

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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DEVELOPMENT OF GUIDANCE ON THE APPLICATION OF GHS CRITERIA

Options for sector/substance specific guidance in the GHS

Transmitted by International Petroleum Industry Environmental Conservation Association (IPIECA)

Overview

1. At the 16th session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS), the Sub-Committee recognized the need for further discussion on its relationship to sector/substance specific guidance (see ST/SG/AC.10/C.4/32). In this information document, we suggest that additional steps could be taken by the Sub-Committee to accelerate GHS implementation by encouraging, supporting, and promoting sector specific guidance. Below IPIECA reviews possible approaches to address sector specific guidance associated with the GHS.

Background

2. Various industry sectors are working to ensure their members are familiar with the GHS framework. Outreach efforts have occurred in areas such as the metals and mining, petroleum, and chemicals industries. These industries aim to ensure awareness by members and provide guidance and interpretation relevant to substances and mixtures specific to their industries.

3. The GHS lacks a broadly recognized approach for ensuring that the best information is consistently applied to GHS implementation for certain sectors, for example in situations where an industry has developed guidance on GHS application for its sector. It has been IPIECA's experience that, while the GHS principles are robust, there are complexities and idiosyncrasies associated with their application to specific materials such as petroleum substances. The IPIECA GHS guidance submitted to UNSCEGHS (see ST/SG/AC.10/C.4/2009/7) suggests arranging petroleum substances logically in groups of "similar" substances (product groups), which facilitates read-across for purposes of consistent classification and minimizes unnecessary testing. The IPIECA guidance also informs the user that there are certain hazardous constituents, which should be considered in classification decisions when there is limited data on the complete substance. Without this relevant information, the uninformed might view all petroleum substances as conventional mixtures and base all classification decisions solely on component information.

4. The concept of sector guidance is consistent with the aims of the UN Strategic Approach to International Chemicals Management (SAICM). SAICM goals include promoting industry participation and responsibility; establishing a clearing house for information on chemical safety to optimize the use of resources; strengthening the exchange of technical information among the academic, industrial, governmental, and intergovernmental sectors; and other goals related to chemicals management (see SAICM Global Plan of Action).

Role of the UNSCEGHS

5. A stated role of UNSCEGHS “is to make guidance available on the application of the system and the interpretation and use of technical criteria to support consistency of application”¹. It would appear that any beneficial approach to assisting with the implementation of GHS is within the scope of the Sub-Committee.

Presentation of broad policy options to address need for sector specific guidance

6. *Zero option.*

Under this scenario implementation of the GHS framework would proceed status quo and industry would work with local governments to promote international consistency.

- (a) Advantages associated with this option include: retains the status quo; and permits maximum flexibility for member state GHS implementation.
- (b) Disadvantages associated with this option include: missed opportunity to leverage global expertise in a sector; and lowest assurance level for consistency of classification.

7. *In-house option.*

Under this scenario UNSCEGHS would compile an international list of GHS classifications by substance (e.g. in the “Purple Book” or on the UNSCEGHS website). While this has been informally discussed within the Sub-Committee, this approach would represent the most significant change for the Sub-Committee.

- (a) Advantages associated with this option include: Sub-Committee has highest degree of control over quality of work product; greatest leverage of effort globally; and greatest level of harmonization globally.
- (b) Disadvantages associated with this option include: requires rationalization of differences between member state regulations; and impact on resources to deliver timely work product.

8. *Leveraged option.*

Under this scenario the relevant industry sector would commit to maintenance of certain data and information (e.g. in the “Purple Book” or on the UNSCEGHS website) and the Sub-Committee would formally acknowledge and promote the voluntary adoption of the guidance by member states. Varying degrees of oversight would be applied as needed.

¹ See published mandate of the Sub-Committee of Experts on the GHS:
(http://www.unece.org/trans/danger/publi/ghs/mandate_e.html)

- (a) Advantages associated with this option include: lowest cost for UNSCEGHS secretariat; industry expertise utilized; and work product shared with member states.
- (b) Disadvantages associated with this option include: need to address situations where local regulatory frameworks differ from analysis; and initially certain sectors may not be prepared to participate.

9. *Acknowledgement option.*

Under this scenario industry would maintain the content of the guidance and UNSCEGHS would acknowledge the guidance by posting it on the UNSCEGHS website. To avoid the Sub-Committee being placed in a situation of having to endorse the technical merits of sector specific guidance, we suggest posting the guidance on the UNSCEGHS website in a section set aside for sector specific guidance. The Sub-Committee would add whatever qualifications deemed necessary to the website acknowledging the need for guidance for the given sector and clearly indicating that the Sub-Committee has not taken a formal position on the technical merits of the guidance. Industry would be tasked with the responsibility of updating the guidance as necessary, thereby providing “in kind” support to UNSCEGHS. This approach would appropriately limit responsibility of the Sub-Committee and would provide an opportunity to develop experience with the creation and application of sector-specific guidance.

- (a) Advantages associated with this option include: low cost for UNSCEGHS secretariat; industry expertise utilized; a transparent mechanism is provided to share work product and leanings with member states; and no need for formal technical endorsement by the Sub-Committee.
- (b) Disadvantages associated with this option include: no formal endorsement by the Sub-Committee and initially certain sectors may not be prepared to participate.

10. *Standard option.*

Under this scenario industry would establish a global standard for the guidance. The standard would be developed by an accredited standard developing organization, such as the International Organization for Standardization (ISO).

- (a) Advantages associated with this option include: low cost for UNSCEGHS secretariat; industry expertise utilized; and no need for formal technical endorsement by the Sub-Committee.
- (b) Disadvantages associated with this option include: no formal endorsement by the Sub-Committee; limited opportunity to engage Sub-Committee and member states in standard development; barriers to standard and thus guidance dissemination; and may undermine use of guidance during a critical time for GHS implementation.

Action requested of the UNSCEGHS

11. IPIECA requests that the UNSCEGHS considers the options presented herein – and possibly others – and advise its preferred route of communicating sector specific guidance.
