

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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Item 3 of the provisional agenda

HAZARD COMMUNICATION ISSUES

Labelling of small packagings

Transmitted by the European Chemical Industry Council (CEFIC)
on behalf of the informal correspondence group

Background

1. At the 16th session, the Sub-Committee approved the following programme of work for the biennium 2009-2010:

Labelling of small packagings (including work on packagings terminology/definitions)

- (a) Development of guidance on the application of the general principles for the labelling of small packagings;
- (b) Review of the current terminology/definitions of means of containment and study of the needs of the different sectors and the cost-benefit impact of any proposed change.

2. In previous discussions regarding guidance on labelling of small packagings, the correspondence group identified a number of issues that may be considered during the development of such guidance.

The issues agreed to be considered include:

- (a) Which label elements must stay on the immediate container and which ones can be provided elsewhere;
- (b) Precedence of hazard classes/categories;
- (c) Distinction between workplace chemicals and consumer chemicals given the difference in target audience and level of training.

- (d) Electronic format as an alternative or additional medium for hazard communication.

3. The purpose of this INF paper is to provide the Sub-Committee with an update on the activities of the correspondence group since the 17th session.

Status report

4. *Development of guidance on the labelling of small packagings*

4.1 In order to help develop guidance based, as far as is reasonably practicable, on current practices, an update on existing practices was necessary. A template was developed, and then completed by members of the correspondence group representing different systems. Input received to date can be found in Annex I to this INF paper. Further contributions regarding current practices are still welcome.

4.2 A thought starter on the distinction between workplace chemicals and consumer chemicals is included in annex II for consideration by the correspondence group in its meeting during the present 18th session.

5. *Packaging terminology/definitions*

5.1 Building on the earlier review of packaging terms in the GHS (as documented in UN/SCEGHS/17/INF.9), a thought starter identifying issues and possible solutions has been circulated to the correspondence group for review. This thought starter, which can be found in Annex III, will be discussed by the correspondence group during its meeting on December 10th 2009.

5.2 Comments received so far note the importance of an integrated logistics chain approach to the labelling of all chemicals, including small packagings, and the need for GHS hazard information, regardless of the package size.

6. The correspondence group hopes to be able to present a proposal on both issues, guidance on labelling of small packagings and packaging terminology/definition, for consideration by the Sub-committee at its 19th session.

Annex I

Labelling of small packagings – current requirements/practices

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
Australia		Product identifier, supplier/manufacturer details and either hazard statement or pictograms	None other than if impossible due to size to contain all 4 label elements; must try to accommodate hazard information	Separate regulations covering workplace and consumer (scheduled poisons) chemical labelling, although there are overlaps (e.g. pesticides packaged for both domestic and workplace use). Specific labelling requirements apply in the different chemical regulatory sectors in Australia. For workplace requirements, the current draft proposal accepts the consumer chemical labelling. GHS implementation in the consumer product sector is being examined.		Australian Code for the Transport of Dangerous goods; Workplace Chemicals regulations; APVMA Code of Practice for labelling of Agricultural and veterinary Chemicals; Poisons Acts
Brazil						

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
Canada	Workplace	Product identifier, supplier identifier, statement that MSDS is available and hazard symbols	Small size containers that are of a volume of 100 mL or less.	Separate regulations for workplace, consumer chemicals and pesticides.	none	
	Consumer	On Main Display Panel: hazard symbol; signal word; hazard statement. On any part of display surface: specific hazard statement; negative instructions; positive instructions; first aid statement.	No definition of small packaging. Based on main display panel of a container (ie. less than 35 cm ² , or 35 cm ² but less than 70 cm ² .) Not based on container size, volume or net contents.	Separate regulations for workplace, consumer chemicals and pesticides.	none	main display panel" means the part of the display surface that is displayed or visible under normal conditions of sale to the consumer. There is an administrative exemption for the small packaging when the quantity of toxic product is so low that it may not pose a hazard. eg. If the total amount present in the container is less than 1/20 of the LD50 for a 10 kg child, the toxicity labelling is not required.
	Pesticides	Full labelling requirements must be met or the product will not be registered for sale and use. The Label includes anything that conveys information required under the PCPA or the Pest Control Products Act or Regulations and includes stickers, tags, seals, leaflets, brochures and wrappers applied on or attached to control product packages. Principal Display Panel: Product name; class designation; precautionary statement and symbols; the "READ THE LABEL BEFORE USING" statement; Guarantee statement*; Registration Number*; Net Contents*; Name and Address of Registrant*; Child	Full labelling requirements must be met or the product will not be registered for sale and use. No definition of "small package". If a product is sold with several units packaged together (i.e., ant traps) the outer package will contain all the label elements but each individual unit could have a limited number of these elements printed on each unit. This decision is made by a competent authority during pre-market assessment.	Separate regulations for workplace, consumer chemicals and pesticides. In Canada, there are three classifications for pesticide products: Domestic, Commercial and Restricted. Domestic class pesticides are marketed to consumers for use in and around a dwelling, or for personal use such as mosquito repellent. Commercial class products are marketed for general use in commercial activities such as	none	Some label elements on the principal display panel (see first column) may be moved to secondary display panel. This decision is made by a competent authority during pre-market assessment. Guidance documents are under development for: peel-back and multi-component labels and to improve the readability and legibility of Domestic class pest control product labels.

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
		Hazard Warning Statement. * current legislation allows for the placement of these principal display panel elements on the secondary panel.		AGRICULTURAL or INDUSTRIAL use. Restricted class products are generally regarded as more hazardous, and their availability is limited to situations where they can be used safely.		
U (CLP)		At least, product identifier / name and telephone number of the supplier / hazard pictograms	If the packaging is either in such a shape or form or is so small that it is impossible to include a label in the required languages for placing on the market - may provide full label in fold-out labels or on tie-on tags or on an outer packaging; If still unable to provide full label and the contents do not exceed 125 ml, may omit: - pict., HS and PS for corrosive to metals - HS and PS for a number of hazard categories - PS for certain hazard categories without assigned pictograms	YES: more hazard categories may be exonerated from HS and PS for workplace chemicals than for the general public	Soluble packagings for single use < 25 ml, for a number of hazard categories - such soluble packaging must be supplied in outer packaging meeting the "full" labelling requirements	Derogations from labelling requirements for special cases: Gas containers intended for propane, butane or LPG; Aerosols and containers fitted with a sealed spray attachment and containing substances/mixtures classified as aspiration hazard; Metals in massive form, alloys, mixtures containing polymers, mixtures containing elastomers.
Japan		Name of the substance / ingredients(Industrial Safety and Health Law) The words "FOR NON MEDICAL USE," and the words "POISONOUS SUBSTANCE" or "DELETERIOUS SUBSTANCE" /	In the case of the packaging is so small that it is impossible to include a label, name of the substance and ingredients stay on the immediate container and other label elements may provide on tie-on tags.(Industrial Safety	No.(Poisonous and deleterious substances control law)		

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
		name of poisonous or deleterious substances / composition and quantity of the poisonous or deleterious substances / name and address of supplier. There is no provision for exemption from full label requirement.(Poisonous and deleterious substances control law)	and Health Law) There is no provision for exemption from full label requirement.(Poisonous and deleterious substances control law)			
Mexico						
South Africa						
USA	Workplace	Workplace labels: identity of hazardous chemical; appropriate hazard warnings. Labels for shipped containers: identity of hazardous chemical; appropriate hazard warnings; and name and address of chemical manufacturer, importer, or other responsible party	None	Yes	The following items are exempted from workplace labelling because they are outside of OSHA's jurisdiction and must follow labelling requirements established by another Federal agency: Pesticides; Chemical substances or mixtures defined by the Toxic Substances Control Act; Food, food additives, color additives, drugs, cosmetics, or medical or veterinary device or products; Distilled spirits, wine, or malt beverage intended for nonindustrial use; Consumer products; Agricultural or vegetable seed treated with pesticides; hazardous wastes defined and regulated by the Resource Conservation and Recovery Act; Hazardous substances planned for remedial or removal action under the Comprehensive	Exemptions include: Articles; wood or wood products, including lumber which will not be processed; tobacco, or tobacco products; Food or alcoholic beverages which are sold, used, or prepared in a retail establishment; Any drug, as defined in the Federal Food, Drug, and Cosmetic Act , when it is in solid, final form for direct administration to the patient; drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment; and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies); Cosmetics which are packaged for sale to consumers in a retail establishment; Any consumer product or hazardous substance, defined in the Consumer Product Safety Act and Federal Hazardous Substances Act; Nuisance particulates; Ionizing and nonionizing radiation; Biological hazards.

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
					Environmental Response, Compensation and Liability Act.	
	Consumer	Signal Word and statement(s) of hazard. (can use condensed statements) Keep out of the reach of children/on immediate container but not necessarily principal display panel. Can be on outside package if a one use only product.	Exemptions are based on risk and not on size of container or chemical concentration. 16 C.F.R. § 1500.83 has specific requirements for reduced labeling or exemptions from full labeling requirements for certain small packages, minor hazards and special circumstances. All of the exemptions from full labeling are formally granted requests for exemption (petitions) under Section 3(c) of the FHSA (15 U.S.C. § 1262(c)).	Yes. There is a difference between the required labeling for workplace and hazardous household substances. If a workplace chemical is also available for consumer purchase as a household substance then the cautionary labeling on the product would be required to meet the minimum requirements of the FHSA in addition to any requirements by OSHA.	Small packages where there is no hazard (based on risk, i.e. low volume flammable substances, any mixture containing 24% or less water miscible alcohols by volume, in aqueous solution.	
	Pesticides	There are no exemptions from the requirement for "full" labelling" based solely on the size of container or package. The term "label" is defined as "the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers."	As explained in previous column, there are no exemptions based solely on size of container or package. Exemptions may be based on use pattern/likelihood of exposure. In the example cited, such indoor residential use products may be	No distinction between the hazard labelling required based on size of container or package. Some pesticides are designated as "restricted use pesticides" due to their toxicity/product characteristics. These	None based solely on size.	See Label Review Manual at http://www.epa.gov/oppfead1/labelling/lrm/chap-03.htm#definition And Title 40 <i>Code of Federal Regulations</i> Part 156, at

		Label elements to be present in all cases on immediate container / inner packaging when it is not possible to meet the "full" labelling requirements	Criteria triggering exemptions/derogations from "full" labelling requirements	Distinction workplace and consumer ?	Total exemption of labelling	Other relevant provisions
		<p>ALL required labelling must accompany the product and must be reviewed and accepted by EPA. In cases of small packages, the review and approval includes consideration of what must be included on the Principal Display Panel, immediate container, etc.</p> <p>Generally, we have required certain information to appear even on small container labels, including the ingredient statement, signal word, skull & crossbones (when required), child hazard warning, EPA Registration Number and Establishment Number, the phrase "Restricted Use Pesticide" (when applicable) and a reference to any accompanying labelling/pamphlets.</p> <p>EXAMPLE: a flea and tick control product for dogs may be supplied in single use tubes in a larger package. The individual tubes are labelled with the product identifier (including the EPA Registration number, total volume contained in the tube (1.5 ml), brand name, and identify and percentage of active ingredients), signal word, KOROC statement, the statement "Read directions & precautions before using" and, in this example, a circle with a slash pictogram indicating that it should not be used on cats.</p>	<p>exempted from the requirement for labelling for aquatic toxicity hazards, since the likelihood of exposure to the aquatic environment is remote.</p>	<p>pesticides may only be purchased and used by , specially trained and certified applicators, and may include the same ingredients as pesticides that are not restricted, in higher concentrations. RUPs must include full label information regardless of size.</p>		

Annex II

Thought starter for consideration by the correspondence group Developing guidance to address the distinction between workplace chemicals and consumer chemicals

Background

1. Label is defined in Chapter 1.2 of the GHS:

“*Label* means an appropriate group of written, printed or graphic information elements concerning a hazardous product, selected as relevant to the target sector(s), that is affixed to, printed on, or attached to the immediate container of a hazardous product, or to the outside packaging of a hazardous product.”

2. Workers usually have mandatory training in addition to the label, workplace placards and safety data sheet for information on hazards pertaining to the chemical.
3. The general public /consumers rely principally on the label.
4. Some competent authorities allow label information to be attached, such as tag-ons, brochures etc. Others only allow information to be directly affixed on the immediate container.
5. Addressing the differences between workplace chemicals and consumer chemicals may facilitate progress in determining which label elements must stay on the immediate container (priority) and which ones can be provided elsewhere.

Way forward: Determining agreement on some general principles

6. The scope of this discussion should be limited to workers using workplace chemicals and the general public using consumer chemicals. Pesticides or pest control products should be included, since the products straddle both categories of users.
7. This will not address gray zone groups of:
 - (a) Self-employed individuals (eg. artists, hobbyists, housekeepers) who may use workplace chemicals, obtained either by special contacts or through the retail marketplace;
 - (b) Individuals who may have the initiative and access to supplemental information via various web sites, nor of;
 - (c) Low literacy or illiterate users.

8. The minimum requirements for labelling the immediate container should take into consideration:

- (a) The level of protection needed;
- (b) The expected level of training of the target user, and;
- (c) protection of the first-time and non-trained user.

9. Consideration may be given to:

- (a) How to separate the discussion of user protection from any requirements in regulations that exacerbate the difficulties in labelling small packagings, e.g.: language requirements;
- (b) Due diligence and liability concerns on the part of both the competent authority and industry.

Annex III

Thought starter for consideration by the correspondence group Packaging terminology/definitions

Issue

1. The GHS contains a number of packaging terms which are not currently defined in GHS Chapter 1.2. It has been identified that such terms may be defined in the TDG but there may be a difference in usage between transport and supply.

Background

2. Working document ST/SG/AC.10/C.4/2006/10 (Definitions of means of containment) identified the various packaging terms used in the GHS and noted that such terms were not defined in GHS Chapter 1.2.

3. The various packaging terms currently used in the GHS were listed in Annex II to UN/SCEGHS/17/INF.9 together with the definition from the TDG where appropriate. Following a review of this list at the Correspondence Group meeting in June 2009, it was agreed that any discrepancies between GHS understanding and the TDG definition of packaging terms should be identified with a view to bringing forward possible solutions for consideration by the Correspondence Group at their meeting in December 2009.

Way forward

4. The term '**Container**' in TDG has a completely different meaning compared to its usage for supply. The Correspondence Group may wish to consider bringing forward the following definition (which is based on the TDG definition of a receptacle) for inclusion in GHS Chapter 1.2:

***Container** – For supply and use purposes, means a containment vessel (such as a bottle, can, jug, carton or drum) for receiving and holding [hazardous] substances or mixtures, including any means of closing.*

Note: In the TDG, receptacle appears in the French version as 'réipient' and in the Spanish version as 'recipiente'. Translation of these terms back into English using Babel Fish gives the result as 'container'. The terms 'le réipient' and 'el recipiente' appear in the respective language versions of the GHS definition of a label.

5. The term '**Immediate Container**' is not defined as such in the TDG. The Correspondence Group may wish to consider bringing forward the following definition for inclusion in GHS Chapter 1.2:

***Immediate Container** – For supply and use purposes, means the [layer of] packaging that is in direct contact with the hazardous substance or mixture.*

6. With regard to the terms '**Package**' and '**Packaging**', the Correspondence Group may wish to consider bringing forward the following definitions (which are based on the respective TDG definitions) for inclusion in GHS Chapter 1.2:

***Package** means the complete product of the packing operation, consisting of the packaging and its contents prepared for transport or storage or use.*

***Packaging** means a container and any other components or materials necessary for the container to perform its containment function.*

7. The GHS Chapter 1.2 definition of a label includes the term '**Outside Packaging**'. This term is not defined in either the GHS or the TDG.

8. An initial thought would be to amend the GHS definition of a label to use the term 'outer packaging' instead of 'outside packaging'. However, the definition of 'outer packaging' in the TDG ('*the outer protection of a composite or combination packaging together with any absorbent materials, cushioning and any other components necessary to contain and protect inner receptacles or inner packagings*') is considered not to be appropriate for this particular usage in GHS. 'Inner packaging' in TDG is defined as '*a packaging for which an outer packaging is required for transport*'.

9. As the term 'outside packaging' in GHS could mean either outer or inner packaging, the Correspondence Group may wish to consider amending the GHS definition of a label to:

***Label** means an appropriate group of written, printed or graphic information elements concerning a hazardous product, selected as relevant to the target sector(s) that is affixed to, printed on, or attached to the immediate container of a hazardous product, or to the ~~outside~~ [subsequent layers of] packaging of a hazardous product.*
