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# OSHA's Hazard Communication Standard (HCS) Letters of Interpretation- an Update

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# Objectives

- Highlights of OSHA's HCS Letters of Interpretation:
  - Labeling of bulk shipments and small packaging
  - Cloth-like wipes
  - Generic SDSs
  - Pharmaceutical drugs
  - Lithium-ion batteries
- Enforcement data (federal only)

# Hazard Communication Standard

- Major components of the HCS
  - Scope/Application (e.g., “article”, consumer product)
  - Hazard classification
  - Written Program
  - **Labeling**
  - **SDS**
  - Employee Information and Training

# Individually Packaged Containers Shipped as Bulk

- Does the individual package or bulk shipment get labeled?
- OSHA requires an HCS label on the immediate container (e.g. refrigerants, small packaging).
- Immediate containers moved intra-company must be HCS labeled; Depending on size, “practical accommodation” allowed.
- DOT-PHMSA/OSHA guidance (2016) for bulk shipments applies only to *large* primary containers (e.g., tanker trucks/rail cars).

# Cloth-like Wipes Saturated with a Hazardous Chemical

- If there is no free liquid does this fall under HCS?
- The HCS requires a hazard classification.
  - Classification is based on employee exposure under normal conditions of use or foreseeable emergencies.
- The cloth-like wipe material itself (*i.e.*, unsaturated) appears not to be hazardous and could be considered an “article” under the HCS if it meets all of the criteria set out in the definition.
- But....the classification of the wipe saturated with a hazardous liquid is determined by the classification of the liquid, and is not dependent on the media.

# Packaged Consumer Commodities and Generic SDSs

- Do packaged consumer commodities (*e.g.*, body wash, sunscreen, mouthwash, dish detergent, fabric softener) each with a different variant need their own SDS?
- Where there are complex mixtures (*i.e.*, the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer, or employer may prepare a single SDS to apply to all of these similar mixtures provided they pose the same hazard.
- HCS exempts consumer products:
  - Used in the workplace for the purpose intended and in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used.

# Pharmaceutical Packaged Drugs

- Sealed prepackaged powder drugs not intended to be repackaged and are self-administered by the patient are exempt.
  - Would be covered if opened by a worker.
- The process of reconstituting drugs (*e.g.*, powder mixed with water) by a worker would be covered under the HCS.
- Sublingual film/dermal absorption drugs self-administered are exempt, unless handled by a worker.
- Repackaging of pills, capsules or tablets by a worker is a process that is considered manufacturing, and therefore covered under the HCS.

# Coverage of Lithium-ion Batteries

- The HCS places the primary responsibility for chemical hazard classification on the manufacturer or importer of the material or substance.
  - Lithium-ion batteries on a whole, although sealed, have the potential to leak, spill, or and expose employees to physical or health hazards and therefore, cannot be considered an article.
  - A company may have employees:
    - who access the area where rejected or damaged batteries are stored;
    - a freight forwarder or carrier may have workers who need to access a tractor trailer or rail car where rejected or damaged batteries or devices are boxed; or,
    - workers may handle or manipulate damaged batteries or devices during electronic recycling
  - Products which contain lithium-ion batteries that are not consumer products must properly labeled and develop/make available SDS.



# Top 10 Most Frequently Cited Standards

1. Fall Protection, construction
2. **Hazard Communication, general industry**
3. Respiratory Protection, general industry
4. Scaffolding, general requirements, construction
5. Ladders, construction
6. Control of Hazardous Energy (lockout/tagout), general industry
7. Powered Industrial Trucks, general industry
8. Fall Protection–Training Requirements
9. Eye and Face Protection
10. Machinery and Machine Guarding, general requirements

# Top HCS Violations Cited

(federal data)

FY 20 Top 5 Most Frequently Cited Hazard Communication Standards	
1) 1910.1200(e)(1)	783
2) 1910.1200(h)(1)	630
3) 1910.1200(g)(8)	279
4) 1910.1200(g)(1)	182
5) 1910.1200(f)(6)(ii)	138

FY21 Top 5 Most Frequently Cited Hazard Communication Standards	
1) 1910.1200(e)(1)	508
2) 1910.1200(h)(1)	458
3) 1910.1200(g)(8)	189
4) 1910.1200 (f)(6)(ii)	129
5) 1910.1200(g)(1)	115

# Questions?



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