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Pipeline Hazardous Materials Safety Administration/OSHA: Joint Guidance Memorandum – Labeling of Hazardous Chemicals for Bulk Shipments

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) and Occupational Safety and Health Administration (“OSHA”) issued a September 19th Joint Guidance Memorandum titled “*Labeling of Hazardous Chemicals for Bulk Shipments (“Memorandum”)*”.

The *Memorandum* was prepared by PHMSA’s Office of Hazardous Materials Safety and OSHA.

PHMSA and OSHA state they are responsible for enforcing distinct and separate safety standards that address appropriate labeling of chemical hazards in transportation (i.e., PHMSA) and in the workplace (i.e., OSHA). Specifically, the agencies note:

PHMSA’s labeling requirements are contained in the U.S. Hazardous Materials Regulations. . . and apply to transportation of hazardous materials in commerce. OSHA’s labeling requirements are specific to the workplace and are found in the Hazard Communication Standard HCS. . . . For the purposes of this memorandum, labeling also includes DOT placarding, signs, and other markings.

The purpose of the *Memorandum* is to provide “clarity on the general applicability of, and overall relationship between, DOT’s labeling requirements under the HMR and OSHA’s labeling requirements for bulk shipments under the HCS 2012.”

The *Memorandum* has sections summarizing:

- Department of Transportation Hazardous Materials Regulation Labeling Requirements
- OSHA Hazardous Communication Standard 2012 labeling Requirements for Bulk Shipments in DOT Containers (e.g., tanker trucks, rail cars)

The *Memorandum* also provides a reminder in regard to bulk shipments bearing both DOT and OSHA Hazardous Communication Standards 2012 labels. It notes that the Hazardous Materials Regulations prohibit the display on a package of any marking or label that could be confused or conflict with a label required by the Hazardous Materials Regulations, citing 49 C.F.R. § 172.401(b).

The document also notes that:

. . . The DOT and OSHA are aware of some examples of pictograms/symbols displayed on bulk packages that are not consistent with the HCS (29 C.F.R. § 1910.1200) and that are not compliant with hazard communication required by the HMR (49 C.F.R. Parts 100-180). Such labeling is prohibited by the HMR.

[A copy of the *Memorandum* can be downloaded here.](#)