

July 29, 2025

The Honorable Lori Chavez-DeRemer
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

The undersigned organizations write to you on behalf of our memberships to express concerns with the implementation of the Occupational Safety and Health Administration's (OSHA) 2024 revision to its Hazard Communication Standard (HCS).

Our organizations represent a broad cross-section of industries that are vital to the American public and economy. Collectively, the undersigned organizations represent industries essential to energy production, semiconductor manufacturing, chemical manufacturing, food production and safety, water purification, pharmaceutical and vaccine development, transportation, metal manufacturing processes, and other key sectors critical to protecting the nation's infrastructure.

We support regular updates to the HCS to better align regulations with the Globally Harmonized System and more effectively protect employees. However, certain provisions in the 2024 revisions introduced confusion and practical challenges for the regulated community. Notably, the new provisions in Section 2, which require employers to list hazards related to the "reasonably anticipated uses or applications" of a chemical and changes in a chemical's physical form, raise implementation concerns. Additionally, the lack of staggered compliance deadlines for regulated entities that rely on upstream suppliers to create their own Safety Data Sheets (SDSs) imposes an undue burden.

The revisions in Section 2 fail to consider instances where regulated entities are unaware of the final use of a chemical substance or mixture they are distributing. This is an issue for both suppliers and manufacturers, who are multiple degrees removed from the end-user, as well as those who are unable to obtain information from customers who are unwilling to divulge the final use of a chemical due to concerns about confidential business information (CBI).

We recognize that OSHA does not expect every single hazard associated with the downstream use of a chemical to be listed – this is explicitly stated in the preamble to the 2024 rule. However, there are chemicals, particularly intermediate and commodity chemicals, with thousands of equally practical foreseeable uses, and it is impossible to know which of those should be considered "reasonably anticipated" when the supplier or manufacturer has no information on their end-use. Due to this, it is critical that OSHA publish guidance clarifying how the agency expects employers to exercise discretion in these instances. This would provide employers with assurances that they are adequately meeting their regulatory obligations and significantly enhance the implementation of the new HCS.

Additionally, the lack of differentiated compliance deadlines across various situations presents further challenges, as regulated entities that rely on upstream suppliers to create SDSs face compliance difficulties. These employers may struggle to comply with the new Section 2 requirements for reasons previously described, and depending on when their suppliers achieve compliance, could be left with only days to implement the necessary changes. Similarly, mixture manufacturers receiving mixtures (e.g., a lubricant manufacturer receiving additive packages or blends for formulation) may encounter classification challenges, in addition to Section 2 hurdles, when authoring compliant SDSs without updated SDSs from mixture suppliers.

Following the 2012 update to the HCS, OSHA issued initial enforcement discretion on February 9, 2015, which was further broadened on May 29, 2015. This discretion provided flexibility to regulated entities that were unable to meet the regulation's compliance date, despite making diligent and good-faith efforts. This provided much-needed relief while still allowing OSHA to meet its compliance deadline. We strongly urge OSHA to adopt a similar approach in this instance.

Finally, we respectfully request that OSHA publish a redline/strikeout version of the 2024 final rule, comparing it to the previous version of the HCS. Providing a clear visual representation of the regulatory changes will enhance stakeholder understanding and transparency, serving as a valuable resource for compliance professionals as they implement the revised standard. Member companies found great value in this document when it was made available immediately following the rule's publication, before it was removed due to subsequent revisions.

Our organizations recognize the importance of updating the HCS. This regulation helps ensure that employees working with hazardous chemicals understand the hazards to which they are exposed and plays a role in ensuring that work environments are safe. However, if OSHA does not act to establish guidance and enforcement discretion to address the above concerns, there will be a lack of uniformity and considerable compliance pressures placed on American manufacturing sectors and other businesses working to achieve compliance. Clear guidance and appropriate enforcement discretion are essential for seamless implementation of this recent HCS revision.

Thank you for considering the issues outlined above. We stand ready to assist OSHA in implementing a hazard communication system that delivers clear, practical, and effective information to workers.

Sincerely,

Adhesive and Sealant Council
Alliance for Chemical Distribution
American Chemistry Council
American Coatings Association
American Composites Manufacturers Association
American Forest and Paper Association
American Fuel & Petrochemical Manufacturers

American Petroleum Institute
American Wood Council
Chlorine Institute
Compressed Gas Association
Crop Life America
Global Cold Chain Alliance
Independent Lubricant Manufacturers Association
Plastics Industry Association
Responsible Industry for a Sound Environment
Society of Chemical Manufacturers & Affiliates
The Fertilizer Institute
Vinyl Institute