
Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

8 October 2019

Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

Thirty-eighth session

Geneva, 11-13 December 2019

Item 4 (b) of the provisional agenda

Implementation of the GHS: reports on the status of implementation

Information on the status of GHS implementation in Australia

Transmitted by the expert from Australia

Introduction

1. The expert from Australia advised that the implementation of the sixth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) was being considered in Australia at the thirty fifth session, informal document INF.23. Information was sought from the Sub-Committee on the planned adoption of later editions of the GHS in other countries.
2. Experts from the United States, Canada and the representative of the European Union indicated their intent to adopt the seventh revised edition of the GHS, with implementation in these countries planned between 2019 and 2021.
3. Experts confirmed that efforts should be made between countries to co-ordinate the implementation of later editions of the GHS, and agreed that as a first step, a template table could be prepared for information sharing (ST/SG/AC.10/C.4/70). To assist, the European Chemicals Industry Council (CEFIC) provided a template for sharing of implementation information at the 37th session in informal document INF.13, and invited input from the Sub-Committee.
4. This paper provides an update on Australia's planned adoption of the seventh revised edition of the GHS. It also seeks an update from other experts on intended implementation timeframes of the seventh revised edition of the GHS internationally to ensure a co-ordinated approach is taken to implementation.

Background

5. In Australia, the GHS is given effect through model work health and safety (WHS) laws which set out obligations to classify and label workplace hazardous chemicals in accordance with the third revised edition of the GHS.
6. Upon implementation of the model WHS laws in 2012, a five-year transitional period was allowed for chemical classification and labelling obligations relating to the GHS. The transition period ended on 31 December 2016.
7. Implementation of the GHS through the model WHS laws is limited to classification and labelling for physical and human health hazards for chemicals used in the workplace. Classification and labelling of chemicals for environmental hazards in accordance with the GHS is currently not required in Australia. Separate labelling requirements apply for consumer products, and some exemptions to the GHS requirements apply for agricultural and veterinary chemicals.

Implementation of GHS, seventh revised edition

8. Safe Work Australia is working towards amendments to the model WHS laws to adopt the seventh revised edition of the GHS.

9. This follows the advice received at the thirty-fifth session of the Sub-Committee (ST/SG/AC.10/C.4/70) which indicated other countries are moving directly to the seventh revised edition of the GHS in the coming years.

10. In line with Australian government requirements for proposed regulatory changes, the potential impacts of moving to the seventh revised edition of the GHS have been considered, including impacts on international trade. As a cost benefit analysis on adopting the GHS framework in Australia was carried out in 2009, it was determined that additional analysis for adopting the seventh revised edition of the GHS was not required.

11. An important factor in making this determination is that the ongoing benefits of international consistency are only fully realised if Australia's implementation of the GHS remains consistent with its economic trading partners, and that industry has sufficient time to transition to the new arrangements.

12. Extensive consultation with the Australian chemicals industry has been conducted over the last 12 months to provide information on the changes between the third and seventh revised editions of the GHS and to seek feedback on optimal transitional arrangements.

13. There is considerable support from industry to adopt the seventh revised edition of the GHS, in the interests of consistency with international economies and trading partners.

14. Various transitional models to facilitate the update to the seventh revised edition of the GHS are being considered. Subject to the necessary regulations being in place, it is anticipated Australia's transition will commence from mid-2020 to ensure the seventh revised edition is accepted in Australia when the EU's arrangements come into force on 17 October 2020.

15. From the start of the transitional period, it is proposed that manufacturers and importers will have two years to update classifications and labels to meet the requirements of the seventh revised edition of the GHS. This arrangement mirrors Australia's initial implementation of the GHS which applied to manufacturers and importers only, with existing labels on hazardous chemicals already in the supply chain still acceptable for suppliers and end users until stock runs out.

16. To minimise administrative burden on industry, Australia is also considering arrangements that will allow minor updates, such as changes to precautionary statements, to be implemented as a matter of normal business practice during the transitional period.

17. A summary of the consultation and stakeholder views can be found here: <https://www.safeworkaustralia.gov.au/doc/proposal-adopt-ghs-7-consultation-summary>.

Building Blocks

18. The implementation of the seventh revised edition of the GHS in Australia will introduce the hazard class for desensitized explosives (Chapter 2.17), aerosols Category 3, sub-categorisation for Category 1 flammable gases, and the additional hazard classes for pyrophoric and chemically unstable gases.

19. Acute Toxicity Category 5 (all routes of exposure), aspiration hazard Category 2, flammable gas Category 2, and all environmental hazard classes remain excluded from the implementation.

20. While Category 2B eye irritation was also excluded from the implementation of the third revised edition of the GHS, its exclusion was not clear, caused confusion for industry, and was considered not consistent with the building block approach. The exclusion of Category 2B eye irritants was intended to clarify that a single category for eye irritation was adopted, and sub-categorization was not mandatory as Category 2A covers the spectrum of eye irritation.

21. Amendments to the implementing legislation will remove the exclusion of Category 2B which has caused confusion among industry. Guidance will be published to clarify that Category 2 is adopted, with optional sub-categorization. While this expands the scope of implementation for those who have not classified Category 2B eye irritants, industry supports moves to be more consistent with international approaches and the intended operation of the GHS.

Global harmonization

22. One of the key issues raised by stakeholders during consultation on Australia's implementation of the seventh revised edition was consistent and co-ordinated implementation of the GHS in implementing countries. This included matters such as internationally consistent transitions to updated revisions and consistent building blocks with sectors at a global level.

23. Stakeholders referred to the co-ordinated implementation of the UN Model Regulations for the Transport of Dangerous Goods, with particular reference to the International Maritime Dangerous Goods (IMDG) Code. This is implemented in over 160 countries, with transitional arrangements for amendments given global effect on consistent timelines via the Safety of Lives at Sea (SOLAS) convention.

24. The expert from Australia recognises that aside from the OECD "Decision-Recommendation on the Co-operative Investigation and Risk Reduction of Chemicals that included Decisions and Recommendations pertaining to the Globally Harmonised System of Classification and Labelling", there is no binding agreement via convention or other mechanism compelling economies to implement the GHS, and that by comparison to the UN Model Regulations, the implementation of the GHS is relatively recent.

25. It is also noted that harmonization is a significant focus for the Asia Pacific Economic Co-Operation (APEC) GHS Virtual Working Group, which seeks to encourage convergence of implementations within APEC member economies.

26. The expert from Australia acknowledges the importance of the capacity building work of organisations such as UNITAR, and the ongoing work by Sweden to improve understanding of the challenges of GHS implementation

27. It is the view of the expert from Australia that finding mechanisms which promote movement towards a co-ordinated implementation of updated revisions of the GHS and its building blocks is:

- (a) consistent with the goals of the GHS (see 1.1.2.3, and 1.1.3.1.5.4, Note 2),
- (b) within the responsibility of the Sub-Committee (see 1.1.3.2 (a)), and
- (c) likely to lead to fuller realization of the benefits of the GHS.

28. The expert from Australia encourages other delegations to actively participate in information sharing endeavours, beginning with the implementation template provided by CEFIC.

Next steps

29. The expert from Australia will continue to keep the Sub-Committee informed of the Australian implementation of the GHS, and welcomes information from countries on the expected adoption timeframes for implementing the seventh revised edition of the GHS.

30. The expert from Australia encourages the Sub-Committee to continue to engage with efforts to further harmonization of implementation of the GHS globally.