labeling of Whole Grain

- Whole grains (e.g.. corn, wheat and soybeans) are also subject to labeling requirements of the FFDCA and are therefore, exempt from the HCS labeling requirements
- HCS also states whole grain is required to be labeled since when processed produces combustible dust
- Individual companies should make their own determination on whether or not to provide such label with the SDS to a downstream user



Frequently Asked Questions

Combustible Dust – SDS Compliance Point

Q 1: Who develops the initial Safety Data Sheet (SDS) for combustible dust in the grain, feed, pet food supply chain?

- ***The first point where compliance is mandated*** – The commercial storage operation or grain processing operation **i.e. chemical manufacturer** which first receives the product, and not the farm handling the grain
 - ***EXCEPT...*** If a farm maintains a **grain handling operation and stores and sells grain grown on other farms** – then the grain handling operation would not be exempt from OSHA enforcement.
 - ***OSHA Guidance on Small Farms (July 2014)*** – A farm with 10 or fewer employees **storing and selling its own grain is exempt** from OSHA enforcement





OSHA HCS Labeling and the FDA Exemption

Q 2: Does OSHA require labels under the HCS for grain, feed and pet food products?

➤ ***No, OSHA's "FDA labeling exemption" provisions apply.***

- If a product is **“subject to labeling”** under FDA requirements, it is **NOT required** to be OSHA labeled under the HCS
- Exemption applies to complete feeds, pet food, supplements, grains, protein sources, premixes, additives, etc.

FDA Labeling Exemption – HCS Reference

OSHA Hazard Communication Standard – 29 CFR 1910.1200(b)(5):

The FDA Exemption applies to...

“Any food, food additive, color additive, drug, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. 151 et seq.), and regulations issued under those Acts, when they are subject to the labeling requirements under those Acts by either the Food and Drug Administration or the Department of Agriculture.”

Responsibility to Develop a SDS

Q 3: Who determines if the use or sale of a company's product requires a Safety Data Sheet for customers?

- **OSHA does not make this determination**
- **If you produce, distribute or import a product, you are the responsible party under the Hazard Communication Standard**
 - Evaluate and classify chemical hazards associated with grain, feed, pet food, ingredients, etc.
 - ***Areas to Look for Potential Hazards:***
 - ✓ Combustible Dust
 - ✓ Ingredients, additives, etc.
- **If either a “Chemical” or a resulting “Mixture” is determined to be hazardous – You are required to create and provide your “downstream users” with a SDS**





Frequency for Sending a SDS

Q 4: How often do I need to provide a SDS to a downstream user or customer?

- ***Initial Shipment*** – A SDS only needs to be provided with the first shipment of a product to a customer
- ***Revised SDS*** – A revised SDS needs to be provided if any changes to a specific product being shipped require changes to the SDS

SDS's and Mixtures

Q 5: Are feed and pet food manufacturers required to develop a single SDS for a product that is a mixture?

➤ **Yes, multiple SDS's are no longer allowed under the new standard.**

- **No stapling** – Don't staple together multiple SDS's for a mixture distributed as a product – one SDS must be prepared for the mixture as a whole
- **Preparation** – SDS information from suppliers can be used to prepare a single SDS that would then be provided to customers

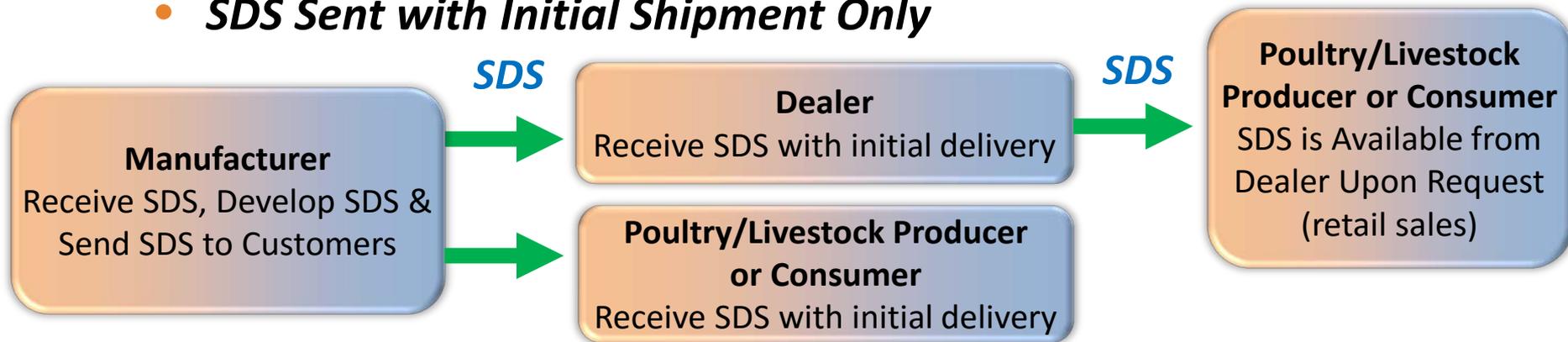


SDS's for Farm and Dealer/Retail Sales

Q 6: Does a Feed/Pet Food Manufacturer need to provide a SDS for bulk and/or bag products it produces and ships to a farm or product dealer?

➤ **Yes, if a SDS is required for the product.**

- **MANUFACTURER'S DETERMINATION** – Manufacturer must determine whether the product contains chemicals that are hazardous according to OSHA criteria
- **SDS Sent with Initial Shipment Only**



“Generic” SDS for Similar Products

Q 7: Can a “generic” SDS be used for feed/pet food products?

- **Yes, OSHA has clarified that *a generic SDS can be used for multiple products that are “mixtures.”***
 - **Applicability** – Applies to both bulk and bagged products
 - **How it Works** – One SDS can be used for similar mixtures - if the chemical ingredients are essentially the same but their composition varies from mixture to mixture
 - **Guidance** – Generic SDS’s for grain and feed products are available from several sources, including NGFA’s industry guidance (see Appendices)



EPA Requirements

Q 8: Do I still need to be in compliance with EPA reporting requirements for MSDS's under Section 311/312 of the Emergency Planning and Community Right to Know Act?

➤ ***OSHA does not have authority over environmental issues in EPA's jurisdiction***

- **MSDS Needs to be Updated by EPA** – The Emergency Planning & Community Right to Know Act (EPCRA) currently references “Material Safety Data Sheets” for reporting
- **FDA Exemption** – For chemicals meeting the FDA exemption under EPCRA 311(e)(1), a facility is NOT required to report under EPCRA 311/312
- **Outlook** – Monitoring EPA activity for likely revisions in the future

OSHA Revised Hazard Communication Guidance Document

- Comprehensive 50-page document
- <http://www.ngfa.org/wp-content/uploads/2012-GHS-Guidance-Document-FINAL.pdf>

OSHA Revised Hazard Communication Standard

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