

How are Asean and Pacific nations approaching implementation of the UN's GHS?

Senior regulatory specialist at UL, Laura Whiteman, examines the latest state of play regarding the adoption of the Globally Harmonized System of classification and labelling across the region

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The Globally Harmonized System (GHS) of classification and labelling has been implemented in most of the countries within the Association of Southeast Asian Nations (Asean) and Pacific region. While some implemented the GHS even before the UN did so (New Zealand for example), others, such as India, have yet to adopt it nearly 20 years later. It is understood that India intends to adopt the eighth revised edition and, to this end, has published five drafts of the Chemical (Management and Safety) (CMS) Rules 20XX. As the drafts are not yet out for public consultation, we are unable to discuss the details. Meanwhile, some countries in the Asean and Pacific region are in the process of updating to a later revision of the GHS to stay harmonised with their major trading partners.

When Apec countries move to a later revision of the GHS, there will be a cost to industry from updating safety data sheets (SDSs) and labels, as well as reviewing the hazard classifications for all their products. It is recommended that businesses keep an eye out for the consultations, and start reviewing their products in preparation for upcoming changes.

Australia

Australia adopted the third revised edition of the GHS in January 2012 and SafeWork Australia released a national code of practice (COP) to aid compliance. Each state and territory had to adopt it into its own legislation. All of them

allow the use of the GHS, although Western Australia (WA) does not mandate it for companies based in, and selling solely into, WA.

The country has subsequently decided to move to the seventh revised edition in order to align with trading partners and implement international industry best practice. This implementation was due to start on 1 July but has been delayed until 1 January 2021 due to Covid-19. There are special arrangements so that companies that had already started the transition are not disadvantaged – but only New South Wales (NSW) and South Australia (SA) have published the details. The new COPs were released on 28 August and SafeWork Australia has given a two-year transition period for adoption, ending on 31 December 2022. There were some key changes, mainly around flammable aerosols and gases, as well as updated precautionary statements and a new hazard class for desensitised explosives. They also included clarification around category 2 eye irritants.

As GHS has been implemented in Australia for more than seven years, manufacturers and suppliers are familiar with the requirements. The main implication for industry from the update to GHS 7 is the cost of updating labels and safety data sheets (SDSs). Businesses that import or manufacture flammable gases and aerosols will have the most changes to make, as well as those who use desensitised explosives and category 2 eye irritants. Those

products, which were using the category 2B eye irritant exclusion, are now classified as hazardous.

Until the end of the transition period, businesses may continue to supply and use hazardous chemicals classified and labelled under the third revised edition of GHS until their stocks run out. After 31 December they should not supply or receive stock manufactured or imported with such labels or SDSs.

New Zealand

New Zealand implemented GHS in 2001, based on a pre-published version. It was implemented under the Hazardous Substances and New Organisms Act (HSNO) and has a unique numbering system. The New Zealand EPA currently allows for the fifth revised edition of GHS and has undertaken two consultations on updating to the seventh revised edition – most recently in August. The main reason for the update is to facilitate trade with major trading partners and make it easier for data sharing with overseas regulatory agencies. New Zealand has an expected implementation date of April next year, with a four-year transition period. Its alternative compliance provisions for labelling, SDSs and packaging will remain. This means if a product is not classified as hazardous in Australia, Europe, US or Canada, it doesn't need to be so classified even if it is normally the case in New Zealand. However, a record must be kept and the information added that New Zealand specifically requires.

With the move to GHS 7, the country will discontinue its HSNO numbering system, and change to standard GHS classifications. HSNO and the GHS do generally correlate; however, there are some newer GHS classifications that do not have HSNO equivalents. New Zealand also included an additional three subclasses for terrestrial ecotoxicology (soil, vertebrates and invertebrates), which will be dropped for all product types, with the exception of agrichemicals. The country uses group standards for approval of products, and these are to be reissued with GHS classifications. It is also reassessing thousands of individual approvals which will either be retained or revoked. Some can instead be covered by an existing group standard.

There will be significant implications for industry when New Zealand updates to GHS 7 particularly with regard to the numbering system. It will need to convert existing HSNO to GHS classifications, and keep a record of these. SDSs will need updating to include GHS classifications. Some substances will no longer be classified as hazardous. As some individual approvals are being revoked, businesses will need to create a record of assignment for these products that are now covered under a group standard, as well as update any existing group

standard records to reflect the new changes. Staff training on the changes will be key to a successful change over.

Singapore

Singapore's journey to GHS implementation began in 2002 after Asia-Pacific Economic Cooperation (Apec) endorsement, which culminated in the release of the Workplace Safety and Health (WSH) Act in 2006. The country's standard SS 586 was implemented in 2008, with the last update in 2014. GHS became mandatory for manufacturers from 2015, and for users from 2016. The country implemented the second revised edition in 2011, and moved to the fourth revised edition in March 2014. Later revised editions of the GHS are accepted. While Singapore is expected to move to GHS 6 or 7 by the end of this year, there is currently no publicly available information on consultation.

Malaysia

Malaysia implemented the third revised edition of the GHS in October 2013 under its classification, labelling and safety data sheets of hazardous chemicals (CLASS) Regulation and associated Industry Code of Practice (IOCP) published in April 2014. In October 2019, the country updated its IOCP on Chemicals Classification and Hazard Communication (Amendment) 2019 to include an additional 433 substances with mandatory classifications. According to the Apec CD GHS Convergence Questionnaire, Singapore is planning to move to the seventh revised edition in 2022.

Japan

Japan first implemented GHS under its Industrial Health and Safety Law (ISHL) in late 2006 and moved to the fourth revised edition in 2011. Both the classification standard JIS Z 7252 – chemical classification for GHS labelling, and SDS and label standard JIS Z 7253 – hazard communication for GHS labelling and SDS, were updated and published in May 2019. The transition period will end in May 2022 which means chemical suppliers have until then to update their SDS and labels from the fourth to the sixth revised edition. As the standards were published in 2019 and are typically reviewed five years after publication, industry is expecting an updated version in 2024.

Japan has multiple laws that implement the GHS, and one of them, the Pollutant Release and Transfer Register (PRTR), is expected to be amended sometime in 2021 with changes taking effect from April 2022. The PRTR selects two sets of chemical substances (class 1 and class 2 designated) that are subject to the law as well as SDS/labelling requirements. In May the government issued the lists of substances newly nominated for each class. There were 438 class 1 (currently 462 substances and substance

groups) and 217 class 2 designated substances (currently 100 substances and substance groups). Industry expects these sets of substances to be published for public comment later this year. Businesses should also be aware of the requirements around the Poisonous and Deleterious Substances Control Law (PDSCL) which also has some rules regarding labelling and SDSs. They should ensure they update their SDSs and labels from GHS 4 to GHS 6 by May 2022, as well as following the Japan PRTR and PDSCL.

Indonesia

Multiple authorities administer hazard communication regulations in Indonesia. The country implemented the second revised edition of the GHS when Regulation 87/M-IND/PER/9/2009 (Regulation 87/2009) was issued on 24 September 2009. It then moved in May 2013 to the fourth revised edition when Regulation 87/2009 was revised by Decree 23/M-IND/PER/4/2013. The deadline for substances was 2013 and for mixtures the end of 2016. According to the Apec Convergence Questionnaire, Indonesia is planning on updating to GHS 7 in 2021.

Philippines

The Philippines implemented the fifth revised edition of GHS in 2015 with wording that chemicals were to be classified according to the latest version of the UN GHS – at that time GHS 5. There are two departments responsible – the Department of Labour and Employment (DOLE) which mandated the GHS from 2015, and the Department of Environment and Natural Resource (DENR) which mandated the GHS from 2016 to 2019. They implemented labelling requirements for high-volume chemicals in 2017 which included a list of 232 chemicals. These are typically chemicals in commerce manufactured or imported in 500 metric tons or more per year. According to the Apec Convergence Questionnaire, the Philippines has plans to move to the eighth revised edition of GHS in 2022.

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