

Asia Pacific's regulatory environment

REACH, GHS and other key developments in the region



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The regulatory environment in Asia Pacific is dynamic and constantly shifting, with new regulations and procedures changing the requirements necessary to achieve chemical compliance. For example, the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is implemented in 11 Asia Pacific countries, and pending in three others, but the implementation and enforcement can vary depending on the jurisdiction. Each country often has its own set of regulations, making compliance requirements particular to the specific country, and further adding to the headaches of the business. As these countries increasingly adopt or amend their GHS standards, these requirements and deadlines become more complex to track. As a result, it can be difficult to stay on top of the current trends and ensure that products are compliant across countries.

China

While most countries implement GHS regulations from a single edition, some have adopted different versions of the UN Purple Book, making it all the more critical to closely scrutinise regulations in a particular country. China is one such country, utilising different policies from multiple editions of the UN Purple Book. For example, China takes classification standards from both the 4th revision (28GB) and the 2nd revision (GB 13690-2009 and GB 15258-2009).

Japan

In Japan, classification, labelling and safety data sheet (SDS) regulations are addressed by the Japan Industrial Standard (JIS). Though their GHS implementation has utilised different editions of the UN Purple Book, Japan is making efforts to consolidate and streamline their standards. One key development in its GHS Regulations is its combination of SDS and



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South Korea recently adopted the UN's third edition of the Purple Book, while Japan has utilised different versions

earlier labelling standards to a single standard, titled JIS Z 7253. Effective from January 2017, companies are obligated to comply with this once implemented.

South Korea

There are four ministries involved with GHS implementation in South Korea: the Ministry of Employment and Labor, the Ministry of Environment, the Ministry of Public Administration and Security and the Ministry of Agriculture, Food, and Rural Affairs. It is important to note that from 1 July 2013, it has been mandatory that businesses comply with GHS standards with regards to mixtures classification and labelling. Most recently, the Ministry of Environment adopted the UN's 3rd revision, which includes the Hazardous to Ozone Layer hazard class for the GHS classification.

Taiwan

Taiwan's GHS implementation is based on the 2nd edition of the UN Purple Book, and encompasses both Ministry of Labor (MoL) and Environmental Protection Administration (EPA) regulations. Implementation is conducted in three stages, and if your

chemical is specified for a particular phase, then you must provide GHS classification and labelling. The requirement of SDSs and labels for substances are staggered in three phases, with the first grace period expiring on 31 December 2009, and the second on 31 December 2011. Phase III, which is the "final" list, was subject to a grace period until 31 December 2014 (mandatory from 1 January 2015). All hazardous chemicals, other than those on the Phase I, II, and III lists, will have to comply with GHS from 1 January 2017.

Australia and New Zealand

Australia adopted GHS under the Work Health and Safety Regulatory Framework, which implemented the UN Purple Book 3rd edition and became effective on 1 January 2012. Since then, Australia has given industry a transition period to comply for all hazardous chemicals, which is set to expire on 31 December 2016. Australia set up a semipublic, independent agency, Safe Work Australia (SWA), to oversee and coordinate workplace policy including GHS. SWA issues model codes such as the National Model Code of Practice for Classification, Labelling and creating an

GHS in practice

SDS. The commonwealth and the individual state and territory must then adopt these codes as part of their workplace regulations. Two states/territories in Australia have yet to adopt any of these, but are expected to do so by 1 January 2017. Since GHS is part of the regulation of the workplace, Australia neither recognises the environmental hazards nor requires GHS beyond the confines of the workplace. Australia also has additional non-GHS hazard statements that must be used whenever applicable.

New Zealand was one of the first countries to implement GHS. This is closely aligned to the 3rd revised edition despite having its own additional requirements. The country's EPA issued a draft proposal to align GHS Regulations in New Zealand to the 5th revised edition. The public comment period ended in April and it should be finalised in the second half of 2015. GHS is required for all products, including both industrial and consumer.

Indonesia

In Indonesia, GHS implementation began with three pieces of legislation: the Ministry of Trade Regulation No. 44, Ministry of Industry (MOI) Regulation No. 87 and the Director General of Agriculture and Chemicals Regulations No. 21. Since then, MOI has issued further regulations to clarify many of its GHS requirements such as MOI Regulation No. 23 (issued in 2013) and Regulation of Director-General for Manufacturing-Based Industry No. 04/BIM/PER/1/2014 (issued in 2014), which align Indonesian GHS with the 4th edition of the UN Purple Book. Compliance with GHS has been mandatory for single substances since 24 March 2010 and for mixtures since 31 December 2016. Labels and SDSs must be written in Bahasa Indonesia.

Singapore

Singapore adopted GHS under the Workplace Safety and Health (General Provisions) Regulation, using the 2nd revision of the UN Purple Book as a standard in 2012. SS586, which must be purchased from the Singaporean standard agency, provides a comprehensive guide to GHS compliance (classification, labelling and SDS preparation) in Singapore. In 2014, Singapore updated SS586 to align with the 4th edition of GHS. All manufacturers, suppliers of single and mixture substances, as well as users of single substances, must comply by 1 July. Users of mixtures received an extension until 1 July 2016. Businesses should consult

SS586 to understand the GHS criteria in Singapore.

Thailand

Thailand introduced GHS through the Ministry of Industry (MOI) under the MOI Notification regarding Hazard Classification and Communication System for Hazardous Substances B.E. 2555, which came into force on 13 March 2012. In March, the Thai Ministry of Public Health (MOPH) formally adopted GHS for products under its jurisdiction, including those that would qualify as consumer products, such as detergents and cleaning agents. MOPH defers its GHS criteria to those found in the MOI Notification. Under the Notification, hazardous classification and labelling are aligned with the 3rd revision of the UN Purple Book, with labelling including precautionary and hazard statements, pictograms and signal words. All compliant labels and SDSs must be in Thai.

Vietnam

Vietnam adopted the 3rd revision of the UN Purple Book, which defines hazardous chemicals in accordance with the UN GHS system. The framework took effect on 3 March 2012 and offers a two-year transitional period for single substances and four-year period for mixtures. Labels and SDS must be provided in Vietnamese, and meet detailed requirements regarding form, content and language, the guidelines of which can be found in Circular No. 04/2012/TT-BCT from the Ministry of Industry and Trade. Labelling of chemicals must also comply with Decree 89/2006/ND-CP on Labelling of Goods, which has additional specific requirements.

India

India has not implemented GHS. The National Chemical Policy, which remains in draft form since 2012, gained some traction in late 2014 from both industry and some governmental agencies but is still awaiting government approval. The policy would establish a better chemical management framework in India. Earlier versions of the policy allude to certain REACH-like elements, but which requirements will be included is still unclear. It is expected that GHS implementation will be a part of this policy.

Malaysia

Malaysia adopted GHS in 2013 with the issuance of the Occupational Safety and Health (Classification, Labelling and Safety Data Sheet of Hazardous Chemicals) Regulations 2013. The Department of

Occupational Safety and Health, an agency under the Department of Labor, issued an Industry Code of Practice on Chemicals Classification and Hazard Communication 2014 (ICOP), which provides guidance on classification, labelling and the preparation of SDSs. Chemical substances and mixtures must comply with GHS, based on the 3rd revised edition, as of 17 April. Labels and SDSs must be provided in both English and Malaysian. Additionally, importers and manufacturers, who supply a hazardous chemical at a quantity of one metric ton per calendar year, must report its holding of such chemical and proof of its GHS compliance by March of the following year.

Philippines

Several governmental agencies in the Philippines signed the Joint Administrative Order No. 01 of 2009, agreeing to implement GHS, but only two have issued regulatory requirements. The Department of Labor and Employment (DOLE) published the first GHS requirements through the DOLE Administrative Order 136-14 (AO). The AO requires employers to classify, label and have SDSs for hazardous substances by late March 2015. On 19 May, the Philippines Department of Natural Resources (DENR) issued Administrative Order 2015-09 (DAO), requiring all toxic chemical substances in the Philippines to comply with GHS. DAO 2015-09 covers all toxic chemical substances in the Philippines and, thus, will affect manufacturers and importers.

Substances and compounds on the Chemical Control Order and Priority Chemical List must comply with GHS by 2016, high volume chemicals by 2017, and substances on the International Air Transport Association and International Maritime Dangerous Goods lists by 2018. Other chemical mixtures must comply by 2019. AO 136-14 has created some confusion in the industry because it contains conflicting information regarding which GHS edition is being implemented. The confusion remains unresolved as DAO 2015-09 is silent on this topic.

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