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To assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. ENZI (for himself, Mrs. MURRAY, Mr. ISAKSON, Mr. BURR, Mr. SESSIONS, and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HazCom Simplification
5 and Modernization Act of 2005”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to assist chemical manu-
3 facturers and importers in preparing material safety data
4 sheets pursuant to the requirements of the Hazard Com-
5 munication standard published at section 1910.1200 of
6 title 29, Code of Federal Regulations, and the Hazard
7 Communication standard published at part 47 of title 30,
8 Code of Federal Regulations, and to improve the accuracy,
9 consistency, and comprehensibility of such material safety
10 data sheets and to establish a Commission for the purpose
11 of studying and making recommendations regarding the
12 implementation of the United Nations' Globally Har-
13 monized System of Classification and Labeling of Chemi-
14 cals.

15 **SEC. 3. HAZARD COMMUNICATION.**

16 (a) IN GENERAL.—

17 (1) MODEL MATERIAL SAFETY DATA SHEETS
18 FOR HIGHLY HAZARDOUS CHEMICALS.—The Sec-
19 retary of Labor shall develop model material safety
20 data sheets for the list of highly hazardous chemi-
21 cals contained in Appendix A to the Process Safety
22 Management of Highly Hazardous Chemicals stand-
23 ard published at section 1910.119 of title 29, Code
24 of Federal Regulations. Such model material safety
25 data sheets shall—

1 (A) comply with the requirements of the
2 Hazard Communication standard published at
3 section 1910.100 of such title 29 and the Haz-
4 ard Communication standard published at part
5 47 of title 30, Code of Federal Regulations;

6 (B) be presented in a consistent format
7 that enhances the reliability and comprehen-
8 sibility of information about chemical hazards
9 in the workplace and protective measures; and

10 (C) be made available to the public, includ-
11 ing through posting on the Occupational Safety
12 and Health Administration's website and the
13 Mine Safety and Health Administration's
14 website, within 18 months after the date of en-
15 actment of this Act.

16 (2) CONSTRUCTION.—Nothing in this sub-
17 section shall be construed to—

18 (A) modify or amend the Hazard Commu-
19 nication standard published at section
20 1910.1200 of title 29, Code of Federal Regula-
21 tions, the Process Safety Management of High-
22 ly Hazardous Chemicals standard published at
23 section 1910.119 of such title 29, the Hazard
24 Communication standard published at part 47

1 of title 30, Code of Federal Regulations, or any
2 other provision of law; and

3 (B) authorize the Secretary of Labor to in-
4 clude in the model material safety data sheet
5 developed under this subsection any suggestion
6 or recommendation as to permissible or appro-
7 priate workplace exposure levels for these
8 chemicals, except as required by the Hazard
9 Communication standard published at section
10 1910.1200 of such title 29, and the Hazard
11 Communication standard published at part 47
12 of title 30, Code of Federal Regulations.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to the De-
15 partment of Labor such sums as may be necessary
16 to carry out this subsection.

17 (b) GLOBALLY HARMONIZED SYSTEM COMMIS-
18 SION.—

19 (1) ESTABLISHMENT.—Not later than 6
20 months after the date of enactment of this Act,
21 there shall be established a commission, to be known
22 as the Global Harmonization Commission (referred
23 to in this subsection as the “Commission”), to con-
24 sider the implementation of the United Nations
25 Globally Harmonized System of Classification and

1 Labeling of Chemicals to improve chemical hazard
2 communication and to make recommendations to
3 Congress.

4 (2) MEMBERSHIP.—The Commission shall be
5 composed of 17 members of whom—

6 (A) 1 shall be the Secretary of Labor (re-
7 ferred to in this Act as the “Secretary”);

8 (B) 1 shall be the Secretary of Transpor-
9 tation;

10 (C) 1 shall be the Secretary of Health and
11 Human Services;

12 (D) 1 shall be the Administrator of the
13 Environmental Protection Agency;

14 (E) 1 shall be the Chairman of the Con-
15 sumer Product Safety Commission;

16 (F) 1 shall be the Chairman of the Chem-
17 ical Safety and Hazard Investigation Board (or
18 his or her designee);

19 (F) 11 shall be appointed by the Secretary
20 of Labor, of whom—

21 (i) 2 shall be representatives of manu-
22 facturers of hazardous chemicals, including
23 a representative of small businesses;

24 (ii) 2 shall be representatives of em-
25 ployers who are extensive users of haz-

ardous chemicals supplied by others, including a representative of small businesses;

(iii) 2 shall be representatives of labor organizations;

(iv) 2 shall be individuals who are qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary, who have expertise in chemical hazard communications;

(v) 1 shall be a representative of mining industry employers;

(vi) 1 shall be a representative of mining industry employees; and

(vii) 1 shall be a safety and health professional with expertise in mining.

(3) CHAIR AND VICE-CHAIR.—The members of the Commission shall select a chair and vice-chair from among its members.

(4) DUTIES.—

(A) STUDY AND RECOMMENDATIONS.—

The Commission shall conduct a thorough study of, and shall develop recommendations on, the

1 following issues relating to the global harmoni-
2 zation of hazardous chemical communication:

3 (i) Whether the United States should
4 adopt any or all of the elements of the
5 United Nation's Globally Harmonized Sys-
6 tem of Classification and Labeling of
7 Chemicals (referred to in this subsection
8 and the "Globally Harmonized System").

9 (ii) How the Globally Harmonized
10 System should be implemented by the Fed-
11 eral agencies with relevant jurisdiction,
12 taking into consideration the role of the
13 States acting under delegated authority.

14 (iii) How the Globally Harmonized
15 System compares to existing chemical haz-
16 ard communication laws and regulations,
17 including the Hazard Communication
18 standard published at section 1910.1200 of
19 title 29, Code of Federal Regulations and
20 the Hazard Communication standard pub-
21 lished at part 47 of title 30, Code of Fed-
22 eral Regulations.

23 (iv) The impact of adopting the Glob-
24 ally Harmonized System on the consist-
25 ency, effectiveness, comprehensiveness,

1 timing, accuracy, and comprehensibility of
2 chemical hazard communication in the
3 United States.

4 (v) The impact of adopting the Glob-
5 ally Harmonized System on occupational
6 safety and health in the United States.

7 (vi) The impact of adopting the Glob-
8 ally Harmonized System on tort, insur-
9 ance, and workers compensation laws in
10 the United States.

11 (vii) The impact of adopting the Glob-
12 ally Harmonized System on the ability to
13 bring new products to the market in the
14 United States.

15 (viii) The cost and benefits of adopt-
16 ing the Globally Harmonized System to
17 businesses, including small businesses, in
18 the United States.

19 (ix) How effective compliance assist-
20 ance, training, and outreach can be used to
21 help chemical manufacturers, importers,
22 and users, particularly small businesses,
23 understand and comply with the Globally
24 Harmonized System.

1 (B) REPORT.—Not later than 18 months
2 after the date of enactment of this Act, the
3 Commission shall submit to the appropriate
4 committees of Congress a report containing a
5 detailed statement of the findings and conclu-
6 sions of the Commission, together with its rec-
7 ommendations for such legislation as the Com-
8 mission considers appropriate.

9 (5) POWERS.—

10 (A) HEARINGS.—The Commission shall
11 hold at least one public hearing, and may hold
12 additional hearings, sit and act at such times
13 and places, take such testimony, and receive
14 such evidence as the Commission considers ad-
15 visable to carry out this section. The Commis-
16 sion shall, to the maximum extent possible, use
17 existing data and research to carry out this sec-
18 tion.

19 (B) INFORMATION FROM FEDERAL AGEN-
20 CIES.—The Commission may secure directly
21 from any Federal department or agency such
22 information as the Commission considers nec-
23 essary to carry out this section. Upon request
24 by the Commission, the head of such depart-

1 ment or agency shall promptly furnish such in-
2 formation to the Commission.

3 (C) POSTAL SERVICES.—The Commission
4 may use the United States mails in the same
5 manner and under the same conditions as other
6 departments and agencies of the Federal Gov-
7 ernment.

8 (6) PERSONNEL MATTERS.—

9 (A) COMPENSATION; TRAVEL EXPENSES.—
10 Each member of the Commission shall serve
11 without compensation but shall be allowed trav-
12 el expenses, including per diem in lieu of sub-
13 sistence, at rates authorized for employees of
14 agencies under subchapter I of chapter 57 of
15 title 5, United States Code, while away from
16 their homes or regular places of business in the
17 performance of services for the Commission.

18 (B) STAFF AND EQUIPMENT.—The De-
19 partment of the Labor shall provide all finan-
20 cial, administrative, and staffing requirements
21 for the Commission including—

22 (i) office space;

23 (ii) furnishings; and

24 (iii) equipment.

1 (7) TERMINATION.—The Commission shall ter-
2 minate on the date that is 90 days after the date on
3 which the Commission submits the report required
4 under paragraph (3)(B).

5 (8) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to the De-
7 partment of Labor, such sums as may be necessary
8 to carry out this subsection.

9 (c) HAZARD COMMUNICATION DEMONSTRATION
10 PROJECTS.—

11 (1) IN GENERAL.—Section 20(a) of the Act (29
12 U.S.C. 670(a)) is amended by adding at the end the
13 following:

14 “(8) Subject to the availability of appropriations, the
15 Secretary, after consultation with others, as appropriate,
16 shall award grants to one or more qualified applicants in
17 order to carry out a demonstration project to develop, im-
18 plement, or evaluate strategies or programs to improve
19 chemical hazard communication in the workplace through
20 the use of technology, which may include electronic or
21 Internet-based hazard communication systems.”.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums

- 1 as may be necessary to carry out the amendment
- 2 made by paragraph (1).

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