



American Wire Producers Association

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EPA ISSUES FINAL RULE ON HAZCOM REPORTING

The Environmental Protection Agency (EPA) issued a final rule on “Hazardous Chemical Reporting: Community Right-to-Know” to better conform with the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). The HCS was recently revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

Facilities are required to comply with reporting the new physical and health hazards on their Tier II inventory form for reporting year 2017 by March 1, 2018.

Under the revised HCS, chemical manufacturers and importers are required to evaluate their chemicals according to the new criteria adopted from GHS to ensure that they are classified and labeled appropriately. Manufacturers and importers are also required to develop standardized Safety Data Sheets (SDS) and distribute them to downstream users of their chemicals.

Specifically, these changes affect the reporting requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know (EPCRA). Based on the new classification criteria that OSHA adopted, EPA is revising the existing hazard categories for hazardous chemical inventory form reporting under EPCRA Section 312 and for list reporting under section 311. Sections 311 and 312 of the EPCRA apply to the owners and operators of facilities required to prepare or have an SDS for any hazardous chemical.

Section 311 requires facilities to submit SDSs of hazardous chemicals or a list of hazardous chemicals grouped into categories of physical and health hazards as defined in OSHA’s HCS to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and the local fire department with jurisdiction over the facility. Section 312 requires these facilities to submit an emergency and hazardous chemical inventory form to the SERC, LEPC and local fire department annually by March 1. The inventory form provides the physical or health hazard of each hazardous chemical as well as the locations and quantities present at the facility during the previous calendar year.

There are two reporting tiers – Tier I and Tier II. Tier I inventory forms provide only general information on hazardous chemicals. Tier II inventory forms provide specific information on each hazardous chemical which is used by many LEPCs for developing or modifying their local emergency response plans.

With the adoption of GHS provisions, OSHA’s HCS final rule established consistent and standardized hazard communication to the users of the chemicals, to anyone exposed to the chemicals, and to emergency responders. GHS is a standardized approach for classifying chemicals by their health, physical and environmental effects and

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communicating this information to downstream users by using consistent signal words, pictograms, hazard statements, etc. on labels and SDSs.

Under this rule, EPA has decided to replace the existing five hazard categories (fire, sudden release of pressure, reactive, immediate health hazard and delayed health hazard) with each specific hazard class listed in the revised OSHA HCS, as well as the four hazards that GHS did not address (simple asphyxiant, combustible dust, pyrophoric gas and hazard not otherwise classified).

To read the rule in its entirety, follow this link:

<https://www.gpo.gov/fdsys/pkg/FR-2016-06-13/pdf/2016-13582.pdf>.