

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**

18 June 2019

Thirty-seventh session

Geneva, 8-10 July 2019

Item 4 (a) of the provisional agenda

Implementation of the GHS:

**possible development of a list of chemicals classified
in accordance with the GHS**

Potential paths forward for global list project

**Transmitted by the experts from the United States and Canada on
behalf of the informal correspondence group assessing the possible
development of a list of chemicals classified in accordance with the GHS**

Background

1. The Sub-Committee has been studying the possibility of developing a global list of chemicals classified in accordance with the GHS in order to facilitate GHS implementation since 2008 (ST/SG/AC.10/C.4/2008/22 para. 4.4 (g)). This project stemmed from a paper submitted by UNITAR at the fifteenth session of the Sub-Committee, which explained that the development of multiple chemical lists by various competent authorities was creating disharmony and increased the complexity of classifying internationally-distributed chemicals (see UN/SCEGHS/15/INF.32).
2. The Sub-Committee agreed that this was an issue worth exploring; however, it was noted by all commenters that there would be a number of high-level policy decisions to be made about such a list, including who would develop and maintain such a list, before the Sub-Committee could consider whether to proceed with a proposal for a list (ST/SG/AC.10/C.4/2008/22 para. 4.4(g)).
3. Since that time, the Sub-Committee has done considerable work on this project, including conducting a survey of international classification lists, developing a set of guiding principles, conducting a pilot classification project, and comparing classifications of two lists (ST/SG/AC.10/C.4/2017/4).
4. The Sub-Committee's 2010 survey of international classification lists showed that GHS classification lists have been adopted by at least five countries (Australia, Japan, Korea, New Zealand and Switzerland) and the European Union, and that other classification lists are maintained by IMO, the Sub-Committee of Experts on the Transport of Dangerous Goods, and WHO (ST/SG/AC.10/C.4/2017/4, ST/SG/AC.10/C.4/2010/20, informal document INF.5 (20th session)).
5. Next, the Sub-Committee developed a set of guiding principles to govern the development of a global non-binding list. The goal of the guiding principles is to ensure that classifications be developed transparently, with stakeholder input, from publicly available and electronically accessible data, and be non-binding. The guiding principles also direct that all GHS hazard categories and classes be included in the global list, but with the

recognition that development of the list needs to involve priority setting and to proceed in a stepwise fashion (see ST/SG/AC.10/C.4/48, Annex III, ST/SG/AC.10/C.4/2017/4).

6. Following the development of the guiding principles, the Sub-Committee conducted a pilot classification project. The pilot classification project, conducted in conjunction with the OECD, involved posting draft classification reports for three chemicals on a website hosted by the OECD, and inviting all interested parties to provide comments. The documents were then revised based on the comments, and outstanding comments were resolved by way of teleconference. The pilot project was successful in that non-binding consensus classifications were reached for each of the three chemicals. It also showed that significant resources and a sustained commitment would be necessary if the Sub-Committee were to develop a global list this way (ST/SG/AC.10/C.4/2017/4; ST/SG/AC.10/C.4/2017/1).

7. Additionally, the Global List informal correspondence group conducted a comparison of the classifications in CLP Annex VI derived from opinions from the European Chemicals Agency Committee for Risk Assessment (ECHA RAC) and the Japanese classification list. The list comparison showed that, of the 89 chemicals in common to the two lists, none had identical classifications (see ST/SG/AC.10/C.4/2017/4; informal document INF.14 (33rd session)). No further analysis has been conducted to compare the classifications.

Discussion

8. There have been spirited discussions in the Sub-Committee over the last several sessions on the direction of the project. The Global List informal correspondence group last discussed the potential paths forward during a teleconference on 22 February 2018, but did not meet at the thirty-fifth or thirty-sixth session. Most participants at the teleconference expressed a strong desire to move forward in some fashion, but had diverging views on the appropriate next step forward (UN/SCEGHS/35/INF.27).

9. Arguments that have been presented in favour of beginning work on a global list of classifications include:

- (a) The Sub-Committee has identified a process for reaching agreed classifications that works. While substantial effort was required to develop classifications in the pilot project, efficiencies will be found with more experience.
- (b) A list of internationally agreed classifications furthers the goals of the GHS, which is to ensure that users of chemicals have “consistent and appropriate information” worldwide (see para. 1.1.1.3 of the GHS);
- (c) A global list will help countries without their own classification lists ensure consistent hazard communication and GHS implementation. It may be especially beneficial to developing countries considering GHS implementation. This will enhance the protection of human health and provide a recognized framework for countries without an existing system (see para. 1.1.1.4 of the GHS).
- (d) A global list will also help manufacturers and suppliers ensure accurate classifications in countries without classification lists. This will both enhance the protection of human health as well as facilitate international trade (see para. 1.1.1.4 of the GHS);
- (e) Developing a list might lead to potential cost savings or other efficiencies where competent authorities that have adopted mandatory or recommended lists would be able to adopt more classifications by pooling their resources on an international level than by doing so on their own; and

- (f) Finally, in response to concerns about possible conflicts between national, or regional, legally binding lists and an international non-binding list, experts in favor of a global list argued that an additional global review of classifications should only improve their scientific accuracy.
10. Concerns that have been presented about going forward with a global list include:
- (a) The pilot project has shown that developing a list of harmonized classified substances would require substantial resources;
 - (b) Work on the international level might unnecessarily lead to duplication of work already done at the competent authority level; and
 - (c) Differing results in a global list might undermine the credibility of a competent authority's binding list and might create potential legal issues in the enforcement of the competent authority's classifications.

In considering next steps, the group should consider priorities and potential work streams as listed below.

Potential work streams

11. Work stream A: Continue to research and analyse the existing classification lists.
- (a) The Sub-Committee could compile information on widely-used lists (e.g., national, regional, third-party lists) that follow the GHS, including how the list was developed, whether the rationale and data underlying the classification is available, whether the list is legally binding, and what building blocks were adopted in the implementation for which the list was prepared. Some experts at the thirty-fifth session commented this could be done before deciding on further steps (ST/SG/AC.10/C.4/70, para. 69).
 - (b) The Sub-Committee could then develop a matrix comparing these lists to the guiding principles (ST/SG/AC.10/C.4/48, Annex III).
 - (c) Based on that comparison, the Sub-Committee could further evaluate a subset of these lists (e.g., lists that best comport with the guiding principles) by hazard class or category or compare classification of high-volume chemicals (in terms of trade or production).
 - (d) This could provide transparency about the classifications that currently exist and can provide a starting point for understanding differences in the lists as well as the opportunity to identify where problems or patterns exist. In this capacity, the role of the informal correspondence group would be to identify where the problems or patterns exist and present these to the Sub-Committee.
 - (e) If a detailed analysis of the problems or patterns reveals issues with the application or implementation of the classification criteria, the informal correspondence group could present these findings to the Sub-Committee. If the Sub-Committee agrees that the disharmony is due to issues with the classification criteria itself, it could recommend the Practical Classification Issues working group clarify the criteria or give further guidance on how to apply the criteria.
 - (f) Additionally, this work could provide a basis for considering the options in the below work streams.
12. Work stream B: Further explore possibilities to develop a global list.
- (a) While many commenters were concerned about the time, effort, and consequences for countries that have already developed a binding list, the Sub-

Committee might want to consider developing a list of classifications for mutually agreed upon chemicals or reviewing chemical classifications on a case-by-case basis.

- (b) Alternatively, the Sub-Committee could explore endorsing an existing internationally-recognized third party classification list that meets the guiding principles and support its further development.

- (i) For example, the WHO/ILO International Chemical Safety Cards (ICSCs), which are developed through robust consensus process involving 20-25 experts from 18 countries; they present the GHS pictogram, signal word, and hazard statement but they do not contain the classification. Some work and resources would be required to make the GHS classification rationale and supporting data publically available.

- (ii) Another example is the UN Dangerous Goods List, which has over 2000 entries.

- (iii) Are there other third-party lists that the Sub-Committee could consider?

- (c) A third option would be to extend OECD's eChemPortal in some fashion.

- (i) The eChemPortal contains information on several existing GHS classification lists but it does not provide its own classifications in accordance with the GHS. This option may present challenges for competent authorities and manufacturers, however, because the eChemPortal may contain inconsistent classification for the same substance.

13. Work stream C: Develop a list limited to specific hazards or chemicals of concern.

- (a) The Sub-Committee could develop a priority substance or hazard list. The Sub-Committee would need to decide what considerations should guide the development of this list, perhaps focusing on the more significant hazards (e.g. carcinogenicity) or high-volume chemicals. This would likely be resource-intensive, but the resources may be justified to address a discrete number of sufficiently important classifications.
- (b) However, this option may not be helpful for a country without the capacity to develop its own list that is looking to adopt a more extensive "GHS-approved" list.

14. The Sub-Committee should consider whether to pursue parallel paths including more than one of these, or other, proposals, depending on resources and interest.
