



GHS means that intermediate and end users will have to know the hazards involved in the products they use and tell suppliers what they are doing with them

Class hopping

GHS The regulatory landscape for those involved in the classification and labelling of chemicals is shifting rapidly as GHS gets more widely applied. Jytte Syska* discusses some of the issues that manufacturers and importers need to be aware of

The last couple of years have given shape to a complex regulatory landscape, with the UN's Globally Harmonised System of Classification and Labelling of Chemicals (GHS) being implemented in a number of countries, the EU's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulatory framework being enforced, the anticipated reform of the Toxic Substance Control Act (TSCA) in the US, and a number of changes in the chemical inventory area in some Asian countries, all taking centre stage.

GHS and REACH in particular have become essential components of corporate account globalisation plans, with their impact being felt throughout the entire chemical lifecycle and global supply chain. Many countries have implemented GHS, but not always in its entirety, which results in differences in how the classification results are presented on both the Safety Data Sheet (SDS) and on labels. In Europe, companies will be required to follow a mandatory harmonised classification of certain substances for certain endpoints. Korea and Japan also have official lists of recommended GHS classifications for substances.

As much as GHS is meant to drive global harmonisation, individual countries are allowed to select the physical hazards, the health and environment classes and the associated categories within each class that they wish to adopt, and most countries that have implemented GHS

have chosen to keep some of their existing hazard classification and communication that is not yet part of the GHS. As a result, there will be far less harmonisation between countries and regulatory authorities within each country than originally anticipated.

The UN GHS system provides the basic framework for the harmonised hazard classification of chemical substances and mixtures and for a harmonised way of communicating the hazard via labels and SDSs. The introduction of GHS in a country requires companies to not only reclassify all chemicals and to re-author and re-distribute all SDS documents and labels, but also involves a massive training requirement for all users of chemicals as well as of the enforcing authorities.

Many so-called downstream regulations are based on the hazard classification of chemicals and when the classification system changes the chemicals that are impacted by these downstream regulations have to be re-assessed. Examples of such downstream regulations are the EU Seveso Directive and the EU workplace directives dealing with the use of chemicals in the workplace.

GHS implementation status

Many countries have already issued their final GHS regulation for classification, labelling and safety data sheets and for a few countries the transition period is already over. New Zealand implemented

GHS, based on the first issue of the UN 'Purple Book', in 2001 and a five-year transition period was established for existing chemicals. Chemicals that fall under a New Zealand group standard had to have GHS labels and SDSs from mid-2008.

Japan, under the Industrial Safety and Health Law, has required GHS labels and SDSs since December 2006. The Japanese standards JIS Z7250 and Z7251 from 2006 provide the guidance for preparing SDSs and labels and the standard JIS Z7252 from 2009 provides the guidance for classification. The Japanese industry practice has been to apply the full GHS classification but the JIS standard from last year excludes the use of acute hazard category 5, skin irritation category 3 and aspiration category 2. In addition the higher cut-offs are adopted where GHS gives options.

Taiwan requires GHS labels and SDSs for 1,062 pure substances listed by the Council of Labor Affairs and 259 substances listed by the Environmental Protection Agency as of December 31, 2009 and Indonesia requires GHS labels and SDSs for pure substances as of March 26, 2010.

Countries that have issued their GHS regulation but still are in the transition period (where the use of GHS is permitted but not yet required) are South Korea, which requires GHS SDSs and labels for pure substances from July 1, 2010 under the Ministry of Labor and July 2011 under the Ministry of Environment; and EU member countries as well

as associate countries with a requirement for GHS-based SDSs and labels for pure substances from December 1, 2010. There is a two-year phase-in for products that are already on the market. The same December 1, 2010 deadline applies to pure substances in Singapore. GHS implementation in China is handled via a number of standards. The GHS-based SDS standard GB/T 16483-2008 is effective as of February 1, 2009 while the label standard GB 15258-2009 is effective May 1, 2010 with a one-year transition period. Other countries that have issued their GHS regulation are Russia, Brazil, Vietnam and South Africa. In addition a 2009 amendment to the International Convention for the Safety of Life at Sea (SOLAS) requires ships carrying MARPOL Annex I (oil) cargoes and marine fuel oils to be provided with an SDS prior to loading such cargoes; the International Maritime Organisation (IMO) recommendation BLG 13/10, effective July 1, 2009, states that the SDS must be in accordance with the UN GHS.

The US, Australia, Malaysia and Philippines have issued draft GHS regulation.

GHS in the US

In September 2009, the US Occupational Health & Safety Administration (OSHA) announced a proposed rule to align OSHA's Hazard

Communication Standard with provisions of GHS. This announcement heralded significant changes to the HazComm Standard in 2010 and 2011, with proposed revisions including both philosophical and tactical changes to hazard communications. The final rule will be promulgated sometime around March 2011. Companies will be prohibited from implementing this regulation until the final rule is promulgated. Companies will have three years to come into compliance with the final rule and two years to implement training requirements on the final regulation.

There are 26 US states and territories with their own OSHA-approved plans. These states and territories will have six months to adopt comparable provisions of the final standard. In the meantime, individual state plans will remain in effect until they adopt the required revisions.

GHS in the EU

There are many challenges in the chemical regulatory area for companies that manufacture, import or put on the market chemicals in European countries. The REACH Regulation's requirement of registration of certain substances is for many companies the most challenging requirement of them all. Companies also have to comply with European Regulation (EC) No 1272/2008

on Classification, Labelling and Packaging of Substances and Mixtures (CLP).

The CLP Regulation, which adopts the GHS criteria, not only requires classification and labelling based on GHS but also that any hazardous substance that is placed on the European market, either as a pure substance or as part of a mixture and regardless of tonnage, must be reported to the European Chemicals Agency (ECHA) by each manufacturer or importer by January 3, 2011 at the latest, with a variety of data points, including classification and labelling of the substance according to CLP.

Facilitating compliance

Companies that are impacted by regulatory changes can seek assistance from service providers who are well versed in data and other content and information as it relates to global EH&S regulations and who thoroughly understand the global regulatory environment. These providers will be able to assist in implementing compliance activities into the organisation, and can help facilitate compliance with these increasingly complex and changing global chemical regulatory obligations.

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www.hazardouscargo.com
The website for the international dangerous goods professional

The advertisement shows a computer monitor displaying the website. The website header includes the URL, navigation links (ABOUT, MAGAZINE, SUBSCRIBE, CONTACT, LINKS), and a 'NEWS FEED' section. The news feed contains several articles with headlines such as 'Transport Canada has also issued a revised version of Amendment B, which was published in Canada Gazette I in May 2009', 'The UK Chemical Business Association (CBA) and UK Warehouse Association (UKWA) have introduced guidance for their member companies to help them achieve better levels of major hazard management', 'Transport Canada has issued for public consultation a revised version of its proposed Amendment (2) to the Transport of Dangerous Goods Regulations', 'The UN ECE Secretariat has put together a consolidated draft of the changes to Annexes A and B of the ADR Agreement due to take effect on January 1, 2011', and 'Vopak has decided to draw construction of the American...'. The website also features a 'Better Transport Solutions' banner and various logos like CDI, UBH, and IATA.