

Background: The California Environmental Protection Agency (CalEPA) Adopts the 24 New Federal Hazard Categories for use in Chemical Inventory Reporting of Annual 2018 Hazardous Materials Business Plan (HMBP) Submittals in the California Environmental Reporting System (CERS)

Effective December 28, 2017, CalEPA will replace the existing five (5) federal hazard categories available in CERS used for the completion of chemical inventories as part of the annual hazardous materials business plan submittal with twenty-four (24) new federal hazard categories adopted by the United States Environmental Protection Agency (U.S. EPA) as a result of changes to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). The table below depicts the existing and new federal hazard categories.

Table 1			
Federal Hazard Categories Adopted by U.S. EPA (40 CFR part 370.66)			
Existing Categories (CERS Data Fields 216a-216e)		NEW Categories (New CERS Data Fields 216f-216cc)	
PHYSICAL	HEALTH HAZARD	PHYSICAL	HEALTH HAZARD
Fire	Acute (Immediate)	Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Reactive	Chronic (Delayed)	Gas under pressure (compressed gas)	Acute toxicity (any route of exposure)
Sudden release of pressure		Explosive	Reproductive toxicity
		Self-heating	Skin corrosion or irritation
		Pyrophoric (liquid or solid)	Respiratory or skin sensitization
		Oxidizer (liquid, solid or gas)	Serious eye damage or eye irritation
		Organic peroxide	Specific target organ toxicity (single or repeated exposure)
		Self-reactive	Aspiration Hazard
		Pyrophoric gas	Germ cell mutagenicity
		Corrosive to metal	Simple asphyxiant
		In contact with water emits flammable gas	Hazard Not Otherwise Classified (HNOC)
		Combustible dust	
		Hazard Not Otherwise Classified (HNOC)	

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In June, 2016, the U.S. EPA amended its hazardous chemical reporting regulations (40 CFR part 370) as a result of changes to the OSHA HCS. OSHA's HCS (29 CFR 1910.1200) was revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Core elements of the GHS include standardized hazard testing criteria, universal warning pictograms and harmonized SDSs.

The revised OSHA HCS requires chemical manufacturers and importers to:

- evaluate their chemicals according to the new criteria adopted from GHS to ensure chemicals are classified and labeled appropriately, and
- develop standardized SDSs and distribute them to users of their chemicals.

To incorporate the adoption of the OSHA HCS, the U.S. EPA amended 40 CFR part 370 (Federal Register, Vol. 18, No. 113, June 13, 2016, page 38104) as it pertains to the implementation of EPCRA, and includes:

- replacing the use of "Material Safety Data Sheets (MSDSs)" with "Safety Data Sheets (SDSs)" as both terms have the same meaning;
- revising the definition of "hazardous chemical" to any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified (HNOC); and
- replacing the existing five federal hazard categories for list reporting (40 CFR part 370 section 311) and annual inventory reporting (40 CFR part 370 section 312) with 24 new physical and health hazard categories established by the GHS

The federal hazard categories used in completing chemical inventories of hazardous materials business plan submittals in CERS parallel the federal hazard categories utilized by U.S. EPA for Emergency Planning and Community Right-to-Know Act (EPCRA) reporting. This established equivalency between the California Hazardous Materials Release Response Plans and Inventory Program and U.S. EPA EPCRA reporting will remain in effect and will continue to benefit California businesses by eliminating the need for duplicate reporting when EPCRA requirements are applicable.

Because the chemical inventory is completed utilizing the same federal hazard categories required by the U.S. EPA for EPCRA reporting, it is necessary to replace the existing 5 federal hazard categories with the new 24 federal hazard categories adopted by U.S. EPA in 40 CFR part 370.

U.S. EPA reported in the Federal Register that adopting the new HCS hazard categories in place of the existing five federal hazard categories is supported by regulated businesses and the regulatory community as it is far less burdensome to replicate and compare chemical hazard information from the corresponding MSDS or SDS with the information provided on a list of hazardous chemicals and inventories.

Utilizing the standardized categories of hazardous chemicals set forth by the OSHA HCS will also provide greater clarification and consistency and promote facilitation of emergency planning and response among the community regarding the presence of hazardous chemicals and the related physical effects of human and environmental health.

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Though U.S. EPA has required use of the 24 new federal hazard categories for EPCRA since June 2016, states with their own reporting systems, such as California and CERS, are required to make the new federal hazard categories available to regulated business users by January 1, 2018.

CalEPA, CUPA data services vendors and UPA staff have been actively working on the development and implementation of CERS and local CUPA data systems to ensure regulated businesses will be able to submit chemical inventories utilizing the 24 new federal hazard categories in completing annual 2018 hazardous materials business plan submittals whether electronically reporting to CERS or the local CUPA data system.

For more information please contact:

- Your local UPA (Directory: <http://cersapps.calepa.ca.gov/Public/Directory>)
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