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Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

Report of the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on its twenty-second session

held in Geneva from 7 to 9 December 2011

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Report

I. Attendance

- 1. The Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals held its twenty-second session from 7 to 9 December 2011, with Ms. Kim Headrick (Canada) as Chairperson and Ms. Elsie Snyman (South Africa) and Mr. Thomas Gebel (Germany) as vice-chairpersons.
- 2. Experts from the following countries took part in the session: Argentina, Austria, Belgium, Brazil, Canada, China, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Netherlands, Norway, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Serbia, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.
- 3. Under rule 72 of the rules of procedure of the Economic and Social Council, observers from the following countries also took part: Switzerland.
- 4. Representatives of the United Nations Institute for Training and Research (UNITAR) and of the following specialized agencies were present: International Maritime Organization (IMO) and World Health Organization (WHO).
- 5. The following intergovernmental organizations were also represented: European Union and Organisation for Economic Co-operation and Development (OECD).
- 6. Representatives of the following non-governmental organizations took part in the discussion of items of concern to their organizations: Australian Explosives Industry and Safety Group Incorporated (AEISG); Compressed Gas Association (CGA); Croplife International; European Chemical Industry Council (CEFIC); Dangerous Goods Advisory Council (DGAC); Industrial Federation of Paints and Coats of Mercosul (IFPCM); International Association for Soaps, Detergents and Maintenance Products (AISE); International Council of Chemical Associations (ICCA); International Paint and Printing Ink Council (IPPIC); International Petroleum Industry Environmental Conservation Association (IPIECA); Responsible Packaging Management Association of Southern Africa (RPMASA); Soap and Detergent Association (SDA) and World Federation of Building Service Contractors (WFBSC).

II. Adoption of the agenda (agenda item 1)

Documents: ST/SG/AC.10/C.4/43 (Secretariat)

ST/SG/AC.10/C.4/43/Add.1 (Secretariat)

Informal documents: INF.1, INF.2 and INF.9 (Secretariat)

7. The Sub-Committee adopted the provisional agenda prepared by the secretariat after amending it to take account of informal documents (INF.1 to INF.33).

III. Updating of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) (agenda item 2)

A. Physical hazards

1. Decision logics for self-reactive substances and organic peroxides

Document: ST/SG/AC.10/C.4/2011/5 (ICCA)

Informal document: INF.27 (Secretariat)

8. The Sub-Committee welcomed the initiative of the authors to favour the proposal in alternative 2 and to withdraw the proposal in alternative 1 on the grounds that this approach would allow the integration in the decision logics of existing principles in the GHS which are not currently reflected therein, while the adoption of alternative 1 would have introduced contradictory approaches in transport regulations and in the GHS. The representative of ICCA invited the Sub-Committee to provide comments on alternative 2 and said that he intended to submit a revised proposal for the next session.

2. Classification of desensitized explosives for supply and use

Informal documents: INF.10 (Germany) and INF.27 (Secretariat)

- 9. The Sub-Committee fully supported the continuation of the work on the development of criteria for the classification of desensitized explosives suitable for all sectors. The Chairman of the Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee) explained that the lack of progress achieved in recent years was mainly due to the absence of data for assessing these substances and lack of resources available at national level to perform the necessary tests to obtain such data.
- 10. Noting that a meeting of the TDG Sub-Committee's Working Group on Explosives would be held in parallel to the next session of the TDG Sub-Committee, and that the group will consider the information provided by the International Group of Experts on the Explosion Risks of Unstable Substances (IGUS) on a number of issues, the Sub-Committee requested that the Chairman of the Working Group on Explosives inform IGUS on the need to provide data on desensitized explosives. Experts from transport and supply/use sectors were invited to participate in the Working Group session, which would most probably be held during the first week (25 to 29 June 2012) of the TDG Sub-Committee session. The secretariat was requested to circulate the details of the meeting (dates, agenda, etc) as soon as they were available to ensure that relevant experts from all sectors can take the necessary steps to attend it.

3. Classification and testing of water-reactive substances

Informal documents: INF.11 (Germany), INF.22 (United States of America) and INF.27 (Secretariat)

- 11. The Sub-Committee concurred with the TDG Sub-Committee on the need to continue the work on the classification of water-reactive substances, and on the improvement and standardization of test method N.5, particularly as regards the determination of the gas evolution rate and the adaptation of the test method in order to increase its precision and sensitivity.
- 12. Recognizing that one of the reasons why the work had not progressed in recent years was the lack of resources available, the Sub-Committee welcomed the information provided by the expert from the United States on the availability of funds for a research programme

to review existing procedures and classification criteria for water-reactive substances and to consider development of improved testing methodologies so that appropriate provisions could be applied.

13. The Sub-Committee also welcomed the invitation from the expert from the United States to join the experts from the TDG Sub-Committee in a meeting with the contractor in charge of the research programme which could be held in parallel to the forty-first session of the TDG Sub-Committee in June 2012 and the details of which will be provided at a later stage. There was agreement that it was essential that experts from all sectors would participate in the work. However, while one expert considered that health hazard experts should be involved in the work from the beginning, others considered that their participation was premature at this stage, and that the group would only benefit from their expertise once the test method has been improved.

4. Substances and mixtures with explosive properties which are exempted from classification as explosives

Informal documents: INF.14 (Germany, United States of America and Canada),

INF.14/Rev.1 (Germany, United States of America, Canada,

Belgium and France), INF.27 (Secretariat)

14. The Chairman of the TDG Sub-Committee informed the Sub-Committee that the initial proposal in document INF.14 had been slightly modified, as reproduced in Annex 1 to INF.27. Some experts considered that the amended text was misleading and did not reflect the intent of the original proposal. Consideration of the issues raised was entrusted to a drafting group who provided an alternative text, circulated as INF.14/Rev.1. The Sub-Committee agreed to the principle of the proposal and welcomed an official document for the next session.

5. Dust explosion hazards

Informal documents: INF.24 and INF.32 (United States of America on behalf of the correspondence group)

15. The Sub-Committee noted that the group had favoured the option of addressing dust explosion hazards in the Safety Data Sheet. Following a face-to-face meeting of the correspondence group which was held on 8 December, the Sub-Committee noted that the group had agreed on two workstreams for the development of information to be included in Annex 4 to the GHS (see INF.32) and that, as a next step, a template to collect the information to be provided in the Safety Data Sheet would be developed and circulated to the group for its consideration.

B. Health hazards

1. Amendment to paragraphs 3.2.3.1.2 and 3.3.3.1

Document: ST/SG/AC.10/C.4/2011/4 (Germany)

Informal document: INF.6 (Germany)

16. There was general support for the amendments proposed in INF.6, but considering that they were of an editorial nature, the Sub-Committee requested the expert from Germany to consider them within the framework of the work of the correspondence group on the editorial revision of chapters 3.2 and 3.3.

2. Editorial revision of chapters 3.2 and 3.3

Informal document: INF.7 (Germany)

17. The Sub-Committee noted that the correspondence group expected to complete its work in time to submit a formal proposal for the editorial revision of chapters 3.2 and 3.3 of the GHS for the next session. The expert from Germany invited the Sub-Committee to provide comments on the amendments proposed in INF.7 so that they could be taken into account in the final proposal. He also confirmed that, following the request of the Sub-Committee, the final proposal would also include the amendments to paragraphs 3.2.3.1.2 and 3.3.3.1 contained in INF.6.

C. Annexes

Improvement of annexes 1, 2 and 3 of the GHS

- 18. A face-to-face meeting of the informal correspondence group was held on 9 December to discuss its ongoing work on the rationalisation of precautionary statements. Many experts were interested in developing further guidance to aid the selection of appropriate precautionary statements for use labels, potentially including an order of precedence among individual statements. The correspondence group would work on some proposals which would be submitted to the Sub-Committee in due course. The group will continue to develop proposals to improve and rationalise the precautionary statements for physical hazards.
- 19. The informal group also had an initial discussion on some suggestions to restructure annexes 1, 2 and 3 of the GHS in order to improve the way in which information is presented. Most experts in the informal group were in favour of exploring a number of options in more detail, though some experts wanted to consult with their stakeholders on how the annexes were used before the proposals were taken further.
- 20. Finally, the Sub-Committee noted that the group had identified some editorial errors relating to precautionary and hazard statements in annexes 1, 2 and 3. The group expects to prepare a working document for the next session containing proposals for correction. Sub-Committee experts who might have also noticed any errors in these annexes were invited to inform the expert from the United Kingdom so that the corrections could be included in the document.

D. Miscellaneous proposals

Corrections to paragraph 1.3.2.4.6

Document: ST/SG/AC.10/C.4/2011/3 (Secretariat)

21. The Sub-Committee adopted the correction in paragraph 3 of the document (see annex).

IV. Hazard communication issues (agenda item 3)

A. Fire extinguishers

Informal document: INF.3 (Argentina)

- 22. The proposal to add a note in Chapter 2.5 requiring that fire extinguishers bear the hazard communication elements assigned to gases under pressure was not supported. Several experts considered that fire extinguishers were already covered by Chapter 2.5. Others questioned the added value and relevance of the hazard communication elements in such emergency equipment.
- 23. The expert from Argentina was invited to provide information about incidents or accidents caused by the explosion, bursting or puncture of fire extinguishers.

B. Labelling of small packagings

Informal document: INF.19 (CEFIC)

- 24. There was general appreciation for the work done so far by the group on the development of examples of labelling of small packagings. It was made clear that the examples did not intend to cover the full range of possibilities to accommodate GHS label elements for small packagings (i.e. other labelling arrangements not reflected in the developed examples could also be acceptable).
- 25. Several experts commented on whether or not it would be appropriate to include provisions regarding the minimum size of pictograms or text to ensure the readability of the information shown on the labels, or on precedence rules on how to select the precautionary statements when it was not possible to include them all. However, it was agreed that this was outside the scope of the work of the correspondence group.
- 26. Others suggested that in those cases where not all the information was included on the label, a statement indicating where the full information could be found should be added. This view was not shared by other experts who considered that adding this statement would not increase consumers' or workers' protection, and would take up additional space on an already reduced label, especially in those countries with more than one official language where it is required that all the information be displayed in all official languages.
- 27. The representative from CEFIC invited experts from the Sub-Committee to provide additional comments on the proposed examples before 10 January and said that she would revise the proposal accordingly for discussion by the group in a conference call to be organized in February 2012.

C. Hazard communication in the supply/use sector for substances and mixtures "Corrosive to metals"

Informal documents: INF.25 and INF.30 (AISE)

28. The Sub-Committee noted the outcome of the discussions of the face-to-face meeting of the group held on 8 December (see INF.30) and was informed that the group had agreed to dismiss options 1, 2 and 4 in annex 2 of INF.25 as permanent solutions, in favour of further developing options 3, 5 and 6 in annex 1 of INF.25, as amended. It was identified that the permanent solution will need to take account of the concerns listed in paragraph 5 of INF.30. Finally, it was made clear that the current provisions for special

labelling arrangements in the third paragraph of 1.4.10.5.5 would remain in the GHS as a temporary solution to the problem until a suitable final solution is available.

D. Safety Data Sheets (SDS): revision of section 9

Informal document: INF.29 (Germany on behalf of the correspondence group)

29. The Sub-Committee noted that the group, on a face-to-face meeting held on 7 December, had agreed to develop guidance on the information to be included in section 9 of the Safety Data Sheet; to revise the list of physico-chemical properties in paragraph A4.3.9.3 (providing justification for any proposed change to the existing list such as deletion of current entries or addition of new ones); and to consider consequential amendments to table 1.5.2 in Chapter 1.5.

V. Implementation of the GHS (agenda item 4)

A. Implementation issues

1. Work of the informal correspondence group on practical classification issues

Informal documents: INF.16 and INF.33 (United States of America on behalf of the correspondence group)

30. The Sub-Committee noted that the group had considered the proposals listed in paragraph 2 of INF.33 during a face-to-face meeting held on 8 December, and had agreed on the actions described in paragraphs 3 to 6 of that document. It was also noted that an informal document containing the proposals revised in accordance with the actions agreed by the group will be submitted to the next session of the Sub-Committee for its consideration.

2. Development of a list of chemicals classified in accordance with the GHS

Informal documents: INF.20 and INF.31 (United States of America on behalf of the correspondence group)

31. The Sub-Committee noted the report of the informal group on its face-to-face meeting held on 8 December (see INF.31). The Sub-Committee noted in particular that the group had agreed on the guiding principles listed in INF.20 with some editorial amendments and the insertion of an additional principle referring to the data sets to be used for classification; and on starting the classification exercise with a pilot group of chemicals. It was also noted that an official document addressing the items listed in paragraph 5 of INF.31 would be submitted to the next session of the Sub-Committee.

B. Reports on the status of implementation

1. European Union

32. The Sub-Committee noted that the European Chemicals Agency (ECHA) expected to publish the Classification and Labelling Inventory on its website on 15 December 2011. It was recalled that the Classification, Labelling and Packaging Regulation (CLP

Regulation¹) required manufacturers and importers to notify the classification and labelling of substances (either as such or contained in mixtures) within one month from the first day of being placed on the market.

- 33. According to the information provided to the Sub-Committee, since the initial deadline for submitting notifications on 3 January 2011, ECHA had received more than 3 million notifications for more than 100.000 substances. These notifications covered:
 - (a) Substances listed in Part 3 of Annex VI to the CLP Regulation, which contains the so-called harmonized classification and labelling agreed under the previous system and translated into to the CLP criteria; and
 - (b) Substances which had been self-classified by suppliers according to the CLP Regulation:
 - (i) for one or more hazard classes currently not covered by an entry in Part 3 of Annex VI to the CLP Regulation; or
 - (ii) for which no entry exist in Part 3 of Annex VI to the CLP Regulation.
- 34. An information document containing the link to the Classification and Labelling Inventory on the ECHA website as well as additional information on its contents and functionalities will be submitted to the Sub-Committee in due time.

2. United States of America

35. The Sub-Committee noted that on 25 October 2011 the Occupational Safety and Health Administration (OSHA) of the Department of Labor had sent the regulation to align its Hazard Communication Standard with the GHS to the Office of Management and Budget for the last review prior to the adoption of the Final Rule. It is expected that the Final Rule be published in the Federal Register during the first quarter of 2012.

3. Zambia

- 36. The Sub-Committee noted that a national standard based on the first revised edition of the GHS was already available, and that it was being updated in accordance with the provisions of the fourth revised edition. The endorsement of the revised standard is expected during the first quarter of 2012.
- 37. At regional level, the Sub-Committee was informed that there were plans to update the Southern African Development Community (SADC) standard from the first to the fourth revised edition of the GHS.

4. China

38. The Sub-Committee noted that the regulation on safe management of hazardous chemicals was revised in March 2011 (Directive No.591) and took effect on 1 December 2011. It was also noted that a list of chemicals classified in accordance with the GHS was being revised and that chemicals in production, storage and use were required to have labels and Safety Data Sheets according to the national standards which were being amended to reflect the provisions of the fourth revised edition of the GHS.

Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.

5. Brazil

39. The Sub-Committee noted that the adoption of standards revised in accordance with the third revised edition of the GHS was expected in 2012, and that a number of capacity building activities for regulatory agencies had been organized.

C. Cooperation with other bodies or international organizations

Work of the joint (TDG-GHS) correspondence group on corrosivity criteria and related issues

Informal documents: INF.12 and INF.13 (ICCA), INF.17 (ICPP), INF.18 and 18/Add.1

(United Kingdom), INF.27 (Secretariat), INF.28 and INF.28/Rev.1

(United Kingdom)

- 40. The Sub-Committee noted the outcome of the first meeting of the joint TDG-GHS working group on corrosivity criteria, which was initially circulated as INF.28, after amending it to take into account the comments made on paragraph 2 (b) regarding the replacement of the term "transport classification" with "transport conditions". The amended text was circulated as INF.28/Rev.1.
- 41. Bearing in mind the successful outcome and excellent feedback received from experts from both Sub-Committees on the fruitful exchange of views on corrosivity issues during the first meeting of the joint working group, the Sub-Committee concurred with the TDG Sub-Committee on the desirability of scheduling a half-day meeting of the joint working group during the next session of one of the sub-committees. Several experts suggested that this could be done from now on, on a regular basis and that the mandate of the joint working group could be extended to address any issue of common interest to both sub-committees. However, taking into account that current discussions on corrosivity would take most of the time allocated to the meetings of the joint working group, the Sub-Committee considered that this matter could be addressed again at a later stage depending on time availability. It was noted that in all probability the meeting would be scheduled during the second week of the transport meeting (2 or 3 July 2012) although this would still have to be confirmed. The secretariat was invited to communicate the exact date as soon as possible so that delegates from both sub-committees could make the necessary arrangements to attend the meeting.

2. Classification and hazard characterization of wastes

Informal document: INF.15 (Secretariat)

42. The Sub-Committee noted that due to the lack of progress on the work of the joint correspondence group between the Sub-Committee and the Open-Ended Working Group (OEWG) of the Basel Convention on hazard characterization of wastes, the Conference of the Parties to the Basel Convention was considering not including this item on the programme of work for the next biennium of work. It was also noted that the Conference of the Parties would take a final decision on this matter at its eleventh meeting.

3. Preparation for the first evaluation of progress with implementation of the Strategic Approach to International Chemicals Management

Informal document: INF.21 (SAICM)

43. The Sub-Committee noted the information provided and welcomed any future updates on the progress report in implementing the Strategic Approach to International Chemicals Management as regards the GHS.

4. Work of the Sub-Committee of Experts on the Transport of Dangerous Goods on its fortieth session

Informal document: INF.27 (Secretariat)

- 44. The Chairman of the TDG Sub-Committee brought to the attention of the Sub-Committee the following issues:
 - (a) Classification of plastics evolving flammable vapours;
 - (b) Provisions for the classification of uranium hexafluoride;
 - (c) Description of labels, placards, symbols, markings and marks; and
 - (d) Issues related to the classification of fireworks.
- 45. On (a), the Sub-Committee noted that there was on-going work on the development of provisions for a hazard assessment method for these substances on the basis of tests which could be included in the Manual of Tests and Criteria. It was noted that these provisions could also be useful to sectors other than transport.
- 46. On (b), the Sub-Committee noted that although under transport regulations the primary hazard associated to this substance continued to be radioactivity (Class 7 in transport), TDG experts had not yet agreed on which of the subsidiary risks associated to this substance should be taken into account: corrosivity, oxidizing properties or toxicity (i.e.: Class 8, Division 5.1 or Division 6.1 in transport regulations). Experts from the Sub-Committee were invited to provide feedback to the International Atomic Energy Agency and to TDG Sub-Committee experts on how to best assess the health hazards of uranium hexafluoride as regards in particular its classification as toxic under Division 6.1.
- 47. On (c), the Sub-Committee was informed about the on-going work on the improvement of the description of transport labels, placards, symbols, markings and marks. It was noted that depending on the outcome of this work, it might be necessary to update the current reference to the minimum dimensions for transport labels in paragraph 1.4.10.4.2.2 of the GHS.
- 48. Finally on (d), the attention of the Sub-Committee was brought to a request for feedback from the expert from the United States of America to complete a survey on the implementation of the current default classification system for fireworks at regional and national level. Since the default classification system is also used by other sectors (e.g. storage), experts from the Sub-Committee were invited to participate in the survey and to register for an international videoconference addressing fireworks classification, approval and transport. Additional details on the survey as well as information on how to register for the videoconference was provided in annex 3 of INF.27.

VI. Development of guidance on the application of GHS criteria (agenda item 5)

49. There was no discussion under this agenda item.

VII. Capacity building (agenda item 6)

Informal document: INF.26 (UNITAR)

50. The Sub-Committee was informed about several UNITAR/ILO GHS programme activities, including:

- (a) Current national projects in Jamaica (supported by the Swiss Government),in addition to national projects in Barbados, Gambia, and Zambia;
- (b) New projects in Chile, Republic of Congo, Bolivia, Colombia, Guatemala, Mexico, Kyrgyzstan and Tajikistan which were expected to be initiated during the first quarter of 2012, supported by the Strategic Approach to International Chemicals Management (SAICM) Quick Start Programme Trust Fund; and
- (c) Capacity building activities in China, Indonesia, Malaysia, Philippines and Thailand supported by the European Union.
- 51. The Sub-Committee also noted that twelve training sessions had been organized in five countries members of the Association of Southeast Asian Nations (ASEAN) and in China, during which more than 1,000 participants had received training in September and November 2011.
- 52. Regarding activities at regional level, the Sub-Committee noted that Moldova intends to host a regional GHS workshop for Central and Eastern Europan countries in May 2012 (still to be confirmed) and that a sub-regional conference for the Caribbean region would be hosted by Jamaica in November 2012.
- 53. On guidance materials, the Sub-Committee noted that UNITAR/ILO had revised the guidance document on "Linkages between GHS and other International Chemicals Conventions" and that the document will be distributed after final comments are received and published on UNITAR's website.
- 54. On the advanced GHS training course, the Sub-Committee noted that it had already been pilot tested in Asia in September-November and that the next step for UNITAR was to incorporate the feedback received both from pilot countries and from trainers and make the training package available for use. UNITAR will then adapt the training package into an elearning course during the first quarter of 2012.

VIII. Other business (agenda item 7)

A. Fertilizers Europe

Informal document: INF.4 (Secretariat)

55. The Sub-Committee noted that the "European Fertilizer Manufacturers Association (EFMA)", which is in consultative status with the Economic and Social Council, had changed its name to "Fertilizers Europe".

B. Request for consultative status by the World Federation of Building Service Contractors (WFBSC)

Informal document: INF.5 (Secretariat)

56. The Sub-Committee agreed to grant consultative status to WFBSC for participation in its work on questions falling within the scope of the activities of this organization.

C. Economic and Social Council's resolution 2011/25

Informal document: INF.8 (Secretariat)

57. The Sub-Committee noted Resolution 2011/25 on the work of the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals adopted by the Council on 27 July 2011.

D. Programme of work for 2012-2013, biennal evaluations and strategic framework for 2014-2015

Informal document: INF.23 (Secretariat)

- 58. The Sub-Committee noted the information provided in INF.23 and congratulated the secretariat for the excellent work done as regards technical assistance to countries and cooperation with other bodies to raise awareness of the GHS and promote its implementation.
- 59. Bearing in mind that the proposed draft programme of work for 2012-2013, the biennial evaluation and the strategic framework for 2014-2015 related to the work of the Sub-Committee will be considered by the Inland Transport Committee at its seventy-fourth session (28 February-2 March 2012), Sub-Committee experts were invited to submit any additional comments, if any, to the secretariat as soon as possible.

IX. Adoption of the report (agenda item 8)

60. The Sub-Committee adopted the report on its twenty-second session and its annex on the basis of a draft prepared by the secretariat.

Annex

Correction to the fourth revised edition of the GHS

1.3.2.4.6 In the last sentence:

For For other hazards, such as acute toxicity, read Additionally,

Delete to the conventional LD₅₀ tests

(Ref. Doc: ST/SG/AC.10/C.4/2011/3)