

**Product Safety Solutions****FACSIMILE COVER PAGE**

To: NIOSH Docket Office	From: Daniel Levine
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Company: NIOSH	Phone#: 908-719-9398
Subject: DRAFT-CIB-Skin-Notation-Strategy Docket 153	
Sent: 10/14/2008 @ 9:09 AM	Pages: 3 (including cover page)

MESSAGE:

Enclosed please find my comments on Docket 153, the Draft Document DCIB Skin-Notation-Strategy

Daniel Levine



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Basking Ridge, NJ 07920-4901

October 14, 2008

Submitted via Fax

NIOSH Mailstop: C-34
Robert A. Taft Lab.
4676 Columbia Parkway
Cincinnati, Ohio 45226

Re: Draft Document (D26) *A Draft Strategy for Assigning the New NIOSH Skin Notations for Chemicals*

My name is Daniel Levine and I am president of Product Safety Solutions, a consulting firm that provides services to clients engaged in the manufacture and/or distribution of chemical products that can be classified as hazardous under the OSHA Hazard Communication Standard and the national regulations of Canada, the European Union and other national governments. I co-chaired the development of the 16 section MSDS format, have worked on the ANSI labeling standard, am a long standing member of the Society for Chemical Hazard Communication (SCHC) and am a Certified Hazardous Materials Manager (CHMM).

I find the strategy outlined by NIOSH in the Draft CIB Skin Notation Strategy to be comprehensive and view it as one of many potential sources of information in decision making relative to hazard communication (hazcom) and relative to product safety in general. As I am not a toxicologist, I will not comment on the toxicological underpinnings of the detailed document but will make two comments relative to the document.

Globally Harmonized System: On page 7, lines 3 – 7, the draft document indicates that it will follow the criteria established under the *Globally Harmonized System of Classification and Labeling of Chemicals* (GHS). This is expanded on pages 90 and 91 including a table on page 91 indicating the relationship between the GHS classifications and the proposed NIOSH skin notations. As a long-time proponent of harmonization, I commend NIOSH for acknowledging the classification criteria that is being implemented world-wide and will hopefully soon be formally proposed by OSHA in a notice of proposed rulemaking.

If there is ever a reason indicating divergence from the GHS in the assignment of a skin notation, it would be incumbent upon NIOSH to first try to resolve the potential divergence and if not possible, to clearly indicate the specific manner in which the notation diverges from the GHS criteria.

Hazard Communication: If as proposed, the skin notations are established in conformance with the GHS criteria, the proposed designations may provide a useful, additional piece of aggregated reference data to assist hazard communicators in providing useful hazard and precautionary text to the authors of Safety Data Sheets (SDSs, MSDSs) and precautionary labels.



It is all too frequent that the hazcom documents for chemical commodities and chemical mixtures contain warnings regarding the irritation, sensitization and/or dermal absorption properties of materials in the absence of any data or epidemiological evidence. This often results in 'over-warning' about the potential hazards associated with dermal exposure. As a result, those materials that truly present a significant dermal hazard may be overlooked or buried in a sea of dermal hazard warnings similar to the concept of 'the boy who cried wolf'.

A carefully researched source document indicating the type and relative severity of dermal contact hazards will be a welcome addition to the arsenal of information for the authors of hazard communication documents. Further, the listing of documentation for withholding a SYS, DIR or SEN designation (as indicated in the flowchart on page 3) may provide the basis to discourage the temptation to 'play it safe' by over-warning for skin contact.

Conversely, the designation of a skin hazard by NIOSH should provide a useful and easily obtained reference to assure that significant dermal hazards are not overlooked by the community of hazard communication authors. If the skin designations are assigned by rigorous examination of peer-reviewed literature and are based upon the preponderance of evidence, the NIOSH listings may likely to be accepted as a "must have" reference.

A handwritten signature in black ink that reads "Daniel Levine". The signature is written in a cursive style.

Daniel Levine (CHMM)