

## 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 (b) of the provisional agenda

**Implementation of the GHS:  
reports on status of implementation**

## Draft report on the status of implementation of the GHS worldwide

### Note by the secretariat

### Background

1. Since its adoption in 2002, the GHS has been identified as one of the main tools to achieve sound management of chemicals.
2. In paragraph 23 (c) of the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg, South Africa, 2002), countries were encouraged to implement the GHS as soon as possible with a view to having the system fully operational by 2008.
3. In 2015, several high-level decisions relating to the sound management of chemicals were adopted at international level, for instance: Agenda 2030 for Sustainable Development and its target (12.4)<sup>1</sup> on chemicals management and the Strategic Approach to International Chemicals Management (SAICM) Overall Orientation and Guidance.
4. GHS implementation contributes to the achievement of target 12.4 of Agenda 2030. It is explicitly mentioned in relation to the original objectives 1 to 4 of the SAICM Global Plan of Action (risk reduction; strengthening knowledge and information sharing; Governance: strengthening of institutions, law and policy; capacity building) and their related activities (22, 99-101, 168, 248-250).<sup>2</sup>
5. The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) developed also in 2015 a set of indicators to help IOMC organizations track progress relevant to SAICM by analysing data from verifiable sources for which global data were available. The “number of countries having implemented the GHS” is one of them. Within IOMC, UNITAR and ILO are leads for this indicator, working collaboratively with UNECE (GHS Sub-Committee secretariat) on data collection. Implementation of the GHS has also been identified as one of the 11 basic elements recognized as critical at the national and regional levels to the attainment of sound chemicals and waste management.<sup>3</sup>

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<sup>1</sup> **Target 12.4:** By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment

<sup>2</sup> [http://www.saicm.org/Portals/12/Documents/saicmtexts/New%20SAICM%20Text%20with%20ICCM%20resolutions\\_E.pdf](http://www.saicm.org/Portals/12/Documents/saicmtexts/New%20SAICM%20Text%20with%20ICCM%20resolutions_E.pdf)

<sup>3</sup> <http://www.saicm.org/Portals/12/Documents/OOG%20document%20English.pdf>

6. SAICM's mandate expires in 2020. An intersessional process<sup>4</sup> to prepare recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020 was initiated following the adoption of Resolution IV/4<sup>5</sup> by the International Conference on Chemicals Management at its fourth session (ICCM4). The intersessional process should, among other tasks, consider the need for and develop recommendations regarding measurable objectives in support of the 2030 Agenda. To this end, an independent evaluation of SAICM was conducted, with the aim to provide information to enable the intersessional process to develop recommendations and to enable the ICCM at its fifth session to take an informed decision on future arrangements for the Strategic Approach and the sound management of chemicals and waste beyond 2020. Once more, GHS implementation is considered as one of the main indicators of progress towards the sound management of chemicals<sup>6</sup>. **In this context, stakeholders will be looking at updated and reliable information about the status of implementation of the GHS.**

## Update on the status of implementation

7. Aware of the importance of monitoring the GHS status of implementation worldwide, the secretariat has collected for several years information publicly available from various sources. These include reports from international organisations, United Nations institutes, programmes and specialized agencies, industry associations and information publicly available on the internet (press releases, articles etc). The information collected was made available on the UNECE website<sup>7</sup> and was updated as resources and time allowed.

8. Bearing in mind the relevance of the GHS and its implementation at international level as one of the instruments to measure progress towards the achievement of the sustainable development goals in Agenda 2030, the secretariat conducted an extensive research in October and November 2020 to update the information currently available on the website.

9. The result of this work is presented in addendum 1 and 2 to this document, as follows:

- Addendum 1: information on implementation through international legal instruments, recommendations, codes and guidelines
- Addendum 2: information on implementation by country/region

10. A preliminary analysis of the data compiled during this research shows once again that obtaining detailed information and keeping an accurate and updated record of how the system is being implemented worldwide represents a major challenge when the information is not provided by those directly involved in the implementation process at governmental level.

## Challenges in monitoring, evaluating and updating the information on the status of implementation

11. The GHS is a non-legally binding instrument and as such, it does not prescribe an obligation to stakeholders to report on progress with implementation or compliance.

12. The modular approach of the GHS gives governments discretion to choose:

- (a) the implementation instrument:

Some countries are implementing it under the umbrella of a supranational body or as part of the accession requirements imposed by regional or international governmental entities. Others make it mandatory at national level by reference or by transposing its provisions into national legislation. Some others do not

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<sup>4</sup> <http://www.saicm.org/Beyond2020/IntersessionalProcess/tabid/5500/language/en-US/Default.aspx>

<sup>5</sup> [http://www.saicm.org/Portals/12/documents/meetings/IP1/K1606013\\_e.pdf](http://www.saicm.org/Portals/12/documents/meetings/IP1/K1606013_e.pdf)

<sup>6</sup> <http://www.saicm.org/Implementation/Reporting/tabid/5462/language/en-US/Default.aspx>

<sup>7</sup> [http://www.unece.org/trans/danger/publi/ghs/implementation\\_e.html](http://www.unece.org/trans/danger/publi/ghs/implementation_e.html)

require mandatory implementation but allow its application through non-legally binding instruments (e.g. standards) or recommendations.

- (b) the sectors in which it is implemented and, within a sector, the hazard classes and categories to be implemented:

Some countries have implemented the GHS for all sectors. Others have implemented it only in only one or two of them.

For a given sector, some have implemented all hazard classes and categories while others have decided to implement only those considered more relevant or appropriate depending on the scope of the applicable national legislation or enforcing body.

- (c) the version of the GHS they implement and the periodicity of updates

While some countries are regularly updating their legislation to take account of the updates to the GHS adopted by the Sub-Committee every two years others update their legislation on larger cycles (sometimes implying updates taking into account several revised versions of the GHS at once) and some others simply have not defined any mechanism for updates.

13. In the absence of a well-defined and established mechanism to collect information about the status of implementation, it is not always possible to get a clear picture of how and to what extent the system is being implemented worldwide.

## Need for a harmonised approach for data collection

14. In July 2018, during the thirty-fifth session of the Sub-Committee, the expert from Australia provided information about the progress with implementation in his country and indicated that “as countries consider transitioning to later editions of the GHS, **reports to the Sub-Committee on the progress and expected adoption timeframes will become increasingly valuable to economic trading partners and support furthering the goals of the GHS.**”<sup>8</sup>.

15. As reflected in paragraph 78 of the report of that session<sup>9</sup>: “The delegations who spoke welcomed the discussion and confirmed that efforts should be made between countries about coordinating the implementation of later editions of the GHS. **The Sub-Committee agreed that, as a first step, a template table could be prepared for the countries to fill information on how the GHS is implemented for the purposes of updating the information on the UNECE website.** This could include for instance the sectors and building blocks concerned, the applicable editions of GHS, the transitional periods, if any.”.

16. As a follow-up to the wish expressed by the Sub-Committee, the European Chemical Industry Council (Cefic) volunteered to share the information collected by their members on the GHS status of implementation worldwide (see informal document INF.31<sup>10</sup>, submitted at the thirty-sixth session). The offer was welcomed by the Sub-Committee. The template was presented at the thirty-seventh session of the Sub-Committee, showing, as an example, information regarding implementation in the European Union<sup>11</sup>. The Sub-Committee thanked Cefic for the work done with the template and provided some comments on additional items that could also be included. It was mentioned that ways of collecting information and the use of the UNECE website to publish the information received by the secretariat should be established in the upcoming proposal (see paragraphs 59 to 61 of the report of the Sub-Committee on its thirty-seventh session)<sup>12</sup>. An additional item was suggested by the Sub-Committee at its thirty-eighth session and the secretariat offered to submit an informal

<sup>8</sup> <http://www.unece.org/fileadmin/DAM/trans/doc/2018/dgac10c4/UN-SCEGHS-35-INF23e.pdf>

<sup>9</sup> Document ST/SG/AC.10/C.4/70, available at :

<http://www.unece.org/trans/main/dgdb/dgsubc4/c4rep.html>

<sup>10</sup> <http://www.unece.org/fileadmin/DAM/trans/doc/2018/dgac10c4/UN-SCEGHS-36-INF31e.pdf>

<sup>11</sup> See informal document INF.15 (<http://www.unece.org/trans/main/dgdb/dgsubc4/c4inf37.html>)

<sup>12</sup> Document ST/SG/AC.10/C.4/74, available at :

<http://www.unece.org/fileadmin/DAM/trans/doc/2019/dgac10c4/ST-SG-AC10-C4-74.e.pdf>

document for the thirty-ninth session including the information provided by Cefic as well as any other information made available by experts.

17. Bearing in mind the ECOSOC invitation to “*Governments, the regional commissions, United Nations programmes, specialized agencies and other organizations concerned to provide feedback to the Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on the steps taken for the implementation of the Globally Harmonized System in all relevant sectors, through international, regional or national legal instruments, recommendations, codes and guidelines, including, when applicable, information about the transitional periods for its implementation;*” and to facilitate data collection in a consistent and harmonized manner, the secretariat is ready to develop a form for data collection, that could be made available on the UNECE webpage<sup>13</sup>.

18. The form will include items below, which have been identified by the Sub-Committee as being the most relevant to governments and industry when analysing the technical aspects of the implementation worldwide:

- (a) The competent national regulatory authority exercising jurisdiction over application of the GHS (by sector, as appropriate)
- (b) Exact reference to the implementing tool (e.g. Regulation, decree, order, administrative decision, national standard) where the applicable GHS provisions may be found, and reference to the legal instrument (treaty, law, act) under which this implementing tool has been issued, including a link to the relevant website, if the text is available online. If the implementing tool is a national standard, indicate if it is of mandatory or non-mandatory application. If it is of mandatory application, reference to the legal instrument requiring its mandatory application.
- (c) Date of publication
- (d) Date of entry into force and transitional periods if any
- (e) Scope of application (sectors and type of chemicals covered): consumer, industrial, agricultural chemicals; chemicals listed or addressed in other pieces of legislation;
- (f) Information about lists of chemicals classified in accordance with the GHS to be used at national level and their status (mandatory/voluntary).
- (g) Information about the edition of the GHS that is implemented as well as expected timeline for revisions to take account of the updates adopted by the Sub-Committee every two years
- (h) Provisions allowing imported chemicals classified and labelled in accordance with more recent revised editions of the GHS
- (i) Hazard classes and categories implemented in each sector
- (j) Details on provisions left to the discretion of the competent authority, e.g.:
  - (i) Use of non-standardized or supplemental information
  - (ii) Confidential business information specifics
  - (iii) Specific labelling arrangements (e.g. definition of a minimum size for labels and/or pictograms; precedence for allocation of allocation of symbols and hazard statements; provisions for labelling of small packagings and workplace labelling; use of product identifiers; location of GHS information on the label)
  - (iv) Cut-off values requiring communication of certain hazard information for carcinogens, reproductive toxicity and specific target organ toxicity

<sup>13</sup> <http://www.unece.org/fileadmin/DAM/trans/doc/2018/dgac10c4/UN-SCEGHS-35-INF23e.pdf>

through repeated exposure on the label and on the SDS or through the SDS alone

- (v) Requirement to provide SDS's for mixtures not meeting the criteria for classification as hazardous but which contain hazardous ingredients in certain concentrations
- (vi) Requirement to include a statement in the label, the SDS or both, indicating that x % of the mixture consists of ingredient(s) of unknown toxicity
- (vii) Requirement to provide information on specific hazards that do not result in classification

19. The form could be shared with industry representatives and international organisations interested in monitoring the status of implementation of the GHS to collect information among their stakeholders. All the information collected could then be compiled together and made publicly available.

### **Action requested from the Sub-Committee**

20. The Sub-Committee is invited to review the draft report on the status of implementation of the GHS contained in addendum 1 and 2 to this document and to communicate comments, revisions or additions (in particular those regarding implementation at national or regional level) to the secretariat. Comments on the items to be included in the form for data collection are also welcome.

21. The information contained in addendum 1 and 2 to this document will be published on the GHS status of implementation webpage<sup>14</sup> after the session.

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<sup>14</sup> [http://www.unece.org/trans/danger/publi/ghs/implementation\\_e.html](http://www.unece.org/trans/danger/publi/ghs/implementation_e.html)