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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
Transport of Dangerous Goods

Thirty-sixth session
Geneva, 30 November – 9 December 2009
Item 10 of the provisional agenda

**ISSUES RELATING TO THE GLOBALLY HARMONIZED SYSTEM OF
CLASSIFICATION AND LABELLING OF CHEMICALS (GHS)**

Comments on the proposal by the expert from the Netherlands in ST/SG/AC.10/C.3/2009/15

Transmitted by the Dangerous Goods Advisory Council (DGAC)¹

Introduction

1. DGAC has reviewed the proposal by the expert from the Netherlands in considerable detail and is providing general comments. Separately Dangerous Goods Advisory Council (DGAC) is preparing specific comments on the Netherlands proposal for use in working group discussions.

General comments

2. **Should detailed GHS classification text be included in the Model Regulations?**
DGAC believes that before entering into a discussion of the Netherlands proposal, the Sub-Committee needs to consider how detailed the Model Regulations text on class 8

¹ In accordance with the programme of work of the Sub-Committee for 2009-2010 approved by the Committee at its fourth session (refer to ST/SG/AC.10/C.3/68, para. 118 (i) and ST/SG/AC.10/36, para. 14).

classification should be. Clearly, revision in the manner proposed by the Netherlands will set a precedent so that if the proposed text is adopted, similar work on other classes will follow. Is it necessary to reflect so much of the GHS text which is in large part derived from OECD 404 and other test protocols when the current Model Regulations provisions already reference OECD guidelines and in doing so provide for a high degree of consistency? Would the intended audience of the Model Regulations find such detail useful? Including such detail in Part 2 seems contrary to the Sub-Committee's previous efforts. DGAC notes that in the past, the Sub-Committee has endeavored to simplify the classification criteria in Part 2 by relocating text more relevant to those carrying out testing to the Manual of Tests and Criteria while retaining text relevant to those directly engaged in transport in Part 2. The proposal by the Netherlands appears to be reversing this trend by introducing detailed provisions that are intended for use by laboratory toxicologists and not likely to be used by dangerous goods transport specialists. In fact, transport specialists are likely to find the text being proposed more difficult to understand, potentially leading to classification errors and adversely impacting safety. For this reason, DGAC prefers retaining the existing text with only minor amendment when inconsistencies between the Model Regulations and the GHS are identified.

3. **Use of pH in classifying substances.** DGAC finds that the proposed use of pH in classifying substances as corrosives is misleading and will likely result in over classification. This could ultimately be detrimental to transport safety in that it will likely lead to diminution of the significance of the Class 8 label and complacency among transport workers. Through correspondence, DGAC has previously provided the Netherlands examples of mixtures where use of pH leads to erroneous results. The issue is also covered in documents provided by others and DGAC generally supports those comments.

4. **Detailed provisions for the classification of mixtures appear to be inappropriate and incorrect.** While acknowledging that mixtures bridging principles in 2.8.4.2 of the Netherlands paper are based on similar provisions in 3.2.3.2 of the GHS, DGAC questions whether the use of all of these principles have actually been validated for corrosives and questions the relevance of these methods for purposes of transport. The Model Regulations have up to now treated pure substances and mixtures similarly and DGAC does not consider it necessary to provide separate guidance for classifying mixtures. In current practice, classifiers evaluate mixtures using the same sequential test strategy as they would for a substance. The bridging principles do not assist in assigning packing groups and in the case of the dilution principle could lead to very low concentrations of corrosive substances being classified as dangerous goods. This is contrary to the longstanding concern of over classification. For example, under United States of America regulations a consignor may not represent a material as being subject to dangerous goods regulations when it does not meet the classification criteria. In addition simple chemistry would suggest that some methods are invalid (e.g., substantially similar mixtures described in the proposed 2.8.4.2.6 where A is an acid and B is a base). DGAC recommends that the question of the relevance of the bridging principles to corrosive substances be referred back to the GHS Sub-Committee as part of its review of the GHS chapter on corrosives.

5. **Inconsistencies with the GHS.** DGAC notes that in some respects the proposal differs from the GHS. For example, the proposal introduces the term "synthetic skin" which is not known to be used in the GHS or OECD texts. In addition, contrary to OECD and GHS objectives

of minimizing animal testing, the proposal in Figure 2.8.1 fails to recognize existing human or animal experience that if a substance is known not to be an irritant or is known to be an irritant it may be concluded that the material is not a corrosive (see GHS Figure 3.2.1 parameters 1b, 1c, 2b, 6 and 8). DGAC also notes that there appear to be errors in the existing GHS Figure 3.2.1 (e.g. 1b recommends continuing on when the material is known not to be an irritant, see also 2b). The figure is difficult to follow for classification purposes and, in our view; the information would be more comprehensible if it were displayed as a flow chart.

Conclusion

6. DGAC considers the existing criteria in the Model Regulation to be substantially aligned with the GHS criteria in that they both rely heavily on OECD test methods. DGAC strongly opposes incorporating substantial portions of the GHS text in the Model Regulations in that it provides a level of detail far beyond that normally needed by users of the Model Regulations. Further consideration of some issues regarding the GHS text should be referred back to the GHS Sub-Committee for consideration. DGAC plans to provide additional more detailed comments in an information paper.
