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Special Bulletin

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U.S. DOT and OSHA Clarify Rules on Hazard Labels for Chemical Containers

U.S. DOT and OSHA have released a “*Joint Guidance Memorandum*” on the labeling of hazardous chemicals. The guidance makes clear for the first time that DOT governs hazard communication in the transportation of hazardous materials. OSHA labeling governs hazard communication in the workplace. The agencies agree that the addition of a workplace hazard label is not a violation of DOT ‘s hazmat packaging rules *provided* the workplace label is a *complete* GHS label (*Globally Harmonized System*).

This agreement does not directly affect reconditioners or packaging manufacturers; rather, it is more a concern to fillers, carriers and emptiers. Also, while initially focused on bulk containers, DOT and OSHA ‘s joint policy on labeling extends to all containers.

Background

OSHA labeling requirements apply to containers in a workplace setting, and new formats for such labels went into full effect June 1, 2016.

OSHA labels for onsite workplace containers are the responsibility of the employer. To comply with GHS, an OSHA label must now include:

Product Identifier	<i>Chemical Name</i>
Signal Word	<i>“Danger” or “Warning”</i>
Pictograms	<i>Denote type of risk(s)</i>
Hazard Statement	<i>“Causes irritation....”</i>
Precautionary Statement	<i>“Keep away from....” “In case of exposure...”</i>
Supplier’s Name, Address, Phone#	

In the joint Guidance issued this week, DOT and OSHA conclude that a GHS label and a DOT “diamond” label “...*may both appear on the same package*”, and that a workplace label “...*consistent with the GHS is not a violation of the HMR*” (Hazardous Material Regulations).

Significantly, this language means that containers cannot bear stand-alone pictograms. Stand-alone pictograms – some as large as placards – have been causing confusion in the field. DOT recently clarified that any GHS label must be a *complete* GHS label.

This is a clear victory for shippers and related industries who sought for several months to preserve for DOT the authority over hazard communication in transport.

See a copy of the DOT and OSHA “*Joint Guidance Memorandum*” [HERE](#).