



New 2018 Federal Hazard Categories in CERS

San Diego CUPA Regulatory Guidance: January 2018
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Background

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- On June 13, 2016, U.S. EPA amended the hazardous chemical reporting regulations to incorporate FedOSHA Global Harmonizing System for Classification of Chemicals.
- The OSHA Hazard Communication Standard (HCS) requires chemical manufacturers to:
 - Evaluate their chemicals according to the new criteria adopted
 - Develop standardized safety data sheets (SDSs)

➤ Changes include:

- Replacing the use of MSDS with SDS
- Revising the definition of “hazardous chemicals.”
- Replacing the existing five federal hazard categories for chemical reporting with 24 physical and health hazard categories
- US EPA asked States to have new classifications in effect by January 1, 2018 for EPCRA chemical reporting program equivalency.

- States required to make the revised federal hazard categories available to business users by **January 1, 2018** and facilities required to submit the information by **March 1, 2018 for Tier II EPCRA chemical inventory reporting.**
- Standardized categories of chemicals provides greater clarification, consistency, and emergency planning and response.
- Standardized categories will also benefit California businesses by eliminating duplicate reporting when EPCRA reporting requirements are applicable.

Table 1 from CalEPA Announcement on the new Inventory Reporting in CERS

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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)	

CERS webpage screen shot

Chemical Hazard Classification

EHS 

Yes No

Radioactive

Yes No

Curies

Federal Hazard Categories

- Fire
- Reactive
- Pressure Release
- Acute Health
- Chronic Health

Fire Code Hazard Classes (by priority)

Oxidizing, Class 2	▼
	▼
	▼

[View/Edit Additional Firecodes](#)

DOT Hazard Class 

State Waste Code 

 [Lookup Code](#)

Federal Hazard Categories

- PHYSICAL: Flammable
- PHYSICAL: Gas Under Pressure
- PHYSICAL: Explosive
- PHYSICAL: Self-heating
- PHYSICAL: Pyrophoric
- PHYSICAL: Oxidizer
- PHYSICAL: Organic Peroxide
- PHYSICAL: Self-reactive
- PHYSICAL: Pyrophoric Gas
- PHYSICAL: Corrosive to Metal
- PHYSICAL: In Contact with Water Emits Flammable Gas
- PHYSICAL: Combustible Dust
- PHYSICAL: Hazard Not Otherwise Classified (HNOC)
- HEALTH: Carcinogenicity
- HEALTH: Acute Toxicity
- HEALTH: Reproductive Toxicity
- HEALTH: Skin Corrosion or Irritation
- HEALTH: Respiratory or Skin Sensitization
- HEALTH: Serious Eye Damage or Eye Irritation
- HEALTH: Specific Target Organ Toxicity
- HEALTH: Aspiration Hazard
- HEALTH: Germ Cell Mutagenicity
- HEALTH: Simple Asphyxiant
- HEALTH: Hazard Not Otherwise Classified (HNOC)

How will this effect regulated businesses?

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Starting on January 1, 2018, all CA. regulated businesses must use the revised federal hazard categories in CERS.

How to prepare in CERS the revised inventory submittal:

- For existing facilities create a new CERS submittal based on a previous CERS submittal.
- Deselect all obsolete hazard categories.
- Use a current SDS to determine the new federal hazard categories.
- Submit chemical inventory with the HMBP in CERS to regulator.

San Diego County CUPA CERS Message Users May See When Using the Obsolete Hazard Categories after January 1, 2018

Message:

- ▶ This submittal is **provisionally accepted** at this time; however, please be advised your CERS hazardous materials inventory contains obsolete federal hazardous categories and must be revised and re-submitted in CERS within 90 calendar days. If you need help with the revision, feel free to call the CERS Help Desk at (858)505-6990.

FAQ: CERS Hazardous Waste Reporting

- Evaluate hazardous waste with similar SDS information. Will help in determining federal hazard category.
- Look at hazardous characteristic(s) of the waste and if a 'listed RCRA waste'.
- What contaminants are in the waste?
- Look at corresponding pictograms in a similar SDS; section 2 of the newest SDS.
- OSHA pictograms: https://www.osha.gov/Publications/HazComm_QuickCard_Pictogram.html

Example: RCRA waste code D001, F003...acetone waste; revised federal hazard categories in CERS...

Physical: Flammable

Health: Serious Eye Damage, Specific Target Organ Toxicity

<http://www.labchem.com/tools/msds/msds/LC10420.pdf> a SDS for acetone.

FAQ: CERS Site Maps

- ▶ For HMBP site maps, please continue to use the existing standardized symbols adopted by the County of San Diego in the hazardous materials business plan to indicate locations of hazardous materials and waste.
[https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hmbp/HM-952%20\(10-16\).pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hmbp/HM-952%20(10-16).pdf)
- ▶ San Diego may change the site map symbols in the future but not without input from fire agencies and advising stakeholders of needed changes.

FAQ: How to change your existing chemical inventory already in CERS

- ▶ **CalEPA guidance:** <https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2017/12/Announcement.pdf>

Creating a revised inventory submittal element based on a previous Hazardous Materials Inventory submittal via CERS

- a) Make a draft Hazardous Materials Inventory submittal based on a previous submittal. Hint: Be sure to download your inventory that was previously accepted by the regulator in CERS and most up to date.
- b) Use the **green edit** button on the CERS inventory page. Deselect all obsolete federal hazard categories for each hazardous material carried over from previous submittal
- c) Use SDS (section 2) to determine federal hazard categories for each hazardous material, and select all applicable.
- d) Follow existing CERS instructions for completing and submitting to the regulator the revised Hazardous Materials Inventory

FAQ: Facility has 'many' chemical inventory items in CERS to revise

- ▶ **CalEPA guidance using CERS 'Excel' template:** <https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2017/12/Announcement.pdf> Create a revised chemical inventory submittal based on a previous chemical inventory via the CERS Excel template:
 - a) Download your previous chemical inventory from the Hazardous Materials Inventory submittal element in CERS to Excel. **Hint:** Be sure to download your inventory that was previously accepted by the regulator in CERS and most up to date.
 - b) Enter 'N' for the obsolete federal hazard category choices previously used in CERS.
 - c) Enter 'Y' for the new federal hazard category(ies) identified within Section 2 of your SDS or based on your knowledge. Enter 'N' for all others, that are not applicable.
 - d) Follow existing CERS instructions for completing and submitting to the regulator the revised Hazardous Materials Inventory.

FAQ: How is medical waste reported in CERS with the revised federal hazard categories

- ▶ Biohazardous waste, including sharps waste, would be classified as 'hazard not otherwise classified' for physical and health category.

FAQ: What will CERS automatically do to advise CERS USERS

- ▶ CERS will display to the user a “warning” alert when a chemical inventory is submitted using the five obsolete federal hazard categories. Example below.....



Data Element "Federal Hazard Category = Acute Health" for material "Nitric Acid", location "" is obsolete. Obsolete Data Elements should be updated and/or replaced with valid Data Elements before submitting your inventory.



Data Element "Federal Hazard Category = Chronic Health" for material "Nitric Acid", location "" is obsolete. Obsolete Data Elements should be updated and/or replaced with valid Data Elements before submitting your inventory.



Data Element "Federal Hazard Category = Reactive" for material "Nitric Acid", location "" is obsolete. Obsolete Data Elements should be updated and/or replaced with valid Data Elements before submitting your inventory.

Table 1: EPCRA Chemicals and Reporting Thresholds

	Section 302	Section 304	Sections 311/312	Section 313
Chemicals Covered	355 Extremely Hazardous Substances	>1,000 substances	Approximately 800,000 hazardous chemicals	> 650 Toxic Chemicals and categories
Thresholds	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)*; diesel greater than or equal to 100,000 gallons (all grades combined)*; 10,000 pounds for all other hazardous chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year otherwise used; persistent bioaccumulative toxics have lower thresholds

FAQ: Why a March 1, 2018 deadline to report chemical inventory in CERS

- ▶ U.S. EPA regulation section 312 requires by March 1st every year that a facility subject to EPCRA reporting must complete the annual reporting by March 1.
https://www.epa.gov/sites/production/files/2017-08/documents/epcra_fact_sheet_overview_8-2-17.pdf
- ▶ In California, CERS is used to comply with the EPCRA chemical reporting regulation.

FAQ: What is the status of the CERS chemical library

- The most commonly reported hazardous materials in the CERS Chemical Library are currently being revised by CalEPA to reference the applicable federal hazard categories. Hazardous materials will be restored to the CERS Chemical Library as the new classifications are updated.
- If the new federal hazard category is not referenced for an existing chemical in the CERS Chemical Library use the federal hazard category information listed in Section 2 of a current Safety Data Sheet (SDS).

FAQ: What is my HMBP anniversary (due) date for submitting the annual HMBP recertification in CERS

- Answer depends on your last accepted HMBP submittal date in CERS and chemical inventory.
- Per State law, must annually submit/certify in CERS at least every 12 months.

Only State-regulated, Scenario #1: My facility is not regulated under federal EPCRA reporting; only has chemicals below 10,000 pounds and no extremely hazardous substance. I last submitted in May 10, 2017. Answer: Make revisions and submit in CERS by May 9, 2018 to annually certify the HMBP information.

Federally regulated under EPCRA, Scenario #2: My facility was subject to EPCRA because some of my chemical inventory exceeds 10,000 pounds. Answer: Make revisions and submit in CERS by March 1, 2018 to comply with federal EPCRA annual reporting deadline.

CalEPA guidance: https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2017/04/policy-for-material-inventory-reporting-timing_HMIS.pdf

FAQ: Can a violation be cited if the HMBP is not certified as complete and accurate by the HMBP anniversary (due) date, or by March 1st for EPCRA regulated facilities

- After the HMBP anniversary (due) date, or if a EPCRA regulated facility, failure to submit the required information in CERS may result in a violation being issued during a CUPA inspection.
- If you need general assistance with the revision, feel free to call the San Diego County **CERS Help Desk at (858)505-6990** during normal business hours M-F, or the CUPA Inspector.

RESOURCE LINKS:

- ▶ <https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2017/12/CalEPA-New-Federal-Hazard-Categories-1.pdf>
- ▶ <https://cers.calepa.ca.gov/wp-content/uploads/sites/61/2017/12/Announcement.pdf>