

Are we any closer to true harmonisation?

A review of 2015 and what to expect next



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With the end of 2015 upon us, many companies are prioritising their compliance strategies and initiatives for 2016. The UN Globally Harmonized System (GHS) of classification and labelling of chemicals continues to have a profound effect on safety and compliance initiatives around the globe.

There were many significant GHS developments in 2015, including the introduction of the sixth revised edition of the UN's purple book. The new edition became publicly available in September and features many notable changes, such as new hazard classes for desensitised explosives and pyrophoric gases, as well as several revisions, including refining the definition of specific target organ toxicity – single exposure (STOT SE) category 3; revising category 1 & 2 of the aspiration hazard; and making multiplying factor (M-factor) adjustments to aquatic toxicity.

Labelling requirements for small packages were also modified, with changes to the front, back and inside pages of labels. In addition, section 9 of the safety data sheet (SDS) was restructured, with a new order format for physical and chemical properties. These changes, in particular, may be a source of confusion, as the application will depend on each authority, with each having the ability to specify its own format.

The latest edition of the purple book continues a trend of improving GHS efficiency, in relation to the safe handling of chemicals, during their lifecycle. Governments and private stakeholders are increasingly looking to the GHS for guidance in the proper management of chemicals; however, with many countries adopting and implementing customised versions of the system, true harmonisation



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Many companies are still struggling to comply with different countries' GHS requirements

is becoming increasingly unlikely. Here follows some of the more noteworthy adaptations and implementation that have taken place in 2015, and a snapshot of the regulatory landscape for 2016.

Canada GHS

Both Canada and Mexico issued regulations mandating GHS implementation in 2015, which was voluntary for a number of years in both countries. On 11 February, Health Canada issued the final Hazardous Products Regulations (HPR) in *Canada Gazette II* that implement the GHS. The transition period from the Controlled Products Regulations (CPR) to HPR in the Workplace Hazardous Materials Information System (WHMIS) encompasses four phases, with deadlines ranging from 1 June 2017 to 1 December 2018.

This monumental promulgation is part of the Canadian and US governments' efforts to align and synchronise implementation of common classification and labelling requirements for workplace hazardous chemicals, within the mandate of Health Canada and the US Occupational Safety and Health Administration (Osha). It is

also intended to facilitate international trade, through common labelling and other hazard communication requirements; and to increase worker protections through the adoption of a globally recognised system.

It should be noted that several components of HPR are still in flux, including the workplace labelling requirements, as many provincial governments are still to finalise them.

However, even with this in mind, companies doing business in both countries can expect more streamlined and harmonised processes, in classifying and labelling of hazardous workplace chemicals; training their employees in hazard communication or hazardous materials information; and understanding international trade requirements. However, for such multinational companies, extra resources must be devoted, not only to adopting the GHS requirements in Canada, but dealing with differences between the HPR and the US Hazard Communication Standard (HCS).

Mexico GHS

On 9 October, the Ministry of Labor and

Social Welfare published and enacted a new Mexican official standard, NOM-018-STPS-2015, harmonised system for the identification and communication of hazards and risks of hazardous chemicals in the workplace. This implements the fifth revised edition of the GHS in Mexico and establishes a new mandatory scheme. Under the new standard, classification is also to be based on the previous voluntary standard, NMX-R-019-SCFI-2011.

Because NOM-018-STPS-2015 adopts the fifth revision of GHS, the physical hazard classification category for aerosols is different from the US Osha HCS and Canadian HPR. In addition, NOM-018-STPS-2015 and NMX-R-019-SCFI-2011 do not forbid using the gases under pressure classification,

together with the aerosols classification. Therefore, they may appear together on Mexican SDSs. It is, however, important to note that the NMX classification guidelines are based on the third revision of GHS.

Notably, NOM-018-STPS-2015 has no separate classification criteria for “hazards not otherwise classified” or HNOG as implemented in the US and Canada. The label and SDS formats have several unique features not found in those countries, such as pictogram size requirements and a required disclaimer under section 16 of SDS.

It is unclear which framework for mixture classification is required under the latest standard, because it does not include any methods for their classification. Instead, it simply references the previous standard. The NMX describes and allows both the higher and lower classification thresholds as outlined in GHS. It is possible that Mexico will accept either the use of the lower classification thresholds, adopted by the US Osha and Health Canada or the higher classification thresholds, adopted in the EU.

EU REACH and CLP

But, of course, 2015 GHS activity was not limited to North America. As always, there was a flurry of activity on the European regulatory landscape. The European Commission (EC), on 28 May, adopted Regulation 2015/830/EU, harmonising REACH's Annex II on the compilation of SDSs with the fifth revised edition of GHS. Applicable on 1 June this year, the new Regulation's version of Annex II replaces two conflicting amendments introduced earlier by Article 59(5) of the CLP and Regulation 453/2010/EU. SDSs compiled pursuant to the previous framework, and provided to recipients before 1 June, may continue to be used until 31 May 2017.

In addition, on 24 July, the EC adopted Regulation 2015/1221/EU, introducing the seventh adaptation to technical and scientific progress (ATP) to the Regulation on classification, labelling and packaging of substances and mixtures (1272/2008/EC) (CLP). The ATP, whose provisions apply from 1 January 2017, adds 20 new entries and amends 12 existing ones in the CLP's lists of harmonised substances found in part 3 of Annex VI. Surprisingly, part 3.2 of the Annex, which provides harmonised classification and labelling in accordance with the now repealed Directive on dangerous substances (67/548/EEC), has also been amended,

despite the fact that Article 37(5) of the CLP effectively makes this list obsolete.

A draft of the eighth adaption to ATP was issued, in June, featuring amendments to all seven annexes. These include:

- » a new, alternative method for the classification of oxidising solids;
- » changes to the provisions on classification for skin corrosion/irritation and serious eye damage/irritation aerosols; and
- » amendments to several precautionary statements.

The EC is expected to adopt the draft this year.

Compliance guidance

GHS adoption has proven to be anything but harmonised, and, as a result, many companies still struggle to comply with different countries' requirements. A successful compliance plan should include:

- » detailed knowledge of the depth and breadth of GHS. Before the project can start, a company should identify who needs to be involved. All parties should understand how it is going to impact their department;
- » an ample budget. Companies may need to look into investing in pre-printed label stock or colour printer, for labelling needs;
- » clear communication. Transitional periods are different around the globe, so teams need to identify what products are impacted and when, then prepare to revise their current classifications and product documents/labels to GHS formats, prior to completing sales in certain countries;
- » clear training. Everyone in an organisation should be made aware of the new pictograms and associated hazard warnings; and
- » accurate and reliable SDSs, templates and labels. Every country has the option to review GHS and apply its own judgment on the level of adoption. The SDS data requirements will vary and labels, much like SDSs, will need to be in the official language of the country a company is selling to and to communicate the GHS hazards as adopted in that country.

3E's Sookie Hong, James Lee and Scott Stephens also contributed to this article.

The views expressed in contributed articles are those of the expert authors and are not necessarily shared by Chemical Watch.

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A look ahead

There are several GHS deadlines looming on the horizon in 2016; a brief snapshot follows for reference:

» Argentina

Resolution 3359/2015 (29 September 2015)

Fifth revised edition

Substances: 15 April 2016; Mixtures: 1 January 2017

» Brazil

Substances: 15 April 2016; Mixtures: 1 January 2017

» Japan

GHS Labelling Guidance (JCIA) (August 2015)

Effective date: 1 June 2016

» Thailand

Chemicals under the Department of Industrial Works:

Mixtures: 13 March 2017

Chemicals under the control of the Thai Food and Drug Administration:

Substances: 19 March 2016; Mixtures: 19 March 2019

» Singapore

Fourth revised edition

Mixtures: 1 July 2016 (users)

» Indonesia

Fourth revised edition

Mixtures: 31 December 2016

» Philippines

Fourth edition of GHS

Manufacturers/importers – 2016-2019

» Vietnam

Third revised edition

Mixtures: 30 March 2016

Pesticide products (those already compliant with labelling requirements prior to 1 August 2015): 1 August 2020