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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

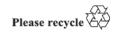
**Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals** 

#### Report of the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on its forty-fifth session

held in Geneva from 6 to 8 December 2023

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#### I. Attendance

- 1. The Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) held its forty-fifth session from 6 to 8 December 2023, with Ms. Nina John (Austria) as Chairperson and as Ms. Lynn Berndt-Weis (Canada) vice-chairperson.
- 2. Experts from the following countries took part in the session: Austria, Canada, China, France, Germany, Italy, Japan, Netherlands, Republic of Korea, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, and United States of America.
- 3. Under rule 72 of the rules of procedure of the Economic and Social Council, Switzerland also took part as observer.
- 4. Representatives of the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR) were also present.
- 5. The following intergovernmental organizations were 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: Australasian Explosives Industry Safety Group Incorporated (AEISG); Center for International Environmental Law (CIEL); Croplife International; Dangerous Goods Advisory Council (DGAC); European Aerosol Federation (FEA); European Chemical Industry Council (Cefic); International Council of Chemical Associations (ICCA); International Council on Mining and Metals (ICMM); International Petroleum Industry Environmental Conservation Association (IPIECA); Responsible Packaging Management Association of Southern Africa (RPMASA); Sporting Arms and Ammunition Manufacturers' Institute (SAAMI); and World Coating Council, Inc.

#### II. Adoption of the agenda (agenda item 1)

Documents: ST/SG/AC.10/C.4/89 and ST/SG/AC.10/C.4/89/Add.1 (secretariat)

Informal documents: INF.1, INF.2 and INF.10 (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.24.

# III. Work on the Globally Harmonized System of Classification and Labelling of Chemicals (agenda item 2)

A. Work of the Sub-Committee of Experts on the Transport of Dangerous Goods on matters of interest to the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

#### Bursting pressure test method for Koenen steel tubes

Informal documents: INF.6 (Germany)

INF.14 (SAAMI)

INF.24, item 1 (secretariat)

8. The Sub-Committee took note of the information on the ongoing work and discussions on bursting pressure test methods for Koenen steel tubes as described in informal documents INF.6 and INF.14, as well as of the outcome of the discussions of the Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee) on this topic, summarized in informal document INF.24 (item 1).

- 9. It was pointed out that Germany and SAAMI were approaching the improvement of the bursting pressure test methods for Koenen steel tubes from different perspectives. These included for instance, studying the impact of using tests based on dynamic continuous rapid pressure rise burst pressures versus manually simulated discontinuous incremental pressure rise (quasi-static bursting pressures) and evaluating the potential effect on the limiting orifice diameters for specific substances when using Koenen tubes with different quasi-static bursting pressures.
- 10. Noting the questions raised in paragraph 13 of informal document INF.6 and the conclusions listed in paragraph 18 of informal document INF.14, the Sub-Committee encouraged experts in this field, who had not yet done so, to contact the expert from Germany and the representative of SAAMI, should they wish to contribute to the work. It was also pointed out that Cefic had volunteered to lead the work in relation to self-reactive substances and organic peroxides.
- 11. The Sub-Committee was informed that work on this topic would continue intersessionally and that SAAMI intended to submit a proposal for consideration by the Explosives Working Group at the sixty-fourth session of the TDG Sub-Committee.

# B. Simultaneous classification in physical hazards and precedence of hazards

#### 1. Aerosols: alignment of special provisions 63 and 362

Informal documents: INF.4 (FEA)

INF.24, item 2 (a) (secretariat)

12. The Sub-Committee took note of the outcome of discussions at the TDG Sub-Committee in informal document INF.24 (item 2 (a)). The representative of FEA indicated that he intended to submit a revised proposal for the next session that would take account of the comments made by the TDG Sub-Committee. Sub-Committee experts were invited to contact him should they wish to provide additional feedback.

### 2. Notes for aerosols and chemicals under pressure and status of the work of the informal working group

Informal documents: INF.5 and INF.7 (Germany)

INF.24, item 2 (b) (secretariat)

- 13. The Sub-Committee took note of the outcome of the discussions by the TDG Sub-Committee in informal document INF.24 (item 2 (b)) and concurred with its preference, as follows:
  - (a) For chemicals under pressure: option 2 in paragraph 13 of informal document INF.5.
  - (b) For aerosols: option 2 in paragraph 18, as amended in informal document INF.7.
- 14. On the question on how to address the improvement of the text of note 2 under table 2.3.1 of the GHS (see informal document INF.5, paragraph 16), the Sub-Committee acknowledged that this work fell outside the current scope of the work of the informal working group and invited the representative of FEA to consider taking the lead on this topic and submit a proposal.
- 15. Regarding the activities of the informal working group on combinations of physical hazards, the Sub-Committee noted the information on the status of the work detailed in paragraph 3 in informal document INF.7. The expert from Germany invited experts interested in joining the informal working group to contact her.

## C. Use of non-animal testing methods for classification of health and environmental hazards

Informal document: INF.8 (United Kingdom, Netherlands)

16. The Sub-Committee took note of the progress of the work of the informal working group since the last session as well as the items under discussion listed under paragraph 6 of informal document INF.8. The expert from the United Kingdom, on behalf of the informal working group, brought the attention of the Sub-Committee to the draft text of chapter 3.4 reproduced in the annex to the informal document and said that the informal working group intended to finalize the work on this chapter in time to submit an official proposal for adoption by the Sub-Committee at its next session.

#### D. Classification criteria for germ cell mutagenicity

Informal document: INF.16 (European Union)

- 17. The Sub-Committee took note of the status report on the work of the informal working group in informal document INF.16. The representative of the European Union invited the Sub-Committee to note in addition, that the informal working group had made additional progress on the following topics during the meetings held on 21 November and 6 December:
  - (a) Consideration of a tiered approach to guide data organization for classification, (topic addressed in paragraph 6 of informal document INF.16): the informal working group agreed not to include the tiered approach, as some members did not consider it suitable for germ cell mutagenicity. It was instead agreed to draft basic guiding principles for an overall weight of evidence approach.
  - (b) Clarification of the definition of category 2 (topic addressed in paragraph 8 of informal document INF.16): the informal working group initiated the discussions on the basis of a thought-starter submitted by the Netherlands with a proposal to consider changing the current hazard class "germ cell mutagenicity" to "mutagenicity". The Sub-Committee noted that the informal working group acknowledged that this was outside the scope of its terms of reference. It also noted that the informal working group would continue the discussions to assess the appropriateness of this change as well as its implications, advantages and disadvantages and would submit its findings and recommendations for consideration by the Sub-Committee.

# E. Potential hazard issues and their presentation in the Globally Harmonized System

#### 1. Work of the informal working group: status report

Informal document: INF.20 (European Union)

18. The Sub-Committee took note of the status report on the work of the informal working group.

#### 2. Endocrine disruptors

Informal documents: INF.11 (OECD)

INF.15 (China)

INF.22 (European Union)

19. While acknowledging the technical issues raised by China, there was full support within the Sub-Committee for continuing the work on endocrine disruptors in accordance with the workplan adopted at the forty-fourth session, on the understanding that the concerns raised in informal document INF.15 would be addressed as part of the mandate given to

OECD and the ongoing work within the informal working group on the "potential hazard issues and their presentation in the GHS". It was pointed out that the workplan agreed by the Sub-Committee included a step-wise approach, allowing the Sub-Committee to consider the scientific findings and conclusions of the expert groups on each of the items on its workplan, before deciding on how to address the next steps. Experts from China were invited to participate actively in the work of the groups dealing with this topic at OECD and Sub-Committee level.

20. A few delegations considered that work on this topic may need to continue beyond this biennium.

# F. Practical classification issues (proposed amendments to the Globally Harmonized System)

Informal document: INF.21 (United States of America)

21. The Sub-Committee took note of the progress of the work of the informal working group since the last session. The expert from the United States of America indicated that the informal working group is considering proposals addressing item 4 of its programme of work (see informal document INF.34, forty-third session) and is currently exploring (by comparison with the relevant sections of chapter 1.3) to which extent improvements of the classification process for mixtures in chapters 3.2 to 3.4 are compatible with the rules in chapter 1.3.

#### G. Nanomaterials

Informal document: INF.18 (European Union)

22. The Sub-Committee welcomed the information provided by the representative of the European Union on the latest developments on nanomaterials. The attention of the Sub-Committee was drawn in particular to the adoption on 10 June 2022 by the European Commission of a new recommendation on the definition of nanomaterials (Commission Recommendation 2022/C 229/01) thus updating the definition from 2011. It was pointed out that the implementation of the new definition will have an impact on a wide range of European regulations (e.g. all those covering nanoforms such as the "Regulation on the registration, evaluation, authorisation and restriction of chemicals" (REACH) and the "Regulation on classification, labelling and packaging of substances and mixtures" (CLP)). Following the adoption of the recommendation by the European Commission, the Joint Research Centre of the European Commission (JRC) published new guidance on the implementation of the Commission recommendation on the definition of nanomaterials. Links to the Commission recommendation, the JRC guidance and other relevant documents are provided in informal document INF.18.

#### H. Hazardous to the atmospheric system

Informal document: INF.23 (European Union)

- 23. The representative of the European Union reminded the Sub-Committee that work on hazardous to the atmospheric system was intended to ensure a consistent application of GHS criteria for substances with a significant global warming potential as well as to consider whether the scope of current chapter 4.2 could be expanded to cover substances with a significant ozone depleting potential, which are not included in the Montreal Protocol (e.g. greenhouse gases not used as refrigerants), as explained in paragraphs 7 to 9 of informal document INF.23.
- 24. The Sub-Committee took note of the questions under discussion within the informal working group detailed in paragraphs 10 to 13 of the informal document. Some delegations

indicated that further work was necessary to assess the need to widen the scope of current chapter 4.2 as well as its implications.

25. The representative of the European Union invited industry representatives at the Sub-Committee to participate in the work of the informal working group.

# I. Improvement of annexes 1 to 3 and further rationalization of precautionary statements

Document: ST/SG/AC.10/C.4/2023/9 (United Kingdom)

Informal document: INF.3 and INF.9 (United Kingdom)

26. The Sub-Committee took note of the progress report on the work of the informal working group in informal document INF.9 and adopted the amendments to the precautionary statements as proposed in document ST/SG/AC.10/C.4/2023/9 (see annex I).

#### J. Other matters

### 1. French translation of the hazard statements for chemicals under pressure, categories 1, 2 and 3

Document: ST/SG/AC.10/C.4/2023/7 (Canada)

27. The Sub-Committee adopted the correction to the French version of hazard statements H282, H283 and H284 to ensure alignment across linguistic versions (see annex II).

#### 2. Hazard communication for substances and mixtures evolving flammable vapours

Document: ST/SG/AC.10/C.4/2023/8 (China)

Informal documents: INF.17 (United States of America)

INF.24, item 3 (secretariat)

- 28. Having heard the concerns expressed by China on the need for improved hazard communication for these substances and mixtures in safety data sheets as soon as possible, and noting that the "practical classification issues" informal working group intended to finalize the development of guidance addressing them in annex 11 before the end of the current biennium, the Sub-Committee considered that both workstreams should be merged and addressed jointly.
- 29. Regarding the scope, the Sub-Committee agreed that it might be extended to cover also other possible cases where the release of flammable substances might not be covered by classification. Specific comments were also provided during the discussion on the proposal in paragraph 4 in document ST/SG/AC.10/C.4/2023/8, addressing namely: the use of "and" versus "or" in A4.3.2.3 and table A4.3.9.1 in A4.3.2.3.2; use of "explosible" instead of "explosive" in A4.3.2.3.1; and the reference to "risk" in A4.3.2.3.1.
- 30. The Sub-Committee invited all delegations interested in this topic to work together on the development of a joint proposal that would take account of the comments made, to be submitted for consideration by the Sub-Committee before the end of the current biennium.

#### 3. Reference to "non-observed effect concentration" in chapter 4.1, category chronic 4

Informal document: INF.12 (UNITAR)

31. The Sub-Committee acknowledged that the current reference to "NOECs" in table 4.1.1 (c) could be misinterpreted. Considering that it was a simple editorial correction, the Sub-Committee exceptionally decided to adopt it based on a proposal in an informal document (see annex II).

#### 4. Use of "should", "shall", "may" and "must"

Informal document: INF.19 (United States of America)

- 32. Several delegations expressed interest in contributing to this work as they considered that a common understanding of these terms would increase consistency, avoid misinterpretations and contribute to a harmonized implementation of the GHS criteria.
- 33. Following the request for feedback in paragraph 5 of the informal document on how to proceed, it was suggested that as a first step, all instances considered problematic from an interpretation or implementation point of view should be clearly identified. A member of the secretariat suggested to look for a common understanding on the intended meaning of the terms in the parts of the GHS that were meant to be implemented as regulatory text when transposed into legally binding instruments at national, regional or international level. Once this task is completed, a decision can be taken on how to use them consistently. Work on how to interpret and use these terms in the guidance sections could be addressed at a second step. One delegation additionally suggested that a holistic approach be developed for the review, bearing in mind available resources and taking into consideration as well the impact on other United Nations official languages.
- 34. The expert from the United States of America welcomed these suggestions, indicated that work on this topic would continue intersessionally and reiterated the invitation to all interested experts to participate and provide additional feedback in writing.

#### IV. Implementation (agenda item 3)

# A. Possible development of a list of chemicals classified in accordance with the Globally Harmonized System

35. The expert from Canada informed the Sub-Committee that the informal working group intended to meet on 16 January 2024 to discuss the development of manuscripts outlining the preliminary results and providing a more in-depth analysis. The Sub-Committee will be informed about the progress on this item at its next session.

#### B. Reports on the status of implementation

#### Canada

36. The Sub-Committee noted that on 30 October 2023, the Government of Canada had published the "Guidance on the WHMIS supplier requirements" <sup>1</sup>, which provides information on the requirements of the "Hazardous Products Act" and the updated "Hazardous Products Regulations" to suppliers of hazardous products destined for Canadian workplaces. The guidance also provides suppliers with information on the "Hazardous Materials Information Review Act" and its regulations and the mechanism to protect confidential business information. Sub-Committee experts interested in additional information about the guidance document were invited to contact the expert from Canada.

#### C. Cooperation with other bodies or international organizations

#### Outcome of the fifth session of the International Conference on Chemicals Management

37. The Sub-Committee took note of the information provided by the representative of UNEP on the outcome of the fifth session of the International Conference on Chemicals Management (ICCM-5) held in Bonn, Germany from 25 to 29 September, namely:

<sup>&</sup>lt;sup>1</sup> Available at: Guidance on the WHMIS supplier requirements

- (a) the adoption of a "Global Framework on Chemicals For a planet free of harm from chemicals and waste" that sets concrete targets and guidelines for key sectors across the entire lifecycle of chemicals;
- (b) the adoption of the "Bonn Declaration": a political statement whereby ministers, heads of delegation and stakeholders leaders committed to "prevent exposure to harmful chemicals, and phase out the most harmful ones, where appropriate, and enhance the safe management of such chemicals where they are needed".
- (c) the establishment of "Global Framework on Chemicals Fund" and the adoption of a set of resolutions for its implementation;
- 38. It was pointed out in particular that the framework is based on 28 targets, among which the following were identified as being the most relevant in relation to the GHS <sup>2</sup>:
  - "Target A1 By 2030, Governments have adopted, and are implementing, and enforcing legal frameworks; and have established appropriate institutional capacity to prevent or where prevention is not feasible, minimize adverse effects from chemicals and waste as appropriate for their national circumstances.
  - Target A2 By 2030, intergovernmental stakeholders develop guidelines to support the needs of interested governments as well as relevant stakeholders to implement effective chemicals and waste management strategies building inter alia on updates of the IOMC Toolbox.
  - Target B1 By 2035, comprehensive data and information on the properties of chemicals are generated and made available and accessible
  - Target B4 By 2035, stakeholders apply appropriate guidelines, best available practices and standardized tools for hazard and risk assessment and chemical and waste management.
  - Target B5 By 2030, educational, training and public awareness programmes on chemical safety, sustainability, safer alternatives and benefit of reducing chemicals and waste risks have been developed and implemented, taking into consideration a gender responsive approach.
  - Target B6 By 2030, all Governments have implemented the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in all relevant sectors as appropriate for their national circumstances."
- 39. The attention of the Sub-Committee was also brought to ICCM-5 resolutions on "international cooperation and coordination" and "implementation arrangements".

#### D. Miscellaneous

40. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

# V. Development of guidance on the application of the Globally Harmonized System (agenda item 4)

#### A. Practical classification issues

41. The expert from the United States of America informed the Sub-Committee that there were currently no ongoing activities related to the development of guidance within the

<sup>&</sup>lt;sup>2</sup> Note by the secretariat: The targets are reproduced as contained at the time of writing in the advanced, non-edited version of the document adopted at ICCM-5.

informal working group. An update on the work related to other items on its programme of work was considered by the Sub-Committee under agenda item 2 (f) (see paragraph 21).

#### **B.** Practical labelling issues

- 42. The representative of Cefic indicated that the Sub Committee will be kept informed on any activities of the informal working group, as appropriate.
- 43. The representative of the European Union indicated that on 5 December 2023, a provisional agreement had been reached in the European Union to further improve the CLP Regulation and that the use of digital labelling was part of the proposed improvements. He volunteered to share additional details with the informal working group on practical labelling issues at its next meeting in support of the work of the informal working group on this topic.

#### C. Miscellaneous

44. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

#### VI. Capacity building (agenda item 5)

- 45. The representative of UNITAR informed the Sub-Committee that UNITAR had actively participated in the fifth session of the International Conference on Chemicals Management (ICCM-5), during which a GHS specific related target (target B6) had been agreed (see paragraphs 37 to 39), thanks to the efforts of various stakeholders. It is hoped that this target will promote further implementation of the GHS around the world.
- 46. Regarding capacity building activities, he mentioned that the end of the year round of GHS e-Learning courses in English and Spanish were about to be completed, with the following round expected to run from 19 February to 3 May 2024 (for the English version) and from 26 February to 10 May 2024 (for the Spanish version) and within the first half of 2024 (specific dates to be determined) for the French version.
- 47. On national activities, the Sub-Committee noted that projects for implementation of the GHS in Côte d'Ivoire, Ghana, Kenya and Nigeria continue, with support from UNEP, the European Union and ICCA. It was also noted that UNITAR has provided support for the drafting of GHS-implementing regulation in Peru, and that similar activities are ongoing in Benin, while other projects agreements have been put in place with Armenia and El Salvador.
- 48. On training and guidance, he indicated that several introductory materials on the GHS (including videos, presentations and brochures), as well as similar materials focusing on the GHS and transport and the GHS and agriculture, were being developed with support from the Swedish Chemicals Agency (KemI) and the Swiss Government.

# VII. Implementation of Agenda 2030 and work of the Economic and Social Council (agenda item 6)

49. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

#### VIII. Other business (agenda item 7)

#### A. Pattern of conferences

Informal document: INF.13 (secretariat)

50. The Sub-Committee was informed about the outcome of the discussion on this topic by the TDG Sub-Committee and welcomed the information provided by the secretariat in

informal document INF.13 as it considered that it would help delegations to better understand the issues at stake and the follow-up actions that may need to be taken at national level to address this question.

- 51. It was also noted that hybrid and online meetings could facilitate participation of experts from developing countries and countries with economies in transition in the work of the Sub-Committee, in line with the need expressed in section C of Economic and Social Council's (ECOSOC) resolution E/RES/2023/5 "to promote their wider participation in its work".
- 52. Several delegations expressed their intention to explore ways to convey their requests in support of provision of hybrid and online meetings for official sessions to their representatives at the bodies dealing with this topic at General Assembly or ECOSOC level.

## B. Dates of the forty-sixth session and deadline for submission of documents

- 53. The Sub-Committee was invited to note the meeting dates and deadline for submission of official documents to be considered during its forty-sixth session as follows:
  - (a) Meeting dates: 3 (afternoon) 5 July 2024
  - (b) Deadline for submission of official documents: 10 April 2024 (for documents submitted for consideration by the GHS Sub-Committee only) and 29 March 2024 (for documents submitted for consideration by both sub-committees, i.e. TDG and GHS)

#### IX. Adoption of the report (agenda item 8)

54. In accordance with the established practice, the Sub-Committee adopted the report on its forty-fifth session and its annexes on the basis of a draft prepared by the secretariat.

#### Annex I

[Original: English and French]

Draft amendments to the tenth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.10)

Document ST/SG/AC.10/C.4/2023/9 adopted.

#### **Annex II**

[Original: English and French]

# Corrections to the tenth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.10)

Chapter 2.3, table 2.3.4, in row "Hazard statement", for "Category 1"

Not applicable to English

(Reference document: ST/SG/AC.10/C.4/2023/7)

Chapter 2.3, table 2.3.4, in row "Hazard statement", for "Category 2"

Not applicable to English

(Reference document: ST/SG/AC.10/C.4/2023/7)

Chapter 4.1, table 4.1.1 (c), last sentence

For or a chronic toxicity read or chronic toxicity

(Reference document: informal document INF.12)

Annex 3, section 3, "Chemicals under pressure/hazard category 3", for hazard statement "H284"

Not applicable to English

(Reference document: ST/SG/AC.10/C.4/2023/7)