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PUBLIC AGENCY SAFETY MANAGEMENT ASSOCIATION

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SUBJECT: Amendments to Section 5194

Recently the Division of Occupational Safety and Health held an advisory committee to solicit comments on OSHA's new GHS rule and proposed changes to Title 8, Section 5194. Below are some concerns that we have regarding these proposed changes, and specifically some unforeseen hazards that we believe may be permitted under the new rule.

Embedded within the new GHS classification system is a new system of classifying/identifying hazardous materials. This new system is not aligned with the current NFPA and HMIS labeling system. The NFPA labeling system, which is based on NFPA 704, has been a cornerstone of hazard communication for over 20 years, and it is a system that has been used by first responders such as Fire and Police agencies for over 50 years. For GHS labels, the greater the severity, the lower the hazard number; whereas with the NFPA/HMIS labels, the greater the severity, the higher the hazard number.

NFPA has stated the following in regards to the potential for confusion because of the conflict between the GHS and NFPA numbering systems, "NFPA believes that the numbered hazard categories resulting from implementation of GHS will cause confusion among traditional users of the HMIS or NFPA hazard rating and labeling systems..."

It is our understanding that Cal/OSHA will allow employers to label secondary containers with either the existing NFPA or HMIS numbering system or the new GHS numbering systems. We are concerned on several fronts for the confusion and danger this will create for First Responders. If Firefighters respond to either a structure fire or hazmat incident, and upon arrival at the business they identify containers that are labeled (1-1-1) under the GHS numbering system, they may grossly underestimate the hazard based on their training and experience using the NFPA/HMIS numbering system which should carry a rating of 4-4-4. This misidentification based on the new GHS label could result in poisonings, severe burns, and overexposures to health hazards, and a multitude of severe injuries and illnesses.

For the safety of First Responders and workers at the site, and in order to reduce the potential for confusion from improper labeling, we recommend that the following language be added to Section 5194.

“Manufacturers, importers, or employers are prohibited from printing GHS Numerical Categories on container labels and any label which may be placed on a secondary container. GHS numerical categories are only permitted on Safety Data Sheets.”

We urge the Division to adopt our proposed language which will eliminate the potential for confusion among First Responders and other employees. If you have any questions please contact me at (714) 765-4399.

Sincerely,



Bill Taylor, CSP
PASMA-South Chapter, Legislative and Regulatory Representative

cc: Ken Erwin, PASMA-South Chapter, President
Steve Smith, Principal Safety Engineer
Ellen Widess, Chief-Division of Occupational Safety and Health