1. **Since OSHA has denied to extend the deadline for formulators, is there a push to have them re-consider? Does legal recourse exist for a company cited during an inspection, and not wanting to be subject to the judgment of the inspector?**

No. OSHA’s response made it abundantly clear that revisiting the extension via rulemaking, which would be required, is not an option. The American Coatings Association (ACA) *et al.* seem resigned (and perhaps satisfied) with the "enforcement discretion" remedy. As far as any particular enforcement option is concerned, and as noted during the webinar, entities are urged in the strongest possible terms to document their compliance efforts. Diligence and effort will be rewarded. Lack of effort and trivializing the requirements will be met with distain. Also as noted, OSHA can be expected to go "enforcement-lite" at least through 2015. After this time, I would expect OSHA to be looking for high profile examples of non-compliance.

2. **Could a company’s lack of compliance with GHS be used against it in third-party private litigation?**

Plaintiffs can be expected to use allegations of non-compliance with GHS in any number of contexts, including third-party suits against manufacturers in cases involving tort and/or product liability claims and even in state AG actions for violation of consumer protection laws. Employees could rely upon allegations of non-compliance in worker compensation cases and/or Union grievances relating to workplace conditions. Such allegations could also be used in OSHA General Duty Clause cases.

3. **Given the special hazards that the US has adopted (e.g., combustible dust), is it allowable to have a US GHS label next to a non-EU GHS label on a container? Will it be possible to have a global label for a hazardous product in the future?**

It depends, it would most likely be acceptable if the product is not regulated in accordance to Regulation (EC) No. 1272/2008 (CLP) and the only hazard is due to the combustible dust element of the HCS 2012. One should also take into consideration language requirements in regions outside the US.

As mentioned during the Q&A portion of the webinar, it would be very difficult to create a "global" label for a hazardous product. This is due to the large variations that are occurring in how countries are regulating labelling elements.

4. **Why did it take the US so long to adopt GHS? What part of GHS is being the most resisted by industry?**

Considering adopting GHS for any country can result in a major change in not only the way classification of hazards is carried out but also in all the written ways those hazard classifications are expressed (i.e., labels, safety data sheets, written programs, employee education, *etc.*), the delay in approval into the US legislation is not surprising.
The biggest issue to date in the US has been the new very detailed labeling requirements, but I don’t see industry resisting the change, primarily just struggling to manage it.

5. **Under HazCo 2012, are sensitizers required to be disclosed under hazardous components, section 3?**

Yes. In the US, a sensitizing chemical should be disclosed on the safety data sheet (in section 3) if present at \( \geq 0.1\% \) for Cat. 1A hazard or \( \geq 1.0\% \) for Cat. 1B. Disclosure includes the chemical and common names, the CAS number or other unique identifier, and the exact percentage used in a mixture. If you can make the case that the sensitizer in a formulation qualifies as confidential business information (CBI), then you are only required to disclose the properties and hazards of the chemical and indicate that the specific chemical identity and/or percentage of composition is being withheld as a trade secret.

6. **If we disclose an ingredient in a product overseas do we need to disclose in the US.**

Yes. Once a component is disclosed on an overseas SDS, it will no longer meet the trade secret criteria and will need to be disclosed on the US SDS if it is present in a concentration that requires disclosure.