DEPARTMENT OF ECOLOGY
State of Washington

# EPA's EPCRA Rulemaking

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# EPA Rulemaking November 2025

- Proposed rule (90 FR 51266)
- Parallel direct rule (90 FR 51187)
- Amend EPCRA's chemical hazard categories to align with OSHA's updated Hazard Communication Standard.
- Adoption date: **December 1, 2026**

Federal Register :: Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements To Conform to the 2024 OSHA Hazard Communication Standard

# Why is this important?

EPCRA and its regulations rely on OSHA's **Hazard Communication Standard** for the definition of a hazardous chemical and for the categories of health and physical hazards.

# OSHA vs EPCRA

- **OSHA** focuses on workplace safety and worker "right-to-know".
- **EPCRA** focuses on community/first responder "right-to-know" for emergency planning.

# EPCRA hazard categories over time

EPA modifies EPCRA's hazard categories based on changes to OSHA's Hazard Communication Standard

## 1986

EPCRA signed into federal law

## 1987

EPA modifies OSHA's 23 physical & health hazards into 5 hazard categories

## 2016

EPA replaces 5 hazard categories with 2012 OSHA HCS classes (24 hazards - 13 physical and 11 health)

## 2026

Current rulemaking to adopt 2024 OSHA HCS hazard classes & categories

# See Handout

## Proposed EPCRA Revisions

### April 2026 SERC Meeting

**Proposal: Should Washington add additional chemical hazard categories to EPCRA reporting forms and reporting systems, including the EPCRA mobile app?**

In November 2025, EPA proposed amending EPCRA's chemical hazard categories to include the full list of Occupational Safety and Health Administration (OSHA) hazard classes and their categories for health and physical hazards. OSHA's Hazard Communication Standard was amended to adopt revisions to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The purpose of EPA's rulemaking is to bring EPCRA into alignment with both OSHA and GHS regulations.

Federal Register: Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard

### Why is this important?

EPCRA and its regulations rely on OSHA's Hazard Communication Standard for the definition of a hazardous chemical and for the categories of health and physical hazards that must be reported under the hazardous chemical inventory regulations.

### Key Differences

- **OSHA** regulation focuses on workplace safety and worker "right-to-know".
- **EPCRA** regulation focuses on community/first responder "right-to-know" for emergency planning.

**Comparison of Current Hazard Categories (24) to Proposed Hazard Classes (34) and Hazard Categories (111)**

| Current EPCRA Hazards (2016 to December 1, 2026) (24) | OSHA Hazard Classes (2024 HCS) (34) | OSHA Hazard Categories (2024 HCS) (111) |
|---|---|---|
| **Health Hazards** | | |
| Acute toxicity (any route of exposure | **NEW:** Acute Toxicity, Oral | Oral – Category 1<br>Oral – Category 2<br>Oral – Category 3<br>Oral – Category 4<br>Dermal – Category 1<br>Dermal – Category 2<br>Dermal – Category 3<br>Dermal – Category 4<br>Inhalation – Category 1<br>Inhalation – Category 2<br>Inhalation – Category 3<br>Inhalation – Category 4 |
| | **NEW:** Acute Toxicity, Dermal | |
| | **NEW:** Acute Toxicity, Inhalation | |
| Aspiration Hazard | Aspiration Hazard | Category 1 |
| Carcinogenicity | Carcinogenicity | Category 1<br>Sub-Category 1A<br>Sub-Category 1B<br>Category 2 |
| Germ Cell Mutagenicity | Germ Cell Mutagenicity | Category 1<br>Sub-Category 1A<br>Sub-Category 1B |

# Current EPCRA Hazard Classifications (24)

| Health Hazards | Physical Hazards |
|---|---|
| Acute toxicity (any route of exposure) | Combustible dust |
| Aspiration hazard | Corrosive to metal |
| Carcinogenicity | Explosive |
| Germ cell mutagenicity | Flammable (gases, aerosols, liquids, or solids) |
| Reproductive toxicity | Gas under pressure |
| Respiratory of skin sensitization | In contact with water emits flammable gas |
| Serious eye damage or eye irritation | Organic peroxide |
| Simple asphyxiant | Oxidizer (liquid, solid, or gas) |
| Skin corrosion or irritation | Pyrophoric (liquid or solid) |
| Specific organ toxicity (single or repeat exposure) | Pyrophoric gas |
| Hazard not otherwise classified (HNOC) | Self-heating |
| | Self-reactive |
| | Hazard not otherwise classified (HNOC) |

# New Hazard Classifications

| Current | NEW |
|---|---|
| Acute Toxicity (Any route of exposure) | Acute Toxicity, Oral |
| | Acute Toxicity, Dermal |
| | Acute Toxicity, Inhalation |
| Skin Corrosion or Irritation | Skin Corrosion |
| | Skin Irritation |
| Specific Target Organ Toxicity (Single or Repeated Exposure) | Specific Target Organ Toxicity Single Exposure |
| | Specific Target Organ Toxicity Repeated Exposure |
| N/A | Aerosols and Chemicals Under Pressure |

# New Hazard Classifications (continued)

| Current | NEW |
|---|---|
| N/A | Desensitized Explosives |
| Flammable (gases, aerosols, liquids, or solids) | Flammable Gases |
| | Flammable Liquids |
| | Flammable Solids |
| Oxidizer (liquid, solids or gas) | Oxidizing Gases |
| | Oxidizing Liquids |
| | Oxidizing Solids |
| Pyrophoric (liquid or solid) | Pyrophoric Liquids |
| ~~Pyrophoric Gas~~ | Removed: Now Flammable Gas |

# New Hazard Categories (Example)

| Hazard Class | Hazard Category |
|---|---|
| Acute Toxicity, Inhalation | Category 1 |
| | Category 2 |
| | Category 3 |
| | Category 4 |
| Reproductive Toxicity | Category 1 |
| | Sub-Category 1A |
| | Sub-Category 1B |
| | Category 2 |
| Specific Target Organ Toxicity Repeated Exposure | Category 1 |
| | Category 2 |

# Mercury SDS

## 2. Hazard(s) identification

**Classification**

This chemical is considered hazardous according to [US] OSHA (29 CFR 1910.1200, 2024)

| | |
|---|---|
| Acute Inhalation Toxicity - Vapors | Category 2 |
| Reproductive Toxicity | Category 1B |
| Specific target organ toxicity - (repeated exposure) | Category 1 |
| Target Organs - Central nervous system (CNS), Kidney. | |

**Label Elements**

**Signal Word**

Danger

**Hazard Statements**

Fatal if inhaled

May damage the unborn child

Causes damage to organs through prolonged or repeated exposure

https://www.fishersci.com/store/msds?partNumber=M1416LB&productDescription=MERCURY+MTL+INST+GRD+REAG+6LB&vendorId=VN00033897&countryCode=US&language=en

# New Hazard Categories (Example)

| Hazard Class | Hazard Category |
|---|---|
| Acute Toxicity, Inhalation | Category 1 |
| | Category 2 |
| | Category 3 |
| | Category 4 |
| Reproductive Toxicity | Category 1 |
| | Sub-Category 1A |
| | Sub-Category 1B |
| | Category 2 |
| Specific Target Organ Toxicity Repeated Exposure | Category 1 |
| | Category 2 |

# Class vs Category

- **CLASS** defines the nature of a physical or health hazard

  **What is the danger?**

  e.g. Flammable Liquid, Combustible Dusts

- **CATEGORY** sorts risks by severity.

  **How intense is the danger?**

  e.g. Category 1, Category 2

# Comparison to other systems

## GHS & OSHA

**Hazard category**

1 = high

4 = low

## NFPA 704

**Hazard category**

1 = low

4 = high


NFPA 704

# Washington SERC can choose to:

- Adopt changes now (any or all) before rule adoption December 1, 2026.
- Adopt changes later.
- Not adopt the changes.


State Emergency Response Commission

# Rulemaking Timeline

Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard

## November 2025

Parallel Proposed Rule and Direct Final Rule

## December 2025

Deadline for comments

Adverse Comments Received; Withdrawal of Direct Final Rule

## December 2026

Proposed Rule Adoption Date

Federal Register :: Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements To Conform to the 2024 OSHA Hazard Communication Standard

# Implementation Timeline

Once a rule is published, EPA allows 12-months for development of custom software

**Sept 2026**

SERC Vote to Approve or Reject additional Hazard Classes and Hazard Categories

**Dec 2026**

Rule Adoption

**March 2027**

Tier Two due March 1, 2027 (RY 2026) on current forms

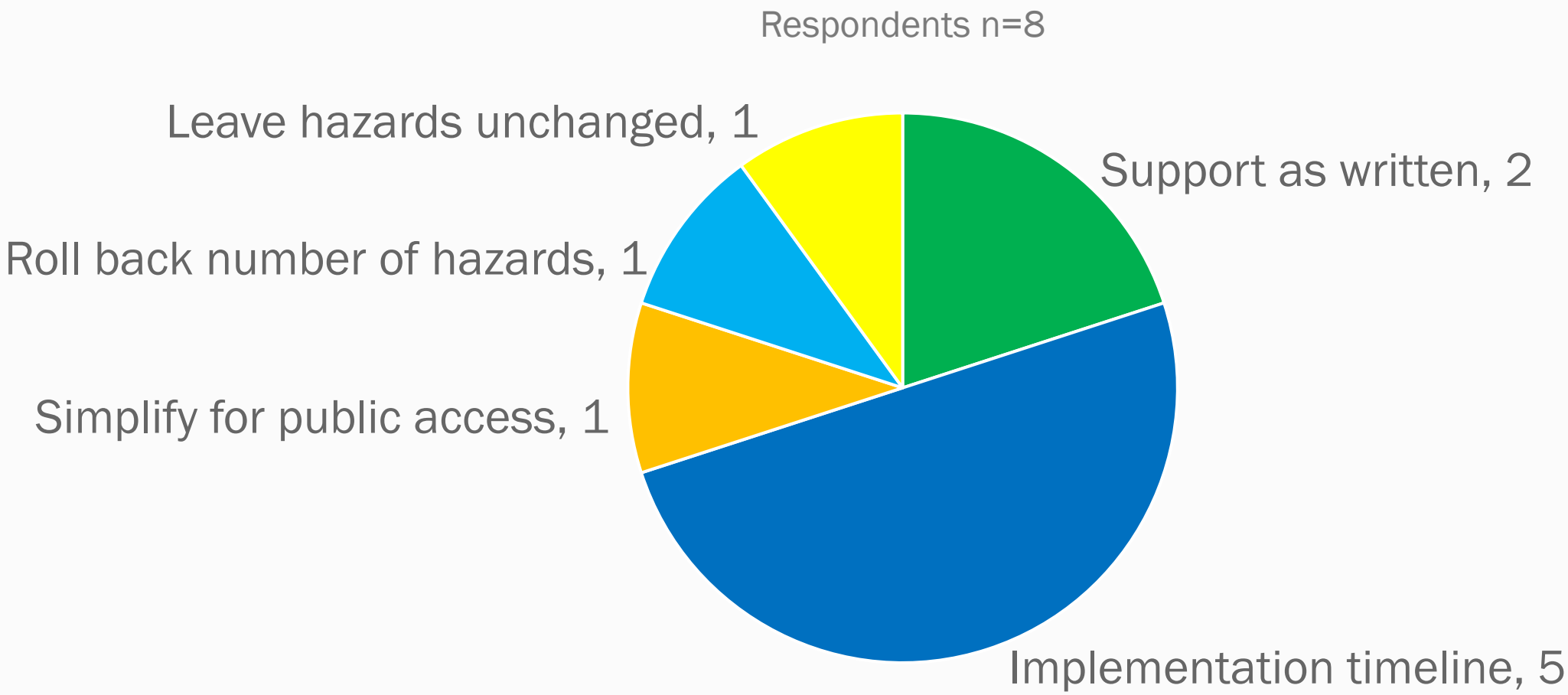
**Summer/Fall 2027**

Update State EPCRA forms and IT systems, including EPCRA mobile app.

**March 2028**

Tier Two due March 1, 2028 (RY 2027) with new information.

# Rulemaking Comments Dec 2025



# Rulemaking Timeline Concerns

Don’t implement revised EPCRA categories ahead of OSHA’s phased compliance dates.

### May 2026

Substances, Chemical manufacturers, importers, distributors

### Nov 2026

Substances, Employers

### Nov 2027

Mixtures, Chemical manufacturers, importers, distributors

### May 2028

Mixtures, Employers

https://www.federalregister.gov/documents/2026/01/15/2026-00653/hazard-communication-standard

# Revised Implementation Timeline

Wait to implement revised EPCRA categories until OSHA's phased compliance dates have passed.

**Dec 2026**

Rule Adoption

**March 2027**

Tier Two due March 1, 2027 (RY 2026) on current forms

**Summer 2027**

Update State EPCRA forms, IT systems, mobile app

**March 2028**

Tier Two due March 1, 2028 (RY 2027) on current forms

**May 2028**

OSHA 2024 HCS compliance deadline

**March 2029**

Tier Two due March 1, 2029 (RY 2028) with new information

# SERC Proposal, revisit September 2026

Should Washington add additional hazard classes and categories to EPCRA reporting forms and systems, including the EPCRA mobile app?


State Emergency Response Commission


# Thank you

Any questions?

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