TEXAS Health and Human Services | Texas Department of State Health Services

The Impact of the GHS on the THCA

Environmental Operations Branch May 2022

Impact of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) on the Texas Hazard Communication Act (THCA)

The Texas Department of State Health Services (DSHS) does not anticipate any major conflicts with the current Texas Hazard Communication Act (THCA) and rules for the public (all government except federal government) workplace as a result of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). However, the new labeling and Safety Data Sheet (SDS), formerly Material Safety Data Sheet (MSDS), requirements must be down-streamed and included in the worker training given to employees as new labels and SDSs are received from the manufacturer or distributor of hazardous chemicals. These SDSs should replace the current MSDSs on file. Training modules used should be updated with these new requirements.

Background:

The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals. It is a logical and comprehensive approach to:

- Defining health, physical and environmental hazards of chemicals;
- Creating classification processes that use available data on chemicals for comparison with the defined hazard criteria; and
- Communicating hazard information, as well as protective measures, on labels and Safety Data Sheets (SDS).

In the United States, the Occupational Safety and Health Administration (OSHA) has aligned the federal Hazard Communication Standard (HCS) with the GHS. The new HCS still requires chemical manufacturers and importers to evaluate the chemicals they produce or import and provide hazard information to employers and workers by putting labels on containers and preparing SDSs.

Worker Right-to-Know Program
Publication # E23-14117
Revised May 2022

Under the old standard, chemical manufacturers and importers were allowed to provide hazard information on labels and MSDSs in whatever format they chose. Under the new GHS aligned standard, there is a single set of standardized criteria for classifying chemicals according to their health and physical hazards and specifies hazard communication elements for labeling and SDSs.

The three major areas of change are in hazard classification, labels, and safety data sheets:

- **Hazard classification:** The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and safety data sheets are more accurate as a result.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
- **Safety Data Sheets:** Will now have a specified 16-section format.

The GHS does not include harmonized training provisions, but recognizes that training is essential to an effective hazard communication approach. The revised HCS requires that workers be re- trained within two years of the publication of the final rule to facilitate recognition and understanding of the new labels and safety data sheets.

The new labels must include the following: product identifier; signal word; hazard statement(s); precautionary statement(s); pictogram(s); and name, address and telephone number of the chemical manufacturer, importer, or other responsible party. The new SDSs must have 16 specific sections, ensuring consistency in presentation of important protection information.

Employers must train employees on the new label elements and the new Safety Data Sheet format effective December 1, 2013. As SDSs are received from hazardous chemical manufacturers and distributors, they should replace

the Material Safety Data Sheets on file. Training on both the old and the new labels, the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old labels or MSDSs on site.

Concerning SDSs, section 502.006 of the THCA states: "a) A chemical manufacturer or distributor shall provide appropriate material safety data sheets to employers who acquire hazardous chemicals in this state with each initial shipment and with the first shipment after an MSDS is updated**. The MSDSs must conform to the most current requirements of the OSHA standard."**

Since chemical manufactures, importers, and distributors had to comply by June 1, 2015, with all modified provisions of the HazCom Standard (except the Distributor was not ship containers labeled by the chemical manufacturer or importer unless it had a GHS label after December 1, 2015), **a public employer was also to receive the appropriate SDS by this date to be in compliance with the THCA.**

Concerning labeling, section 502.007 of the THCA states: (a) A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, **or does not conform to the OSHA standard** or other applicable labeling requirement."

Since chemical manufactures, importers, and distributors must comply effective June 1, 2015, with all modified provisions of the HazCom Standard (except the Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label after December 1, 2015), **a public employer must also receive the appropriate label by this date to be in compliance with the THCA.**

Public employers in Texas are not regulated under OSHA. However, by June 1, 2016, all public employers were to have updated their alternative workplace labeling and hazard communication program as necessary and provide additional employee training for newly identified physical or health hazards to be in compliance with the THCA. If existing chemical stock could not be updated with the correct label and SDS, its use must cease.

For more information on OSHS's Hazard Communication training requirements effective December 1, 2013, as a result of GHS, please see the OSHA Fact Sheet at: www.osha.gov/Publications/OSHA3642.pdf .