

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 2 (i) of the provisional agenda

**Work on the Globally Harmonized System (GHS):
other matters**

Information on upcoming proposal for new work on the agenda for 2023-2024

Transmitted by the European Union

Background

1. As last announced during the forty-first session of the Sub-Committee, the European Union (EU) is in the process of developing a working document for new work on the agenda for the biennium 2023-2024 that concerns the revision of GHS to cover the inclusion of new hazards. To this end, the EU seeks to collect initial feedback providing, via this informal document, background information and an overview of the next stages of the proposal development.
2. A zero-pollution ambition in a toxic-free environment is one of the commitments that are tangible outcomes of the European Green Deal¹. To achieve such ambition, in October 2020, the European Commission published the EU Chemicals Strategy for Sustainability towards a Toxic-free Environment².
3. The Strategy results from reviews of the European legislation on chemicals, including EU legislation on the classification, labelling and packaging of substances and mixtures³, which implements the GHS and its revisions at EU level. The Strategy aims to better protect citizens and the environment, as well as boosting innovation for safe and sustainable chemicals.
4. Two reviews of the EU legislation from 2019 and 2020 identified gaps, amongst others, in the way chemical hazards are identified for the following groups of substances:
 - (a) Endocrine disruptors
 - (b) Persistent, Bioaccumulative and Toxic (PBT) substances, and very Persistent and very Bioaccumulative substances (vPvB)
 - (c) Persistent, Mobile and Toxic (PMT) substances, and very Persistent and very Mobile (vPvM) substances
 - (d) Immunotoxic substances
 - (e) Neurotoxic substances
 - (f) Substances toxic to terrestrial organisms.

¹ See https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

² COM(2020) 667 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A667%3AFIN>

³ EU Regulation 1272/2008 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R1272>

Frame of the upcoming proposal

5. The EU has initiated a regulatory process to identify the best options to fill these gaps in the EU legislation, while keeping the existing close alignment between the GHS and the EU legislation. In particular, it is suggested to focus on endocrine disruptors (for both human health and the environment), persistent and bio-accumulative substances, as well as persistent and mobile substances⁴.

6. Firstly, on the endocrine disruptors (or endocrine-disrupting chemicals – EDCs), the discussion aims to identify chemicals with endocrine disruptive properties using the WHO/IPCS definition⁵ as already covered in the EU legislation for plant protection and biocidal products. This would address, at EU level, the UNEP/WHO call⁶ for ‘strengthening the knowledge of EDCs’ and ‘improved testing for EDCs [...] to be used in hazard identification’.

7. Secondly, persistent organic substances resist degradation, may bioaccumulate, possess toxic properties and be transported through air, water and migratory species, across international boundaries and may deposit far from their place of release, where they accumulate in terrestrial and aquatic ecosystems. There are health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, that in particular impact women and, through them, future generations. Furthermore, the Stockholm Convention only provides for the management of such pollutants when identified.

8. Finally, persistent, mobile substances with or without toxic properties can for generations contaminate the environment and more specifically the water bodies used for drinking water purposes. In line with the 6th Sustainable Development Goal (SDG6) aiming at clean water and sanitation, there is a need to identify persistent and mobile substances that can pollute water bodies and which are difficult to remove in drinking water supply or wastewater before their release into the environment.

9. There is therefore a need to address substances presenting these hazards via internationally harmonised criteria. The EU believes that it would be preferable to multilaterally develop internationally harmonised criteria in GHS as those would allow addressing the problems globally more efficiently.

10. Consequently, the EU would like to propose at the next session of the Sub-Committee the insertion of a new item on its programme of work for 2023-2024, covering: endocrine disruptors (for both human health and the environment); persistent and bio-accumulative substances; as well as persistent and mobile substances.

11. Mindful of the feedback provided in earlier discussions, the EU is open to consider either of the two following alternative options:

- (a) Entrusting the technical work to OECD as the Sub-Committee’s focal point on environment and health hazards
- (b) Entrusting the technical work to an informal group within the Sub-Committee. Under this option, involvement of the OECD would be vital

12. Based on preliminary assessments, the work would start on endocrine disruptors (for both human health and the wildlife), on persistent and bio-accumulative substances, as well as on persistent and mobile substances, during the biennium 2023-2024 and would conclude by the following biennium.

⁴ With or without specific considerations of toxicity.

⁵ IPCS, 2002. Global assessment of the state-of-the-science of endocrine disruptors. Geneva, Switzerland, World Health Organization, International Programme on Chemical Safety

⁶ WHO, 2012. State of the science of endocrine disrupting chemicals 2012. Summary for Decision-Makers / edited by Åke Bergman, Jerrold J. Heindel, Susan Jobling, Karen A. Kidd and R. Thomas Zoeller. See p. 27

13. The remaining groups of substances covering immunotoxicity, neurotoxicity and toxicity to terrestrial organisms require more preparatory work, discussions, and fact finding. The EU intends, therefore, to submit an information document and a proposal for a new item on those topics during the biennium 2023-2024. The work could start in 2025-2026 and conclude by the following biennium.

Discussion points

14. Prior to the formalisation of the proposal on endocrine disruptors (for both human health and the wildlife), persistent and bio-accumulative substances, as well as persistent and mobile substances⁷; the EU would like to give the Sub-Committee an opportunity to discuss this approach.

15. In particular, the EU seeks comments on the suggested options (a) and (b) in paragraph 11 (OECD vs. GHS working group) and the suggested timeline.

16. Furthermore, the EU would also welcome suggestions on the issues to discuss with respect to the proposal at the next session, as well as the format in which these discussions should take place, or any other pertinent contribution.

⁷ With or without specific considerations of toxicity.