

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 5 (c) of the provisional agenda

**Implementation of the GHS:
cooperation with other bodies or international organizations.**

New OECD Council Act on Co-operative Investigation and Risk Reduction of Chemicals

Transmitted by the OECD Secretariat

Introduction

1. The informal document updates the Sub-Committee that the Council of the Organisation for Economic Co-operation and Development (OECD) has recently adopted an updated Decision-Recommendation on the Co-operative Investigation and Risk Reduction of Chemicals that includes Decisions and Recommendations pertaining to the Globally Harmonised System of Classification and Labelling.

Background

2. Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework. Decisions are legally binding on all Members and adherents are obliged to implement Decisions. Recommendations are not legally binding but there is an expectation that Adherents will do their utmost to fully implement a Recommendation.

New OECD Council Act

3. The Decision-Recommendation on the Co-operative Investigation and Risk Reduction of Chemicals was adopted on 25 May 2018 by the OECD Council on the proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology (see Annex 1 and also <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0441>).

4. The new Act revises and replaces a 1991 Decision-Recommendation of the Council. The Decision-Recommendation is composed of two parts: Part A focuses on the development of harmonised hazard and exposure assessment methodologies for chemicals, collaborative assessment, information dissemination and sharing the burden of information generation. Part B focuses on risk prevention and reduction including the establishment and

strengthening of national risk reduction programmes, the implementation of the Globally Harmonised System of Classification and Labelling, the undertaking of concerted activities to prevent or reduce the risks of chemicals taking into account a life-cycle perspective and the sharing of best practices regarding risk management approaches including socioeconomic assessment.

5. The GHS related text can be found in the risk prevention and reduction section of the Act in paragraph IX and X.

IX. DECIDES that Adherents shall implement the GHS in order to further hazard communication in the supply chain. Such implementation can be done by Adherents applying those elements of the GHS that are appropriate to them.

X. RECOMMENDS that Adherents communicate and share classifications derived pursuant to the GHS with other Adherents.

6. The inclusion in the Council Act will further GHS implementation across OECD member countries and those countries working to access to the OECD or adhering to its standards.

Annex 1

Decision-Recommendation of the Council on the Co-operative Investigation and Risk Reduction of Chemicals

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council establishing Guidelines in Respect of Procedure and Requirements for Anticipating the Effects of Chemicals on Man and the Environment [C(77)97/Final], the Decision-Recommendation of the Council on the Systematic Investigation of Existing Chemicals [C(87)90(Final)], the Recommendation of the Council on Integrated Pollution Prevention and Control [C(90)164/FINAL], and the Recommendation of the Council on the Safety Testing and Assessment of Manufactured Nanomaterials [C(2013)107];

HAVING REGARD to the experience gained through the implementation of the Decision-Recommendation of the Council on the Co-operative Investigation and Risk Reduction of Existing Chemicals [C(90)163/FINAL], which this Decision-Recommendation replaces;

HAVING REGARD to the work done by the United Nations in the area of chemical safety, in particular in the development of the Globally Harmonised System of Classification and Labelling of Chemicals (GHS), an internationally agreed system for hazard classification and hazard communication for chemicals for improving harmonisation globally;

HAVING REGARD to paragraph 23(c) of the Plan of Implementation of the World Summit on Sustainable Development, which encourages United Nations' members to implement the GHS;

HAVING REGARD to the Dubai Declaration on International Chemicals Management and the Overarching Policy Strategy, adopted by the International Conference on Chemicals Management of 4 to 6 February 2006, as part of the Strategic Approach to International Chemicals Management (SAICM);

HAVING REGARD to the Resolution of the Council on the Implementation of the Strategic Approach to International Chemicals Management (SAICM) [C(2008)32];

HAVING REGARD to the United Nations Environment Assembly (UNEA) Resolution 1/5 on chemicals and waste of June 2014 which "[r]ecognizes the continued relevance of the sound management of chemicals and waste beyond 2020" and "[e]mphasizes that the sound management of chemicals and waste is an essential and integral cross-cutting element of sustainable development and is of great relevance to the sustainable development agenda".

HAVING REGARD to the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development of September 2015 (A/RES/70/1), in particular SDG 12 and Target 12.4 which refer to the sound management of chemicals and waste, SDG 3 on good health and well-being, and SDG 6 on clean water and sanitation;

HAVING REGARD to the precautionary approach articulated in Principle 15 of the United Nations 1992 Rio Declaration on the Environment and Development (A/CONF.151/26), which provides that lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

CONSIDERING that concerted identification, assessment and management of chemicals can produce more efficient use of national and international resources towards prevention or reduction of any risks to the environment or to the health of the general public or workers uncovered in all phases of the life cycle of the chemicals;

CONSIDERING that due consideration should be given to protecting potentially sensitive sub-populations (such as pregnant women, children and the elderly) or ecosystems;

CONSIDERING that decision-making following the assessment of the effects on health and/or the environment for the purpose of preventing or reducing risks should be informed by an understanding of the economic costs and benefits of introducing a control action and an evaluation of the benefits of using the substance and its substitutes;

CONSIDERING that co-operative international efforts constitute an efficient and effective way to apply economic and regulatory approaches for the systematic investigation and prevention or reduction of the risks of hazardous chemicals throughout their life-cycle;

CONSIDERING that strengthened national and co-operative international efforts to investigate, prevent and reduce the risks of hazardous chemicals will substantially alleviate threats of serious or irreversible damage to the environment or human health;

CONSIDERING the efforts to raise awareness of chemicals management within related policy areas such as waste management and resource efficiency in order to increase the sustainability of material cycles;

CONSIDERING that assessments integrate various types of information from predictive models (e.g. animal models, *in vitro* models, *in silico* models), epidemiological studies and field studies in order to identify the potential hazards, exposure and risks of a chemical and that the relative level of confidence and uncertainty in the information is weighed in the context of the particular use and regulatory framework;

On the proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology:

- I. **AGREES** that all references to “chemicals” in this Decision-Recommendation cover bulk form and nanofoms of chemicals, including manufactured nanomaterials.

Co-operative Investigation and Assessment

- II. **DECIDES** that Members and non-Members having adhered to this Decision-Recommendation (hereafter the “**Adherents**”) shall co-operatively develop harmonised hazard and exposure assessment methodologies for chemicals in order to align approaches for identifying those chemicals which may pose a hazard or risk to the environment or human health. This will also include methodologies to prioritise chemicals for regulatory consideration.
- III. **DECIDES** that **Adherents** shall co-operatively elaborate and disseminate agreed hazard, exposure or risk assessments on chemicals of mutual interest and, if relevant, classification and labelling designations for these chemicals.
- IV. **RECOMMENDS** that Adherents, when developing harmonised hazard and exposure assessment methodologies, consider:
- (i) the risks arising from the combined exposure to multiple chemicals;
 - (ii) the elaboration of integrated approaches to testing and assessment including harmonised testing strategies; and
 - (iii) the regulatory applicability of the methods and identify areas of uncertainty which need to be accounted for in their use, especially when assessing hazards of potentially

higher concern such as carcinogenicity, mutagenicity or toxicity for reproduction or the combination of persistence, bioaccumulation and toxicity.

- V. **DECIDES** that Adherents shall make information on hazards and exposure to chemicals obtained from their investigations publicly available, respecting the protection of confidential data and proprietary rights.
- VI. **RECOMMENDS** that, in order to promote efficiencies and effectiveness in chemical assessment, Adherents use the results of investigations of chemicals carried out by other Adherents in preparing assessments of the potential health and environmental impacts of chemicals.
- VII. **RECOMMENDS** that Adherents co-operate to share the burden for data generation and improve access to information on chemicals throughout their life-cycle, respecting data ownership rights.

Risk Prevention or Reduction

- VIII. **DECIDES** that Adherents shall establish or strengthen national programmes aimed at the prevention or reduction of risks from chemicals to the environment and the health of the general public or workers.
- IX. **DECIDES** that Adherents shall implement the GHS in order to further hazard communication in the supply chain. Such implementation can be done by Adherents applying those elements of the GHS that are appropriate to them.
- X. **RECOMMENDS** that Adherents communicate and share classifications derived pursuant to the GHS with other Adherents.
- XI. **RECOMMENDS** that, where appropriate, Adherents identify and undertake concerted activities to prevent or reduce the risks of identified chemicals taking into account the entire life-cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures including: the promotion of new business models such as chemical leasing; the use of cleaner products and technologies; emissions inventories; product labelling; limitations on production or use; economic incentives; substitution with safer alternatives including non-chemical alternatives; and the phase-out or banning of chemicals.
- XII. **RECOMMENDS** that Adherents communicate and share the outcomes of risk assessments, particularly when chemicals are identified as requiring risk management.
- XIII. **RECOMMENDS** that Adherents communicate and share best practices regarding risk management approaches in general and approaches developed for specific chemicals of mutual concern.
- XIV. **RECOMMENDS** that Adherents communicate and share best practices for the socioeconomic assessment of chemicals management.

Dissemination and implementation

- XV. **INVITES** Adherents and the Secretary-General to disseminate this Decision-Recommendation and take the necessary steps to ensure that this work is carried out in co-operation with other international organisations, in particular with the other Participating Organisations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC).
- XVI. **INVITES** non-Adherents to take account of and adhere to this Recommendation.
- XVII. **INSTRUCTS** the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology, to:
 - (i) Facilitate the implementation of this Decision-Recommendation, notably through:

- conducting co-operative work to develop harmonized hazard and exposure assessment methodologies;
 - the development of procedures for the notification and exchange of information on Adherents' activities on assessment of chemicals and on preventing or reducing the risks posed by chemicals;
 - encouraging, where one or more Adherents identify that a chemical may pose a hazard or risk, or implement risk reduction measures in relation to a chemical, other Adherents to report on what similar activities they are engaged in in relation to that identified chemical and associated risk or hazard; and
 - conducting concerted activities to prevent or reduce the risk of specific chemicals or groups of chemicals;
- (i) Promote international awareness of this Decision-Recommendation, with a view to informing, advising and encouraging non-Adherents to participate in the OECD's work in the field of cooperative investigation and risk reduction of chemicals; and
- (ii) Monitor the implementation of this Decision-Recommendation and report to the Council no later than five years following its adoption and regularly thereafter.
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