

## 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

#### Reports from Governments or Organisations

#### Consumer and Pesticide Chemicals - Potential Implementation Issues for the Adoption of the GHS in Australia

#### Transmitted by the expert from Australia

### Background

1. Within Australia, government agencies are currently actively engaged in discussions with stakeholders on the possible adoption of the GHS. However, no government decision has yet been taken on the form or timing of GHS adoption, particularly in relation to consumer products and pesticides. Further analysis (particularly a cost/benefit analysis) is required in all sectors before decisions are made. This information paper highlights some emerging issues that Australian authorities may need to address in any implementation process and seeks to promote discussion and exchange of information between countries on GHS implementation issues.<sup>1</sup>
2. Australia continues to support the international adoption of the GHS and work is progressing across the various chemical sectors in consulting with stakeholders and assessing the implications for government, industry and consumers. Progress within the industrial workplace and transport sectors is the most advanced.
3. Australia has an established comprehensive approach to the classification and risk-based labelling of consumer products and pesticides. Work is continuing to establish whether the adoption of the GHS may enhance the regulation of these 'defined-use' products and their safe management by end-users and others.

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<sup>1</sup> This paper seeks to promote discussion on issues of GHS implementation. It does not necessarily represent the final views of the Australian Government.

4. This paper summarises the Australian status of GHS in the following areas with regard to human health considerations (environmental issues are not considered here):
  - industrial/workplace chemicals
  - transport
  - agriculture (pesticides)
  - consumer products.
5. The paper raises issues to be addressed by governments at the federal, state and territory levels in Australia and which other countries may also be addressing. These issues, particularly in regard to the adoption of GHS in respect to consumer products and pesticides, remain under consideration and no final government decision has been made on how harmonisation with GHS might be achieved.

### **Issues with the Implementation of the GHS in Australia**

#### ***Risk-based labelling***

6. The main issue which needs to be considered is the possible consequences of departing from Australia's long standing risk-based labelling arrangements which have proved to be effective in managing the human health and environment risks of chemical use, especially for defined use products such as consumer products and pesticides. Risk-based labelling for these products:
  - Value-adds by communicating the outcome of a rigorous risk assessment process such as is the case with pesticides.
  - Ensures labels meet the information needs of different users.
  - Avoids irrelevant information being included that may lead to cluttered labels, confusion in interpretation and ultimately labels falling into disrepute.
  - Minimises user risk in areas such as pesticides because the label information for the management of health and environmental risks is provided as a result of an expert rigorous assessment which users are unlikely to undertake themselves. where currently, labels for well defined and approved purposes (use-patterns), are expertly assessed for occupational health and safety risks which far exceeds in rigor, any risk assessment likely to be undertaken by users.
  - Allows users to comply with legislative requirements or standards as against requiring risk assessment decisions by users.
  - Assists users to choose products that may present lower risk.
  - Helps to avoid uncertainty in regard to risks associated with exposure to certain products which minimises the need for consumers to seek information through alternative means, for example the health system including doctors, poison information centres, hospitals.
7. Throughout discussions on the adoption of the GHS into sectors other than workplace, Australian industry, consumers and some sectors of government have expressed strong support for the continuation of a scientific, risk-based approach to labelling. Labelling that highlights the particular needs and requirements of the intended end-user sector is considered essential.
8. Therefore, Australia would need to be assured that, with the adoption of the GHS, there will be no reduction in the protection of human health and the environment currently afforded by our risk-based approach. In this regard, the GHS will need to be considered against Australia's risk-

based arrangements. Initial consideration, particularly in respect of consumer products and pesticides, indicates that some aspects of the GHS may not enhance the current system.

### ***Signal Words***

9. In Australia, the legislative controls over chemicals in respect to distribution, storage and supply (including labelling and packaging) are vested with state and territory governments. Embodied in state and territory legislation for consumer products and pesticides are existing classification categories (schedules) which determine distribution, storage and supply arrangements. The relevant Australian schedules for consumer products and pesticides (Schedules 5, 6 and 7) further establish signal words [“Warning” (Schedule 5), “Poison” (Schedule 6), and “Dangerous Poison” (Schedule 7)]. These signal words have been in existence for many years and their meaning and interpretation are well known to chemical users. However, they differ from the GHS signal words, and therefore the adoption of GHS signal words (though similar to those currently prescribed) may lead to confusion thereby increasing risk in the safe use of chemicals.
10. In addition, industry and government would face increased costs because of the need for:
  - product labels to be amended.
  - users to be educated as to what the new signal words mean including revision to
    - outreach support materials, such as pesticide safety and user manuals, and
    - user training and accreditation programs.
  - legislation underpinning the current signal words to be amended.

These costs may be significant and will need to be carefully considered.

### ***Pictograms***

11. Pictograms are currently used on consumer products and pesticides where they are required by transport regulations. Regulators, particularly in the public health arena, have reservations about the wider adoption of pictograms without evaluation under local conditions. There is also concern that a GHS label may include information (for example pictograms) which does not reflect the actual risks associated with the product. In Australia, the information included on a product label results from a risk assessment which considers factors in addition to the inherent hazards of the chemical product. These include its packaging, proposed use, extent and likelihood of exposure to humans and the environment, formulation, potential for abuse, safety in use, need for the substance and other potential risks to health and the environment from its use.
12. Furthermore, consumer confidence has been established within the framework of the existing system of signal words, with less emphasis on pictograms following a move away from the pictogram approach some 15 years ago (phase out of skull and crossbones for consumer goods). There may therefore be some reservation in moving back towards pictograms.
13. As with signal words, the introduction of pictograms more widely would require an accompanying education program which would have cost implications.

### **Moving Towards Adopting GHS**

14. The issues that have been raised in Australia are being addressed on a sector by sector basis. Therefore, full harmonization with all aspects of the GHS across all sectors may not be the eventual outcome. In respect to consumer products and pesticides, a policy of being ‘GHS

compatible' has been suggested as a possibility. In this regard, we note that under GHS, competent authorities can decide how, and whether, to apply the various elements of the GHS based on the need to ensure that the information of the target audiences are met so that human health and environment risks are managed. Furthermore, the GHS also provides for a building block approach, the definition of which remains under discussion.

### **A New “Building Block” Paradigm Outside of Workplace Chemicals**

15. While not consistent with the current GHS building block approach, it may be useful, having regard to the emerging issues associated with the implementation of the GHS and the desirability of maintaining a risk-based approach to labelling within non-workplace sectors, to consider the adoption of GHS on a sector by sector basis rather than across sectors. This greater level of flexibility for sectors other than workplace, may over time, encourage through a different approach to the building block approach, a wider adoption of GHS by more countries. In the Australian context, the possible adoption of GHS on a sector by sector basis is represented at Annex 1.
16. As noted above, initial consideration of the GHS indicates that, for consumer products and pesticides, adoption of certain aspects of the GHS may not enhance, and could in fact compromise, Australia's current risk-based system of labelling. Therefore, it is possible that Australia would maintain its risk-based labelling for these products and may:
  - not adopt the GHS signal words applying to health hazards noting, however, that existing signal word requirements are similar to the GHS and adoption in the longer term may be possible,
  - not adopt the full range of GHS pictograms.
17. However, it may be possible to adopt the following aspects across all sectors since they are in-keeping with current requirements and initial consideration suggests that they would not compromise our risk-based labelling for consumer products and pesticides:
  - GHS classification,
  - GHS hazard and precautionary statements.
18. The possible approach to the adoption of the GHS with more emphasis on harmonising with individual GHS elements rather than attempting to achieve harmonisation across all sectors is represented at Annex B and appears to have some support within the chemical industry and by consumers. If the approach was accepted by governments, it would mean that the GHS might be fully adopted in the industrial and transport sectors, but that in other sectors, Australia would be 'GHS compliant' across key elements of the GHS rather than being harmonized with GHS.
19. Australian authorities have noted that other countries have commenced implementation of the GHS or have commenced consultation with industry and other stakeholders. We would welcome information on the issues that arise, particularly in respect to GHS implementation arrangements. Such exchange would help to promote harmonization of approach between countries, thereby maximizing the full international benefits offered by GHS.
20. Exchange of information on the implementation of the GHS can be via the Head of Delegation.

## Annex 1

### Possible Approach to the Adoption of GHS Elements for Individual Chemical Sectors - Australia

GHS Element Sector	Classification Criteria	Signal Words	Hazard & Precautionary Statements	Pictograms	Labelling
<b>Industrial Workplace</b>	Adoption of GHS Criteria (Scope under consideration)	Adoption of GHS signal words	Adoption of GHS Statements	Adoption of GHS Pictograms	Hazard communication
<b>Transport</b>	Adoption of GHS Criteria (Being harmonised with UN Model Regulations)	N/A	N/A	Adoption of GHS Pictograms	Hazard communication
<b>Agriculture (Pesticides - Farm &amp; Consumer)</b>	Adoption of GHS Criteria (Scope under consideration)	Warning (Schedule 5) Danger (Schedule 6) Dangerous Poison (Schedule 7)	Adoption of GHS statements where applicable. (Health Related)	Limited to certain physical hazards only	Based on the likelihood of harm (risk communication that may contain GHS hazard and precautionary statements)
<b>Consumer</b>	Adoption of GHS Criteria (Scope under consideration)	Warning (Schedule 5) Danger (Schedule 6)	Adoption of GHS statements where applicable. (Health Related)	Limited to certain physical hazards only	Based on the likelihood of harm (risk communication that may contain GHS hazard and precautionary statements)

	Adoption of GHS Criteria
	Partial Adoption of GHS
	Non-Adoption at this time
	Continuation of current policies

## Annex 2

ADOPTION OF GHS SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS THROUGH BUILDING BLOCKS (PILLARS) OF SUPPORT										
GHS Element Sector		Classification		Signal word		Hazard & Precautionary Statements		Pictograms		Labelling (GHS Compatible)
<b>Workplace</b> ◀ →		✓		✓		✓		✓		✓ Hazard Communication
<b>Transport</b> →		✓		N/A		N/A		✓		✓ Hazard Communication
<b>Agriculture (Pesticides)</b> →		✓		x <sup>1</sup>		✓		✓/x <sup>2</sup> Physical Hazards Only		✓/x <sup>3</sup>
<b>Consumer</b> →		✓		x <sup>1</sup>		✓		✓/x <sup>2</sup> Physical Hazards Only		✓/x <sup>3</sup>

Notes: 1 = GHS signal words are currently incompatible with legislated requirements.  
 2 = Some uses of pictograms are currently opposed by regulators of consumer products and pesticide.  
 3 = May be a mix of GHS and non-GHS labelling depending on use situation.