

ENVIRONMENTAL PROTECTION AGENCY
ACUTE HAZARDS LABELING RULE, JULY 29, 1980

SUMMARY

BACKGROUND

EPA has announced its intent to issue a regulation under Section 6 of TSCA to require acute hazard warning labeling for chemical substances and mixtures. The regulation will be closely patterned after similar regulations issued by the Department of Transportation pursuant to the Hazardous Materials Transportation Act and the Consumer Product Safety Commission pursuant to the Federal Hazardous Substances Act, as well as the voluntary standard for labeling chemical hazards adopted by the American National Standards Institute with the cooperation of the chemical industry.

An initial draft of the proposed regulation was made public by EPA in February. The February draft contained four types of problems: (1) extremely burdensome recordkeeping requirements; (2) a number of technically deficient definitions and other provisions; (3) a failure to include either broad categories of exclusions or a mechanism for specific exclusions of the type used by DOT, CPSC, and ANSI; and (4) insufficient flexibility in implementation.

CMA committees worked extensively on the February draft and met with EPA representatives in an attempt to improve the proposed regulation. EPA recognized the validity of a large number of CMA objections.

On July 31, EPA made public a revised draft of the proposed regulation. This draft accommodates many, but certainly not all, of the CMA objections. All of the recordkeeping provisions were eliminated. Some of the technical deficiencies were corrected; some remain. There is greater flexibility in implementation, but it is still insufficient. Of major importance, there is still no broad or specific exclusions for those chemicals that fall within the various definitions for hazardous products but that nonetheless do not present a significant risk under actual conditions of exposure and use. (e.g., lubricating oils are flammable but there is no need to label them as such).

CMA has prepared and submitted comments on the July draft to EPA in two written documents. One document details the specific wording changes that CMA recommends to correct the deficiencies that remain. The second document explains each of those recommended changes. CMA representatives have met with Mr. Jellinek and his staff to discuss these matters.

It is anticipated that a proposed regulation will be published in the Federal Register early this fall. The precise timing remains quite uncertain. Publication of the proposal will result in an administrative hearing on the matter. The extent to which CMA will be required to appear and present evidence at that hearing will depend entirely upon the degree to which the CMA objections are accommodated in the final proposal.

ACTION REQUIRED

None. For Information only.

CMA
EC - 9/8/80
BD - 9/9/80