

APEC CHEMICAL DIALOGUE STEERING GROUP

DEVELOPING CLARITY AND CONSISTENCY IN THE IMPLEMENTATION OF THE GLOBALLY HARMONISED SYSTEM FOR THE CLASSIFICATION AND LABELLING OF CHEMICALS (GHS)

Report of the 'Virtual' Working Group on GHS Implementation Issues

Background

1. At the 6th meeting of the APEC Chemical Dialogue held in Cairns, Australia on 28 June 2007, APEC member economies drew attention to their efforts to implement the Globally Harmonised System for the Classification and Labelling of Chemicals (GHS). The Chemical Dialogue meeting also noted the outcomes of an informal Round-Table meeting to discuss implementation of the GHS and the challenges being faced by member economies.
2. In relation to GHS implementation, the Chemical Dialogue:
 - Noted the need to ensure clarity and consistency in approach so that implementation did not result in barriers to trade. In this regard, Canada, Chile, China, Indonesia, Japan, Malaysia, Singapore, Thailand, the United States and Vietnam provided oral updates on implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).
 - Encouraged member economies to provide written reports to the Secretariat by July 10, 2007 so a status report could be compiled by the Friends of the Chair for submission to the APEC Meeting of Ministers in September 2007.
 - Noted the outcomes of the June 27 2007 informal GHS implementation roundtable were considered.
3. The Chemical Dialogue agreed to establish a small group within the Friends of the Chair process to identify implementation issues and determine a work plan for addressing these. Australia agreed to coordinate the group. New Zealand, Chinese Taipei, and the United States also volunteered to join the group. Economies were asked to consult internally. The group was to operate virtually, work with the APEC Secretariat to enhance the utility of information on GHS for member economies, and prepare a report and recommendations for consideration by the CDSG at SOM I 2008. Issues for consideration by the group were to include:
 - a. Information update mechanisms;
 - b. Ways of addressing the diversity in transitional periods, processes and phasing, with the prospect of mutual recognition of systems during the transitional process; and,
 - c. Standardized approaches to capacity building, including how to respond to unintended differences in approach.

APEC Implementation Activities to Date

4. The Working Group noted relevant work already undertaken in respect to GHS implementation under the APEC umbrella.
5. Specifically noted was the letter of June 2005 from the Chemical Dialogue Co-Chairs to UNITAR seeking assistance in advancing the adoption of the GHS through training initiatives aimed at increasing awareness and capacity building. The Chemical Dialogue had specifically sought the following information for dissemination to APEC member economies:
 - URL link to updated calendar of past and future GHS events
 - Direct links to UNITAR training tools
 - List of GHS experts that APEC economies may contact on an individual basis
 - Status of the FAQ system

- Examples of GHS classification
6. The website of the WSSD Global Partnership (UNITAR, ILO and OECD) for Capacity Building to Implement the GHS now addresses the issues raised by the Chemical Dialogue.
http://www.unitar.org/cwm/ghs_partnership/index.htm
 7. Amongst the most recent initiatives to address GHS implementation issues was the APEC Seminar on 'Globally Harmonised System (GHS) Implementation and Technical Assistance which was held in Bangkok, Thailand in September 2006. 147 participants from international and economy level organisations, institutions and companies attended in addition to nine APEC economies (Canada, Chile, Chinese Taipei, Japan, Malaysia, Mexico, Philippines, Singapore, Thailand, and Vietnam). The Seminar was aimed at information exchange including sharing of ideas on the implementation of the GHS. Reports by member economies attending this Seminar highlighted the fact that some economies were more advanced in implementing the GHS than others. It therefore seems possible that the GHS-implementation experiences of these economies could be useful to others.
 8. Issues identified by the various economies attending the APEC Seminar as being critical to the timely implementation of the GHS included:
 - Absence of legislative frameworks,
 - Domestic regulatory amendments and reform initiatives,
 - Limited access to information, especially in regard to training/education and the introduction of GHS,
 - Transitional arrangements and the opportunity for flexibility during transition periods,
 - Limited knowledge and lack of resources (financial and human) within SME and government agencies,
 - Ability to share information and classification outcomes between economies,
 - Testing capacity and classification databases,
 - International harmonisation in pesticide standards (FAO, WHO) [The Working Group notes however that WHO has reported to the UNSCEGHS that pesticide classification by hazard will be adjusted to conform to the GHS and outlined at http://www.who.int/ipcs/publications/pesticides_hazard/en/,] and
 - International harmonisation in toxic substances including the Basel Convention and PIC to ensure any inconsistency with GHS is minimised.
 9. The Working Group noted that some member economies, for example, Singapore and Malaysia had indicated good progress in relation to the adoption of the GHS. Malaysia reported that it planned to implement GHS by the end of 2008 and that industry was looking forward to earlier implementation in 2007. It was also noted that four working groups would be established to 'operationalise' GHS implementation based on the four main sectors viz industrial workplace, agriculture, transport and consumer products and that new regulations would probably be gazetted in 2007/2008. Singapore indicated confidence in implementing GHS by 2007 and had conducted training and awareness seminars to help companies adapt to GHS standards. Software for verifying the compliance of GHS safety data sheets had been developed by Singapore and could (possibly) be shared with other economies. Also noted was that New Zealand had adopted a GHS based hazard classification framework in 2001 and had been working on an implementation program since that time. Since July 2006, all hazardous substances had been covered by this GHS-based legislative framework, although transitional provisions allowed for staged implementation generally through to July 2008. However, in order to better align New Zealand's implementation timetable with those of its major trading partners, provision had been made for the acceptance of labelling in accordance with the requirements of certain specified overseas jurisdictions until the end of 2010.
 10. Given the extent of progress reported by some economies, the Working Group considers that there may be opportunities for economies more advanced with GHS implementation to further assist in knowledge and information transfer within the region. The availability of new legislation/regulation as potential legislative models for others and the sharing of classification

outcomes could significantly progress GHS adoption and harmonisation thereby minimising trade barriers.

Other International Activities to Support GHS Implementation

11. The Working Group notes that international activity to support the understanding and implementation of the GHS has been extensive. By way of example:

UNITAR/ILO GHS Capacity Building Program

Initiation of the WSSD GHS Partnership by UNITAR, ILO and OECD

12. In April 2002, UNITAR and ILO, in collaboration with OECD, initiated the *WSSD Global Partnership for Capacity Building to Implement the GHS* as a way to mobilize resources and implement a number of specific support activities to strengthen capacities at all levels and sectors – in particular in developing and transition economies – towards implementing the GHS in sectors such as industrial workplaces, agriculture, transport and consumer products. Currently, the Partnership is comprised of over 25 governments, international organizations, business and industry groups, and public interest and labour organizations, and continues to grow. Any parties interested in joining the Partnership are welcome to contact UNITAR. The Partnership website is: http://www.unitar.org/cwm/ghs_partnership/index.htm

Regional GHS Capacity Assessment for ASEAN

13. In follow-up to the recommendations of the Regional Workshop for Chemical Hazard Communication and GHS Implementation for Members of ASEAN in October 2005, the LESTARI Institute of Universiti Kebangsaan, Malaysia (UKM), in collaboration with UNITAR, developed a Regional GHS Capacity Assessment for the Association of South East Asian Nations (ASEAN). This report provides information on the existing regional infrastructure within ASEAN related to chemical hazard communication, including details on working groups and other relevant bodies within the ASEAN Secretariat, as well as other existing organisations at the regional and member economy levels. Through surveys of relevant contact points in each of the members, the report also includes information on the status of GHS implementation and chemicals management in the 10 members of ASEAN. It is intended that the information included in this report will be used to inform efforts for targeted capacity building to integrate the GHS into the work areas of the ASEAN Secretariat and to facilitate the completion of a Regional GHS Implementation Strategy in 2007. The assessment can be found at: http://www.unitar.org/cwm/publications/cbl/ghs/view_all_year.aspx

ASEAN OSHNET GHS Workshop

14. As a contribution to the development of a regional GHS implementation strategy in ASEAN, UNITAR co-sponsored the *ASEAN OSHNET GHS Workshop* which took place in Kuala Lumpur, Malaysia, 6-8 March 2006 and was attended by 52 representatives from the ASEAN members. The focus of the workshop was to develop an ASEAN regional GHS standard for the occupational safety and health sector (workplace), the result of which was a draft set of "ASEAN Guidelines on Chemical Classification, Labelling and SDSs" (based on the GHS). This effort contributes to regional GHS implementation in the workplace sector. The report can be found at http://www.unitar.org/cwm/publications/cbl/ghs/view_all_year.aspx
15. In order to increase the involvement of public interest and labour organizations in the GHS implementation process, a regional workshop for NGOs in the ASEAN region was held on 7-8 May 2007 in Jakarta, Indonesia. It was expected that the workshop would discuss the results of a regional NGO assessment conducted by Earth Council Asia-Pacific in collaboration with UNITAR/ILO, and consider modalities for a regional network for information sharing on the GHS and chemical safety.
16. In addition, UNITAR and ILO, in cooperation with the ASEAN Secretariat and the Government of Indonesia and with financial support from the European Union, the Government of Switzerland and the Organisation for the Prohibition of Chemical Weapons (OPCW), held a "GHS Conference

for ASEAN: Towards 2008 and Beyond", 9-11 May 2007 in Jakarta, Indonesia. The conference included participants from all 10 members of ASEAN, as well as representatives from business and industry, and public interest and labour organisations. The workshop participants reviewed the progress made and agreed on a regional GHS implementation roadmap. Building on past and ongoing activities, this document will provide a framework for GHS implementation towards 2008 and beyond. The proposed regional GHS implementation strategy for ASEAN can be found at www.knrci.or.id/templates/knrci/files/Proposed%20Regional%20GHS%20Implementation%20Strategy%20for%20ASEAN_draft_26April07.pdf

17. While a number of regional strategies and workshops have been held since 2004, several geographic regions are requesting support for regional approaches to GHS implementation. For 2007-2009, UNITAR/ILO have received requests for regional capacity building activities in South America, where the Governments of Brazil and Uruguay have indicated their support for a workshop in this region, and the Government of Argentina has informally indicated its interest and capacity to host this event. The workshop would be a follow-up to the successful regional workshop held in Brazil in 2004. The workshop would examine progress to date since the last workshop and challenges faced in regional and economy-level GHS implementation.
18. Most recently, UNITAR in cooperation with the Government of Indonesia has completed a Project on Training and Capacity Building for the Implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in Indonesia 2005 – 2007. The outcome includes a National Strategic Plan for the Implementation of the GHS in Indonesia up to 2010.
19. The work of UNITAR in cooperation with other international organisations and governments is outlined at <http://www.unitar.org/cwm/ghs/index.html>. The website includes a library of GHS capacity building materials. This library was prepared in the context of the UNITAR/ILO GHS Capacity Building Program and is a contribution to the WSSD Global Partnership for Capacity Building to Implement the GHS. A CD ROM version is also available to provide these materials to those who do not have regular access to the internet. Interested parties are encouraged to contact UNITAR for a copy of the CD ROM or to submit electronic versions of chemical hazard communication-related documents for future editions. As noted above, the website addresses issues raised by the Chemical Dialogue Co-Chairs in July 2005.
20. Having regard to the above (which is by no means an exhaustive list of activities), it is clear that the work of UNITAR has been extensive and has contributed significantly in preparing economies for the adoption of the GHS and remains ongoing. As a result, many economies have indicated that they are well advanced in their introduction of the GHS (mainly in regard to workplace chemicals). It therefore suggests that the experience of these economies could be drawn upon to advance the adoption of the GHS in those economies yet to make significant progress. These more advanced economies in terms of GHS implementation may have legislation, guidelines for classification, labelling and the preparation of Safety Data Sheets, implementation plans, software (eg Singapore) etc that support their approach to GHS and which could be shared for the benefit of others.

Recent Initiatives of the United Nations Sub-Committee of Experts on the GHS (UNSCEGHS) in Addressing Issues Relating to the Implementation of the GHS in Member Economies

21. In order to encourage an international and harmonised approach to the implementation of the GHS (including addressing issues that may possibly affect all economies eg transition periods, mutual recognition and consistency in interpretation), it is highly desirable that the work on implementing the GHS be focused in a single organisation with international influence. In this regard, several functions of the UNSCEGHS, as described in paragraph 1.1.3.2.1 of the GHS document, are relevant, viz:
 - (a) To act as custodian of the GHS, managing and giving direction to the harmonization process...;
 - (c) To promote understanding and use of the GHS and to encourage feedback;
 - (d) To make the GHS available for worldwide use and application;
 - (e) To make guidance available on the application of the GHS.

22. The Working Group noted that Australia, (joined by South Africa, Canada, United States, United Kingdom, Thailand and the World Health Organisation) had submitted a paper for consideration at the December 2007 UNSEGHs meeting (14th Session) which proposed a UNSCEGHs Working Group be established within the UNSCEGHs framework to facilitate a more useful and targeted exchange of information relating to GHS implementation issues. The paper proposed that this group meet or exchange information by email or internet between GHS Sub-Committee sessions, and/or meet face-to-face in the margins of the GHS Sub-Committee or other international meetings. As well as providing a mechanism for a general exchange of information, this UNSCEGHs working group could also provide a focus on specific issues faced by individual sectors and allow the sharing of information from experiences or on issues of GHS implementation in areas, for example, dealing with consumer chemicals, pesticides, or workplace chemicals.
23. The 14th Session of the UNSCEGHs agreed to the establishment of this informal working group with the following provisional terms of reference:
- Facilitate exchange of information relating to GHS implementation in economies;
 - Provide a forum for discussion for particular issues faced by specific sectors and allow the sharing of information from experiences on sector-specific GHS implementation dealing with, for example, consumer chemicals, transport, workplace, etc. This should not prevent each economy submitting their implementation issues directly to the Sub-Committee. If transport-related issues are identified, these will be referred to the TDG Sub-Committee;
 - Identify general issues arising in the implementation of the GHS, such as building block approaches, problems relating to specific hazard classes or categories, transitional arrangements, and training;
 - Analyse and summarise issues identified on the implementation of the GHS. If possible, provide suggestions for how such issues can be addressed in a harmonized way to be submitted to the Sub-Committees for their consideration and resolution.
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24. The Working Group noted that GHS implementation issues already identified to the UNSCEGHs (but not necessarily agreed within the UNSCEGHs) included the following which were generally consistent with implementation issues raised within the Chemicals Dialogue.
- Different implementation timetables between countries leading to potential need to managing transition periods. Consistency in label changes would deliver maximum efficiencies globally, although competent authorities will need to make decisions on transition periods to meet their own regulatory requirements. Different versions of labels are in the marketplace simultaneously now and transition into GHS may introduce in the interim, "new" label elements (e.g. new pictograms in the GHS). Consideration of managing potential confusion of consumers and workers may be needed.
 - Possible implementation of GHS classification but without all aspects of labelling eg signal words or pictograms being adopted. This will be a decision for the competent authority(ies), and any "partial implementation" of the GHS will need to be considered against the overall commitment to GHS implementation, the principles of GHS adoption and any potential loss of benefit of the GHS system *in toto*. (Except for the transport sector which only uses pictograms, this would be inconsistent with the GHS as signal words and pictograms are not building blocks.)
 - GHS classification issues including the need to avoid duplication of effort, promote consistency and the need to consider options for the sharing of classification experiences.
 - Training, outreach and awareness raising. Competent authorities in different sectors and different economies may have varying approaches to training as a result of different levels of user competency, types of industries and workplaces, cultural and social requirements. As UNITAR has well-developed approaches to training in developing economies, it may be appropriate to recommend material be extended to developed economies. (It is noted however, that in response to strong demand from pilot economies and others, and supported by the discussions at the November 2005 Global GHS Workshop and the UNITAR/ILO Program Advisory Group, UNITAR/ILO are developing GHS training courses. The training

courses are being developed by experts engaged by UNITAR, supported by a technical advisory group that provides feedback to course materials as they evolve.)

- Trade facilitation arrangements during transition periods. As economies adopt different implementation schedules, some arrangement to minimise trade disruption during transition periods may be necessary.

25. These issues might provide a source of topics that could be referred to the recently established UNSCEGHS Working Group on GHS Implementation Issues.

OPTIONS FOR ADDRESSING ISSUES OF CONCERN IDENTIFIED BY THE CHEMICALS DIALOGUE

26. The Chemical Dialogue has identified the following issues for specific consideration by the Working Group:

- a. Information update mechanisms;
- b. Ways of addressing the diversity in transitional periods, processes and phasing, with the prospect of mutual recognition of systems during the transitional process; and,
- c. Standardized approaches to capacity building, including how to respond to unintended differences in approach.

27. Against the background of APEC activity to date and the extensive work of UNITAR in cooperation with other international organisations, often with the financial support of individual governments, the working group has considered a range of possible actions and activities in response to the specific considerations requested by the Chemical Dialogue.

(a) Information update mechanisms.

28. The sharing of information is considered critical to the adoption of the GHS and in working with other governments and industry to achieve GHS benefits. Efforts in this regard may need to extend well beyond GHS implementation dates.

29. The Working Group notes that several possible approaches exist to promote information exchange. These include:

- Regular and detailed reporting by both government and industry of progress in implementing the GHS. These reports should be in some detail and should highlight *inter-alia*, the status of GHS implementation, the availability of relevant documentation, implementation issues of concern to government, industry and other stakeholders and contact points for further information. Regular review would highlight areas of good progress as well as issues requiring further action.
- Routine exchange of personnel between economies. This would help to build confidence in the GHS implementation process and ensure that available information and resources are known to all member economies and used to the fullest extent possible.
- A more significant approach to information exchange through the appointment of GHS Coordinators in each APEC member economy with the responsibility to act as an information clearinghouse and as a liaison point with other economies. Regular contact between Coordinators would allow the opportunity to discuss GHS adoption, coordinate the exchange of personnel and information and encourage overall cooperative work programs. For those APEC economies who participate in the UNSCEGHS, heads of delegations could serve this role.
- On a more formal level, establishing a forum (or individual sector-specific forums) specifically to address (either within individual economies or under the APEC umbrella) GHS issues,

including information exchange, and to promote a harmonised/consistent approach to the adoption of GHS across individual or all chemical sectors. Membership might include the GHS Coordinators. The forum(s) could review progress in member economies and suggest how information might be most effectively shared between members. In this regard, some working group members noted that each sector (chemicals, consumer products, agriculture, including pesticides) had their own unique differences such as target user/consumers, levels of exposure, the need for labelling based on the likelihood of injury and so on. These unique characteristics could therefore result in the need for differences in harmonized/compatible approaches to the adoption of GHS including capacity building, transition processes and transitional periods in each sector. It might therefore be more efficient if a forum for each sector addressed sector-specific issues separately, and then combined the proposals from each sector into a report to appropriate regulators or the Chemicals Dialogue. However, while these initiatives may promote discussion on GHS implementation, the Working Group suggests that the role of the UNSCEGHS to play the pivotal role in achieving international agreement on GHS implementation should not be lost or diminished. In turn, the UNSCEGHS needs to recognise that APEC member economies are not well represented on the UNSCEGHS (Refer Table 1) and should therefore be encouraged to engage with the UNSCEGHS and to participate in its work.

Table 1: APEC Member Economies Also Participating in Recent Meetings of the UN Sub-Committee of Experts on GHS

APEC Member Economies	APEC Member Economies Who Have Participated in Recent Meetings of the UNSCEGHS
Australia Brunei Darussalam Canada Chile People's Republic of China Hong Kong, China Indonesia Japan Republic of Korea Malaysia Mexico New Zealand Papua New Guinea Peru Philippines Russia Singapore Chinese Taipei Thailand United States of America Viet Nam	Australia Canada Peoples Republic of China Japan New Zealand United States of America <u>Observers:</u> Indonesia Philippines Republic of Korea Russia Thailand

- Information exchange in respect to GHS implementation experiences eg via a GHS information website specifically for APEC economies. This could help to maximise the adoption of the GHS in the most coordinated way amongst APEC member economies. The website could be interactive allowing information to be added in real time and could be coordinated and managed by an individual economy, international organisation or other third party. Funding and management arrangements would need to be agreed. An international organisation such as UNITAR might be more appropriate to manage the APEC-specific website thereby complementing its broader training and capacity building programs.