



Oregon
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Summary of Comments and Agency Decisions - Explanation of Rulemaking

Title: Adopted Federal OSHA Changes to Hazard Communication with Revised Effective Dates

Department of Consumer & Business Services
Oregon Occupational Safety & Health Division

OSHA Administrative Order Number: 1-2026

Adopted Date: May 29, 2026

Effective Date: July 1, 2026

1. Executive Summary

Oregon OSHA adopted changes to the general occupational safety and health, and agriculture standards in response to federal OSHA's adoption of revisions to hazard communication published in Federal Register FR vol.89, no. 98, pp. 44144-44461 on May 20, 2024. As well as corrections published in FR vol. 89, no. 196, pp. 81829-81836 on October 9, 2024, FR vol. 91, no. 5, pp. 562-598 on January 8, 2026, and FR vol. 91, no. 30, p. 6760 on February 13, 2026.

Federal OSHA first promulgated the hazard communication standard (HCS) in 1983 to provide a standardized approach for communicating workplace hazards associated with exposure to hazardous chemicals. Federal OSHA updated the HCS in 1987 and again in 1994. In 2012, the HCS incorporated the third revision of the Globally Harmonized System of Classification and Labelling of Chemicals GHS. The HCS requires periodic revision to maintain consistency with the GHS and incorporate the progression of scientific principles and best approaches for classification and communication of workplace hazards related to hazardous chemical exposure.

On February 16, 2021, federal OSHA published a Notice of Proposed Rulemaking (NPRM) to modify the HCS. The changes would bring the standard into alignment with the seventh revision of the GHS. Following modifications based on stakeholder input through the public comment process, federal OSHA published the final rule in the Federal Register 5/20/24, FR vol. 89, no. 98, pp. 44144-44461.

The fundamental structure of the HCS remains the same. The 2024 modifications to the standard include revised criteria for classification of certain health and physical hazards to better capture and communicate the hazards to downstream users; revised provisions for labels (including provisions addressing the labeling of small containers and the relabeling of chemicals that have been released for shipment); amendments related to the contents of SDSs; and new provisions relating to concentrations or concentration ranges being claimed as trade secrets.

Federal OSHA expects that the revisions to the HCS will result in modest improvements in worker health and safety above those already being achieved under the current HCS, but the agency was unable to quantify the magnitude of these health and safety benefits. To remain “at least as effective” as federal OSHA, Oregon OSHA must adopt an identical or equivalent standard.

2. Application of Statutory Requirements

This rulemaking falls within Oregon OSHA’s statutory authority, and Oregon OSHA has fulfilled all of its related obligations under ORS 654 (Oregon Safe Employment Act; OSEA) and ORS 183 (Administrative Procedures Act; APA).

The following Oregon Revised Statutes (ORS) give Oregon OSHA the authority to promulgate and adopt rules:

ORS 654.025(2): “The director and the Workers’ Compensation Board may make, establish, promulgate and enforce all necessary and reasonable regulations, rules, standards, orders and other provisions for the purpose of carrying out their respective functions under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, notwithstanding any other statutory provisions which may be to the contrary...,” and

ORS 656.726(4): “The director hereby is charged with duties of administration, regulation and enforcement of ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and this chapter...”

In addition, ORS 654.003(3):

“Authorize[s] the Director of the Department of Consumer and Business Services and the designees of the director to set reasonable, mandatory, occupational safety and health standards for all employments and places of employment.”

When Federal OSHA publishes a final rule or a more stringent amendment to an existing standard, OSHA-approved State Plans must either amend their standards to reflect the new standard or amendment or show OSHA why such action is unnecessary, because an existing State standard covering this area is “at least as effective” as the new Federal standard or amendment. As a result, Oregon OSHA conducted this rulemaking in response to federal OSHA’s HCS final rule published in the Federal Register. Federal Register FR vol. 89, no. 98, pp. 44144-44461 on May 20, 2024. As well as corrections published in FR vol. 89, no. 196, pp. 81829-81836 on October 9, 2024, FR vol. 91, no. 5, pp. 562-598 on January 8, 2026, and FR vol. 91, no. 30, p. 6760 on February 13, 2026.

Oregon law encourages, and in some respects, requires that affected stakeholders be involved in the development of proposed rules. ORS 183.333 (1)(a) states that:

“The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee or use any other means of obtaining public views that will assist the agency in drafting the rule.”

While Oregon OSHA did not appoint a formal Advisory Committee, it did solicit participation in a Rules Advisory Group comprised across industries in Oregon specific to this rulemaking.

Oregon OSHA contacted standing Oregon OSHA Advisory Groups and invited their members to participate in the Hazard Communication Rules Advisory Group (RAG), including members of the Oregon OSHA Construction Advisory Council, Fire Service Advisory Council, Forest Activities Advisory Council, Lead Advisory Group and Agriculture Labor Housing Advisory Group. Additionally, Oregon OSHA invited SAIF, and several chemical manufacturers based in Oregon regarding RAG participation; Oregon OSHA staff did additional outreach based on NAICS codes. Participation was open to all interested individuals, employers, and organizations. Current members of groups were also encouraged to make business referrals for RAG participation.

For individuals who expressed interest in participating in the RAG, Oregon OSHA communicated regularly about the Hazard Communication rule changes and rulemaking process over a three-month period, from June to August 2024. On June 27, 2024, Oregon OSHA convened a RAG meeting, presented proposed changes, and solicited input from RAG members to include the cost of compliance to be used for development of the Fiscal Impact Statement (FIS). The RAG was contacted October 15, 2024, regarding the changes published October 9, 2024. The group decided not to meet to discuss the changes and wait until the next proposal.

In January and February 2026, federal OSHA published additional corrections to the standard and informed their stakeholders that there were no additional anticipated corrections planned. As a result, Oregon OSHA reinitiated the rulemaking process and convened a RAG meeting on March 5, 2026. Oregon OSHA invited all previous participants of Hazard Communication RAG meeting. Additionally, Oregon OSHA contacted standing Oregon OSHA Advisory Groups and Councils and invited their members to participate in the Hazard Communication RAG, including members of the Oregon OSHA Construction Advisory Council, Fire Service Advisory Council, Forest Activities Advisory Council, Lead Advisory Group and Agriculture Labor Housing Advisory Group. Oregon OSHA presented the cumulative proposed changes, as well as the revised Fiscal Impact Statement, and solicited additional input from the RAG participants regarding those changes. RAG participants were also provided with additional time after the meeting to submit questions or concerns.

ORS 183.335 requires that state agencies provide adequate notice to the public of their intended rulemaking actions before a rule is adopted and goes into effect. All required documents for the rule proposal were filed with the Oregon Secretary of State on March 27, 2026, including the notice of proposed rulemaking and statement of need and fiscal impact. The notice of proposed rulemaking appeared in the April 2026 Oregon Bulletin, and all appropriate parties were notified.

Public comments on the proposed changes were accepted until 11:55 p.m. on May 16, 2026, and the division did not receive any written comment. There were two public hearings associated with the initial 2024 proposed rulemaking that was put on hold until final federal corrective amendments were made, and no public comments were received at that hearing either. One public hearing for the re-proposed hazard communication rulemaking was held on Friday, April 17, 2026, at 10 a.m., inviting the public to provide oral testimony and no comments were received.

The APA requires a fiscal impact statement that considers if the proposed rule may have “economic effect[s]” on the public or Oregon businesses (ORS 183.335).

Additional compliance requirements were added for the employer during this rule update. Because of this, Oregon OSHA has provided additional information about economic impacts to the cost of compliance from these changes in the fiscal impact statement located in the rule proposal filing documents.

The APA requires Oregon OSHA to fully consider any written and oral comments. Oregon OSHA did not receive any public comments during the oral hearings or in writing.

The rule changes are fully within Oregon OSHA's statutory authority. Oregon OSHA has satisfied all applicable requirements of the APA.

3. History of the Current Rulemaking

Federal OSHA published the HCS final rule in the Federal Register May 20, 2024, FR vol. 89, no. 98, pp. 44144-44461. Following a federal rule adoption, Oregon OSHA has 180 days to document that the rule in Oregon is as effective as the federal standard changes or adopt the federal standard. Oregon OSHA had adopted the previous federal OSHA hazard communication standard, and to be "at least as effective" as the federal standard amendments, Oregon OSHA was required to initiate the rulemaking process.

In 2024, Oregon OSHA began recruitment for the resource advisory group (RAG). Standing advisory groups representing construction, fire services, agriculture, and forestry activities as well as current SHARP and VPP-certified employers in Oregon were contacted with information about the rulemaking activity. Oregon OSHA also contacted SAIF and other businesses within Oregon with information about the rulemaking.

The first RAG meeting was held on June 27, 2024, at 1 p.m. RAG members were sent documents with federal rule changes that had been identified for hazard communication 1910.1200 and all appendix sections. Oregon OSHA reviewed the information provided to RAG members. The group also discussed the possibility that additional changes may be identified during the process and that additional rules that were not identified at the time of the RAG meeting may also need to be updated to maintain consistency with the hazard communication changes. Additionally, a sample of initial fiscal impact information captured from the federal rule adoption was also provided to RAG members.

Oregon OSHA reviewed the web resource site built for the rulemaking. The resource page is listed in the Rule Advisory Groups and contains information from Oregon OSHA regarding rulemaking, federal information regarding rule adoption, resources provided to the RAG, and a link to the calendar for all RAG meetings and

public hearings after the rule is proposed. Oregon OSHA staff contact information assigned to the rulemaking can also be found at this location.

Oregon OSHA discussed the use of the federal register as the source of the rule changes. Federal OSHA or other entities may provide additional information and resources regarding the changes. Oregon OSHA will use the federal register that contained the published rule. Oregon OSHA staff have identified some potential areas for future minor correction activity.

RAG members asked questions and for clarification about combustible dust, small containers, and federal OSHA's fiscal impact.

Oregon OSHA clarified the small container changes in 1910.1200(12) did not alter the requirements for secondary containers in 1910.1200(5).

Oregon OSHA clarified the requirement for labels on agricultural chemicals that are already labeled in accordance with EPA labeling requirements.

RAG members asked about using the NFPA label, and Oregon OSHA explained that the NFPA and HMIS labels are not part of the primary container labeling requirements from the manufacturer, but there was nothing that would prevent an employer from including either system on their secondary container labels.

Oregon OSHA's utilized the fiscal impact information provided by federal OSHA. Federal information was supplemented with Oregon wage and business information to represent the impact to Oregon employers and employees to develop the fiscal impact statement for the rulemaking.

When asked, members of the RAG indicated that no further meetings were necessary before Oregon OSHA proposed these changes.

During the proposal process, Oregon OSHA identified discrepancies between the federal register presented in a single column format in a three-column format and the federal OSHA codebook. Oregon OSHA selected the option that made the greatest sense within the scope of the rule. The discrepancies primarily included spaces between words and spelling but did include content discrepancies.

During the initial proposal process that began in fall of 2024, federal OSHA released a rule update to address some of these discrepancies in Federal Register on October 9, 2024, FR vol. 89, no. 196, pp. 81829-81836. In this update with corrective amendments, federal OSHA indicated that more corrections would be forthcoming. At this time, Oregon OSHA paused the rulemaking until the time federal OSHA indicated that all corrections are complete.

After federal OSHA published their final corrections on February 13, 2026, Oregon OSHA reinitiated the rulemaking process and had a second RAG meeting on March 5, 2026.

One of the changes highlighted by Oregon OSHA was the removal of the definition of “pyrophoric gas.” In the current rule, pyrophoric gas is a hazard category, and the changes remove that designation as a separate category and include it within the category for flammable gases. RAG members did not express a need to keep the definition, as it is defined within the Appendices for flammable gases.

A question was raised about the new language regarding bulk shipments and immediate containers. An example provided was for 55-gallon drums on a pallet. Oregon OSHA explained that the language in question was regarding bulk containers that are also single containers, such as a tanker truck or rail car.

A question on NFPA and HMIS labels was brought up by the RAG, and Oregon OSHA explained that the NFPA and HMIS labels are not part of the primary container labeling requirements of the manufacturer, but there was nothing that would prevent an employer from including either system on their secondary container labels.

RAG members indicated that no further meetings would be necessary before proposal.

4. Description of Changes to the Adopted Rules

Amended rules during this rulemaking include:

- 29 CFR 1910.1200 Hazard Communication
- 29 CFR 1910.6 Adoption by Reference
- OAR 437-002-0378 Pipe Labelling
- OAR 437-004-0100 Universal Definitions
- OAR 437-004-9800 Hazard Communication Standard for Agricultural Employers
- OAR 437-004-9850 Pipe Labelling
- OAR 437-002-0005 Adoption by Reference
- OAR 437-002-0360 Adoption by Reference

OAR 437-002-0005(6) - Updates the reference to the Federal Register for May 20, 2024, FR vol. 89, no. 98, pp. 44144-44461 and for January 8, 2026, FR vol

91, no. 5, pp. 562-598 that adopted changes to the 1910.6 Incorporation by reference federal standard.

As described in the May 20, 2024 Federal Register, the 1910.6 standard was amended as follows:

Revise paragraph (a), the introductory text of paragraph (e), and the introductory text of paragraph (h).

Redesignate paragraphs (h)(27) and (28) as (h)(28) and (29), and add new paragraph (h)(27).

Redesignate paragraphs (n) through (bb) as follows: old paragraph (n) becomes new paragraph (p); old paragraph (o) becomes new paragraph (s); old paragraphs (p) through (x) becomes new paragraphs (t) through (bb); old paragraph (y) becomes new paragraph (o); old paragraph (z) becomes new paragraph (cc); old paragraph (aa) becomes new paragraph (r); and old paragraph (bb) becomes new paragraph (dd);

Add new paragraphs (n) and (q); and

Revise newly redesignated paragraphs (v) and (dd).

OAR 437-002-0360(36) - Updates the reference to the Federal Register of May 20, 2024, FR vol. 89, no. 98, pp. 44144-44461, 10/9/24, FR vol. 89, no. 196, pp. 81829-81836, for January 8, 2026, FR vol. 91, no. 5, pp. 562-598, and for February 13, 2026, FR vol. 91, no. 30, p. 6760 that adopts by reference the changes to the federal 1910.1200 Hazard Communication federal standard. Oregon proposes to amend the adoption by reference in this rulemaking by not adopting the federal effective dates in 1910.1200(j) and instead proposes Oregon-specific effective dates in OAR 437-002-0376.

As described in May 20, 2024 Federal Register, the 1910.1200 standard is amended as follows:

Revise paragraphs (a)(1) and (b)(6)(x).

Revise and republish paragraph (c).

Revise paragraphs (d)(1), (e)(4), (f)(1), (5), and (11).

Add paragraph (f)(12).

Revise paragraphs (g)(1) and (2), (7) and (10), (i)(1) through (3), (j), and appendices A through D.

OAR 437-002-0376 - Oregon OSHA adopted a new rule, OAR 437-002-0376, that establishes revised effective dates in Oregon for the federal standard 1910.1200 adopted by reference and as amended.

OAR 437-002-0378 - Throughout the rule and in the title, the spelling of “labelling” is corrected to “labeling” to align with the spelling in 1910.1200. Added outlining to (2) Definitions to create (a) through (e). In (2)(c) Definitions, updates the definition of “Physical Hazard” to align with federal OSHA changes in the 1910.1200 Hazard Communication standard. In (4)(b) there is an outlining change; no change in content but deletes (A) and folds that language into (b) to conform with Secretary of State outlining standards. At the end of the rule “NOTE” is changed to “Note.” Corrected the spelling of “semi-liquids” and “stenciling.”

OAR 437-004-0100 - In (1)(n), updates the definition of “Flammable”; and, in (1)(q) updates the definition of “Hazardous Chemical” to align with federal OSHA changes in the 1910.1200 Hazard Communication standard. “NOTE” is changed to “Note” throughout.

OAR 437-004-9800 - (10) is changed to reflect new federal requirements and Oregon effective dates in the 1910.1200 Hazard Communication standard; (11)(y) definition of “Hazardous chemical,” is modified; (11)(nn) definition of “Physical Hazard” is updated; and (11)(ss) Pyrophoric gas is removed, as a result, the outlining is updated in the remainder of the rule after (ss). “NOTE” is changed to “Note” throughout.

OAR 437-004-9850 - In (2), updates the definition of “Physical Hazard” to align with federal OSHA changes in the 1910.1200 Hazard Communication standard. “NOTE” is changed to “Note” throughout. Text references to the Illustration and Appendix A (Non-mandatory) are added.

5. Summary of Comments and Agency Decisions

Oregon OSHA held two remote public hearings; on October 29, 2024, at 9 a.m., and October 30, 2024, at 1 p.m., and received no comments for the rule changes proposed September 24, 2024. The division received no written comments concerning this rulemaking throughout the comment period that ended November 6, 2024.

After the re-proposal of the changes to Hazard Communication on March 27, 2026, Oregon OSHA held a remote public hearing on April 17, 2026, and received no comments at that hearing. The comment period ended on May 16, 2026. The division received no written comments concerning this rulemaking throughout the comment period.

Oregon OSHA did not adopt the effective dates from the federal standard. Instead, Oregon OSHA adopted OAR 437-002-0376 to provide effective dates in-line with the federal dates but accounted for the time from the federal adoption to the Oregon adoption, in order to give Oregon employers adequate time to comply with the new requirements.

6. Conclusion

As proposed, Oregon OSHA adopted by reference the hazard communication rule changes, except for extended Oregon effective dates. Section 4 of this document provides more information on the changes to Oregon rules that align with the amendments to the Hazard Communication standard.