

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

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IMPLEMENTATION OF THE GHS

Progress report on the implementation of the GHS in South Africa

Submitted by the expert from South Africa

1. Introduction

During 2002-2003, South Africa participated as a pilot country in the UNITAR/ILO Global GHS Capacity Building Programme with the support from the Government of The Netherlands. A study on the implications of implementing the GHS and the development of an implementation strategy was concluded in December 2003. As part of the study an implementation plan was developed under the auspices of the National Economic Development and Labour Council (NEDLAC) and co-funded and supported by UNITAR.

At NEDLAC, Government, organized business, organized labour and organized community groupings discuss, on a national level, issues of social and economic policy and try to reach consensus on such issues. In terms of the NEDLAC agreement, South Africa sees the implementation of the GHS as part of its chemical management system.

Although currently fragmented, almost all the elements of the necessary regulatory regime for the sound management of chemicals are in place in South Africa.

2. Legislation

A review of legislation and policy instruments to ensure alignment with the GHS requirements is underway and legislation dealing with classification and the distribution of Safety Data Sheets has been revised. The Regulation is expected to be published for public comment in the next few weeks and should be promulgated by the end of 2007.

The draft Regulation makes provision for a five-year transition period. The Regulation provides that compliance with the National GHS Standard and the current national system is allowed during the transition period so that the transition at a national level is facilitated while at the same time accommodating international trade requirements.

Once this Regulation has been promulgated, an inter-departmental committee will be established by the Department of Labour to develop a co-ordinated legislative implementation strategy to ensure elimination of overlap of jurisdictional mandates.

The harmonized legislative implementation strategy will include compliance and enforcement requirements, appropriate budget allocations, support to industry for transition and establishment of a permanent approach to ongoing input into international discussions and alignment of the effective dates of all legislative amendments.

The format of the “Purple Book” is not appropriate for direct reference in national legislation. This means that our national legislation will require extensive revision every 2 years. As this is a time consuming and costly process, the national implementation of the revisions could lag international implementation as much as 12 months. The proposal to review the format of the “Purple Book” should therefore be revisited.

3. Training

GHS training forms an integral part of the safety, health and environment (SHE) unit standards currently being developed by the Chemical Industries’ Education and Training Authority (CHIETA). The training issues raised in the implementation strategy will be referred to in the SHE Unit Standard Working Group.

GHS elements form an integral part of the programme of accreditation of SHE. Courses to empower workers in understanding the GHS elements within a specific occupational health and safety focus will be developed.

Trade Union participation is crucial for the successful implementation of the GHS in the workplace. Thus, Unions will have to include GHS elements in their shop steward and member training.

4. Awareness raising

Awareness raising is undertaken at all forums dealing with chemical safety and once the Regulations have been promulgated, programmes focussed on employers will be launched.

5. Testing facilities

A strategy is being developed to increase the availability of test methods to testing facilities for the testing of chemicals for all classification endpoints. It is expected that this strategy will be finalised by the end of the year and is likely to include issues like accreditation of test facilities and mutual recognition of chemical safety data.

6. National Committee on Chemicals Safety and Management

South Africa has established a National Committee on Chemicals Safety and Management. The aim of the Committee is to:

- bring all the relevant stakeholders together and develop a national position to take to the United Nations GHS Subcommittee, the Strategic Approach to International Chemicals managements (SAICM) and the OECD Chemical Committee meetings;

- take active part in the work and decisions of the OECD Chemical Safety Programme and to disseminate information to interested or affected parties;
- have early warnings of potential technical barriers to trade; and
- align national activities with international trends to facilitate trade and the protection of the South African consumer and the environment.

7. South African National GHS Standard

Standards South Africa, a division of the South African Bureau of Standards has developed a national standard that will be referred to in the above-mentioned legislation. This South African standard was published in 2006.

Work is currently underway to develop a list of chemicals classified in terms of the GHS to facilitate implementation.

8. Southern African Development Community (SADC)

The South African National standard for GHS is being used as the basis for the development of a harmonized SADC standard by the Southern African Community Standardization body (SADCSTAN). A meeting of all 14-member states to review this standard is scheduled for the second half of 2007.

9. Challenge faced in terms of trade

Although all countries committed themselves striving towards the global implementation of the GHS by 2008 through the UNECOSOC and the Johannesburg Plan of Implementation, as adopted by the World Summit on Sustainable Development, the GHS remains a voluntary system and is not an international legally binding instrument.

This makes it difficult to achieve the overall goal of facilitating trade in chemicals by harmonizing classification and labelling elements. Therefore, the initial goal of one chemical with one classification and one label will not fully be achieved in the initial implementation step. The GHS excludes two crucial prerequisites for the objective of global harmonization, namely test methods and a global substance inventory. Furthermore, the GHS provides several flexibilities for the competent authorities, e.g. the building block approach. The significant level of discretion and other flexibilities in the system hampers the achievement of global harmonization.

While it is recognized that the primary responsibility for implementation of the GHS lies with national jurisdiction, facilitation of international trade demands that there is an agreed global approach to ensure that implementation at national level does not inadvertently constitute a technical barrier to trade.

Steps necessary to achieve harmonization that is as far reaching as possible should be considered in order to reduce the potential for non-harmonized implementation that may impede trade. All countries currently implementing the GHS could also exchange views on their implementation strategies through all available means, e.g. UNSCEGHS and the OECD Chemicals Committee.

Reviews undertaken in some jurisdictions revealed that almost all substances and mixtures require reclassification to comply with the GHS. The extent of the task needs to be taken into account when considering implementation at a global level. Experience with the UN Model Regulations, which is updated biennially, has shown that different editions of UN Model Regulations are being incorporated in legislation of different countries. The goal of global harmonization is therefore not achieved.

10. Capacity building needs by developing countries

Successful implementation of the GHS at a global level will require substantial support with regard to capacity building within developing countries. The development of Guidance Documents in this regard should therefore be considered.
