

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**

28 November 2016

Thirty-second session

Geneva, 7-9 December 2016

Item 4 (a) of the provisional agenda

**Implementation of the GHS: Development of a list of chemicals
classified in accordance with the GHS**

Assessing the potential development of a global list of classified chemicals

**Transmitted by the expert from the United States of America on behalf
of the informal correspondence group**

Purpose

1. The purpose of this document is to provide an update on the work undertaken by the informal correspondence group assessing the potential development of a global list of classified chemicals, and an agenda for the group's meeting at the 32nd Session.

Background and update

2. During the 28th Session, the Sub-Committee agreed to a plan of work in the pilot classification project, the three chemicals that would be evaluated in the pilot, and a provisional timeline for the project. (ST/SG/AC.10/C.4/56, paragraphs 50-53; Inf. 22, 28th Sess.)

3. The OECD agreed to coordinate the development of draft classifications and data assessments in the pilot project. The OECD's work is complete. A summary of its work is found in ST/SG/AC.10/C.4/2016/18, and the OECD's full report is found in Inf. 4.

4. The OECD's report contains several specific learnings on a number of technical issues, and shows that it was possible to reach agreed nonbinding classifications through the process. It also determined that on average 38 days was spent drafting and updating reports per sponsor, and an average 5 days spent reviewing the reports per reviewer.

5. The informal correspondence group held a teleconference on September 22, 2016, and a copy of the minutes of that meeting is attached as Annex 1. The group discussed three items: the second phase of the pilot project, the list comparison previously prepared by the US, and a proposed scope of work for the coming biennium.

Phase 2 of the pilot project

6. At the meeting in Geneva last July, the correspondence group discussed next steps in the pilot project. It was noted that a GHS harmonized classification might impact the regulations or recommendations of other bodies, including the TDG Sub-Committee and

the IMO, and in particular, the Secretariat noted that the draft classification arrived at in the OECD for DCPD might warrant a reclassification under TDG. The correspondence group agreed to include a mock exercise in the second phase of the pilot project, which would simulate the process the Sub-Committee might follow in adopting a classification based on the OECD report, using the draft classification for DCPD as the subject (ST/SG/AC.10/C.4/62 para 36(b)).

7. The correspondence group discussed the second phase further in the September teleconference. The group agreed that intent of the pilot phase 2 proposal was not that the Subcommittee decided whether or not to adopt the draft classifications. Rather, and especially in light of the concerns heard in July from the TDG Secretariat and the IMO, it would be to examine concerns that might be raised in the Subcommittee's consideration of a draft classification, and to consider what kind of additional work might be necessary to address those concerns.

8. In addition, the correspondence group considered that it was important to preserve the role of the GHS Sub-Committee as the body to decide whether or not to adopt the draft classification. Thus, this would not be an appropriate topic of discussion at a joint meeting of the GHS and TDG sub-committees because this might be seen as giving the transport sector an unfair advantage. Nonetheless, the group agreed that in the second phase of the pilot project, the DCPD report should be cross listed with the TDG, given the Secretariat's concern about the effect of the draft classification on transport, to ensure that TDG is notified and has the opportunity to provide any comments.

List comparison

9. In the September teleconference, the correspondence group also considered the comparison of the ECHA RAC opinions to the Japanese classifications prepared by the United States. See Inf. 21, 31st Sess., Add. 3. The group agreed that in the coming biennium, it would be useful to prepare a list of common classifications, by chemical, based on the EU-Japan comparison. Such a list could be a helpful resource to persons classifying those chemicals in the future.

Scope of work

10. The correspondence group agreed that in the coming biennium, it should complete the classification pilot project and the list comparison. In addition, the correspondence group was concerned about whether there was sufficient interest in the project at this time, particularly among industry stakeholders. As a result, the group considered that in the coming biennium, it should examine whether there was sufficient interest to warrant additional work at this time, or whether additional work should be deferred for the time being.

11. Should there be sufficient interest to continue the work, the group agreed that the next question to be considered would be what role the Sub-Committee should take on in developing a list, including preparing classifications from scratch, identifying commonalities and variances in existing classifications, and/or working to resolve variances that are identified.

Meeting agenda

12. Interested persons are invited to attend the meeting of the correspondence group in the plenary room during a break in the 31st Session of the GHS Sub-Committee on the afternoon of 7 December 2016. A proposed agenda follows:

- (a) OECD report on the pilot project and discussion of general and technical learnings.
 - (i) Observations and comments on the results and resources used.
 - (ii) Should the Sub-committee study any of the issues raised in the OECD's technical learnings further?
- (b) Planning of Phase 2 of the Pilot Project (see Annex 2).
- (c) Scope of work for the coming biennium (see proposed scope of work in Annex 1).

Annex 1

Minutes of 22 September 2016 teleconference

REPORT ON 22 SEPTEMBER 2016 TELECONFERENCE

UNSCEGHS Classification List Correspondence Group

Participants: Edmund Baird, Chair, and representatives from the OECD, Canada, ECHA, EU, the Netherlands, and the United Kingdom.

The teleconference started at 6:30 am Washington DC time.

1. Recap of last July's meeting

Concern was expressed by some experts about whether the Sub-committee's report accurately reflected the agreement of the working group on the next portion of the pilot project. In particular, concern was expressed by experts from the EU and the UK over (1) whether the Sub-committee would make a formal determination to accept the OECD draft classifications, and (2) whether the draft classification for DCPD should be discussed at the next joint meeting with the TDG Sub-Committee, or rather by the GHS Sub-Committee. On the first of these concerns, the chair stated that it was not the intent of the pilot phase 2 proposal that the Subcommittee decide whether or not to adopt the draft classifications. Rather, and especially in light of the concerns heard in July from the TDG Secretariat and the IMO, it would be to examine concerns that might be raised in the Subcommittee's consideration of a draft classification, and to consider the what kind of additional work might be necessary to address those concerns. There was general agreement to this approach, with the UK noting that the Sub-committee would be examining issues of process, rather than the substance of the classification. The expert from ECHA stated her view that at this level, the consultation would not be in the expectation of obtaining new data, since there was an opportunity to participate in the technical side of the classification at the OECD level.

On the second issue, the concern was that consideration of the classification should be by the GHS Subcommittee only, rather than the TDG. While it would be valuable to receive comment from other interested international bodies, it was felt that it should be the GHS Subcommittee that hears it, rather than by acting in conjunction with the TDG. Consideration of the classification should not be done in a joint meeting with the TDG, because this might be seen as giving the transport sector an unfair advantage. There was agreement to the Chair's suggestion that the DCPD report nonetheless be cross listed, given the Secretariat's concern about the effect of the draft classification on transport, to ensure that TDG is notified and has the opportunity to provide any comments.

2. List comparison

The working group considered the comparison of the EU and Japanese classifications lists prepared by the United States. These two competent authorities were chosen because each complied with the guiding principles to some extent. The RAC opinions are reached through a transparent process that allow for interested parties to comment and contained detailed explanations of the decision; the Japanese list provides less detail but contains notations of studies relied on for various endpoints. The expert from ECHA explained that the RAC does not necessarily reach decisions on all endpoints,

but usually focuses on CMRs and respiratory sensitizers for industrial chemicals. If a country wished additional endpoints classified, it would have to provide a justification, such as variances in self classification. The expert from ECHA also noted that the prepared classification did not note where the RAC had affirmatively determined that no classification was appropriate.

The group agreed that it would be useful to prepare a list of common classifications, by chemical, based on the EU-Japan comparison. Such a list could be a helpful resource to persons classifying those chemicals in the future. The US agreed to prepare that list.

3. Scope of work for coming biennium

The group discussed the future of the GHS Global List initiative. While there was agreement that there was merit in the idea of a harmonized global list in the abstract, both for industry and for competent authorities that might wish to implement a classification, we noted that it seemed that there was not a great deal of interest in the project at the current time, particularly among industry stakeholders. We therefore agreed that after completing the work we've started, we next consider whether there is sufficient interest in the project to warrant additional work at this time. If there is, the working group should consider the various roles that the GHS Sub-Committee might perform in that effort, including preparing classifications from scratch, identifying commonalities and variances in existing classifications, and/or working to resolve variances that are identified. The proposed scope of work would read as follows:

- (a) Complete chemical classification pilot project
- (b) Complete proposed list comparison, looking for endpoints in which the EU and Japan classifications agree
- (c) Consider whether there is sufficient interest to warrant additional work at this time on the Global List project, or whether the work of the correspondence should be put on hold until additional interest develops.
- (d) If the work moves ahead, consider the proper role of the GHS Sub-Committee in that effort, including:
 - (i) Identifying at commonalities and/or variances in existing classifications
 - (ii) Acting as a "trouble shooter" to resolve variances
 - (iii) Preparing classifications from scratch

Annex 2

Pilot project phase 2

Purpose: To examine the issues that might be raised, and the resources needed to address those issues, if Sub-Committee considers whether to adopt a draft classification prepared by the OECD. The Sub-Committee would not adopt a classification in this exercise, but rather conduct a mock exercise looking at the steps it would need to take to do so.

Proposal: The Sub-Committee would select one chemical from the three included in the first phase of the pilot project for the mock exercise. DCPD would be selected, because of the potential impacts of the draft classification arrived at by the OECD on the chemical's treatment under the TDG, as noted by the Secretariat.

1. The Global List Correspondence Group would submit a working paper at the next sessions of both the TDG and GHS sub-committees.
 - (a) The paper would describe the second phase of the pilot project and explain that the GHS Sub-committee was seeking comments it should consider if it were to adopt the OECD's draft classification of DCPD. The paper would make it clear that this was a mock exercise only.
 - (b) Attached to the paper would be the OECD's draft report for DCPD.
2. At its 33rd session, the GHS Sub-committee would consider the comments that it received. In particular, it would consider:
 - (a) Whether any comments it received required additional work to resolve, and
 - (b) If so, what would be required to resolve those issues, and how to determine the resources needed to resolve them.
