

**U.S. Chemical Safety and  
Hazard Investigation Board**

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Hon. Rafael Moure-Eraso  
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Hon. John S. Bresland  
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Hon. Mark Griffon  
Board Member



DEC 20 2011

Honorable Cass Sunstein  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Eisenhower Executive Office Building  
725 Seventeenth Street NW  
Washington DC 20006

Dear Mr. Sunstein:

I am writing to express my support for an Occupational Safety and Health Administration (OSHA) proposal to align the existing hazard communication standard (HCS) with the United Nations' Globally Harmonized System for Classification and Labeling of Chemicals (GHS). It is my understanding that some in the regulated industries may object to OSHA's proposal to include in its final standard a category for "unclassified hazards," which was not included in the United Nation's third revision to the GHS. The U.S. Chemical Safety and Hazard Investigation Board (CSB) supports OSHA's proposal.

As you are probably aware, the CSB is an independent federal agency charged with investigating industrial chemical accidents. Our agency does not issue fines or citations, but does make recommendations to regulatory agencies such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA), companies, industry organizations, labor groups and others. Congress designed the CSB to be non-regulatory and independent of other agencies so that its investigations might, where appropriate, review the effectiveness of regulations and regulatory enforcement.

Over the past eight years, the CSB has conducted five major investigations and completed a comprehensive hazard study related to the hazards of combustible dust explosions in the United States. All of our completed work is available to the public on our website, [www.csb.gov](http://www.csb.gov). One of the CSB recommendations issued to OSHA from the combustible dust hazard study was to:

*Revise the Hazard Communication Standard (HCS) (1910.1200) to: - Clarify that the HCS covers combustible dusts, including those materials that may reasonably be anticipated to generate combustible dusts through downstream processing or handling.*

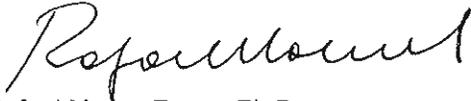
OSHA took preliminary steps to satisfy this recommendation by issuing a publication entitled: "Hazard Communication Guidance for Combustible Dusts." Shortly after that, OSHA also proposed adopting the GHS. Adoption of the GHS, however, requires replacing the current HCS definitions and hazard categories with those developed for the GHS. Because the GHS is based upon international transportation regulations, its definitions and hazard classes are not broad enough to include combustible dusts, whose hazards are not related to transportation in containers, but rather to their use in manufacturing processes, as investigations by the CSB and many others have demonstrated.

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To address this difficulty, OSHA included a provision for an "Unclassified Hazards" category in its GHS proposal, which your office is now reviewing. OSHA's goal was to ensure that all current substances covered under the OSHA Hazard Communication Standard would continue to be covered after adoption of the GHS. OSHA has informed the CSB that they are also working with the GHS committees to get combustible dust recognized as a separate hazard category in a future GHS revision. The CSB strongly supports the concept of an "Unclassified Hazards" category and OSHA's efforts to achieve it.

The CSB is very concerned, therefore, that without this category, as has been reportedly advocated by some in the affected industries, the adoption of the GHS would seriously degrade protections currently afforded to workers under the current HCS. Consequently, the CSB urges OIRA to endorse the current OSHA rulemaking effort without recommending any significant changes to the proposed hazard categories. If you, or a member of your staff, wishes to discuss this matter further, please do not hesitate to contact me.

Sincerely



Rafael Moure-Eraso, Ph.D.  
Chairperson

cc: Dr. David Michaels, Assistant Secretary, Occupational Safety and Health Administration  
Daniel Horowitz, Managing Director, CSB  
Manuel Gomez, Director of Recommendations, CSB