



Malaysia



Update on Emerging Issues
April 2009

Global Harmonization System (GHS)

- Implementation and management will be under the Department of Occupational Safety and Health Malaysia (DOSH)
- <http://www.dosh.gov.my/>
- Is intended to replace requirements issued in 1997 for Packaging, Classification, Labeling and Safety Data Sheets for chemicals
- Industry is still waiting for final requirements and regulations (expected to be published late 2009)
- Implementation is planned for 2010 with 2-3 year transition.

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

- Requirements are being implemented and managed by the Department of Environment (DOE) in Malaysia.
- <http://www.e-ehs.doe.gov.my/>
- Manufacturers and importers of EHS must register and report volumes/other information to DOE.

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

- Voluntary program in 2009 intended to be a mandatory requirement in 2010
- Purpose = to *“identify substances of concern and make decisions about how to manage these substances in a safe and sound manner.”*
- Regulations not yet finalized or published (DOE is still taking comments until mid-April).

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

- ‘EHS’ substances definition (from DOE website)
“An EHS is a substance that is included in the EHS Reference List (EU Annex I + CMR), or if not on the list, must be assigned a hazard category under the GHS classification scheme, as implemented by the Department of Occupational Safety and Health Malaysia.”
- Search function, by CAS (for Reference List substances), provided on the website
- <http://www.e-ehs.doe.gov.my/>

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

- Reporting at “chemical substance level” if an ‘EHS’
- ‘EHS’ components of a mixture must be reported if it meets reporting criteria even if the mixture is not hazardous
- Exempt from reporting:
 - Pesticides, poisons and CWC unless used for another purpose than currently regulated
 - Medical and dental products (verbal)
 - Consumer products out of scope for now; future regulations will bring them into the scheme (verbal)
 - Articles exempt, but definition not decided.
 - Impurities, by-products, naturally occurring, R&D, . . .

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

- Basic Notification (for substances on Reference List)
 - Substance Identification (CAS No. , EC No. or Index No.)
 - Annual Volume (in Metric tons)
 - Use Information
 - Concentration range in products and raw materials
 - Country from which it was exported (for imports)
- Detailed Notification (substances not on Reference list)
 - Basic Notification information
 - Structural Formula, molecular wt., etc.
 - P/C properties (melting pt., boiling pt., auto-ignition temp, etc.)
 - Physical Hazards (flammability, corrosivity, etc.)
 - Human Health Hazards (acute tox., skin corrosivity/irritation, etc.)
 - Environmental Hazards (acute aquatic tox., bioaccumulation, etc.)
 - Overall GHS Classification

Environmentally Hazardous Substances (‘EHS’) Reporting Requirements

CRITERIA FOR REPORTING

- Within volume bands
 - >100,000 kg/yr in 2010, 2011
 - >10,000 to 100,000 kg/yr in 2012, 2013
 - >1,000 to 10,000 kg/yr in 2014, 2015
 - 100 to 1000 kg/yr in 2016
- CMR as defined by list on website in 2010, 2011 (regardless of volume)
- Chronic aquatic toxicity category 1 in 2010, 2011 (regardless of volume)

Environmentally Hazardous Substances (‘EHS’) Reporting

Process of Registering/Reporting

- Malaysian Importing/Manufacturing Company will register on DOE website
- Password is given (one password per company)
- Determine all imports into Malaysia
- Breakdown all formulations to substance level
- Determine which meet EHS definition
- Total the volume of each EHS substance
- Report via website using company password

Environmentally Hazardous Substances ('EHS')

Reporting - Industry Concerns

- Requirements not finalized and published (yet program is to be mandatory in 2010)
- Will be an annual requirement: January – June for previous year's volumes is expected (verbal)
- Intended to use GHS classifications – but GHS is not yet implemented
 - Since GHS is not yet implemented by DOSH, can use CPL, EU or GHS classification (verbal)

Environmentally Hazardous Substances ('EHS')

Reporting - Industry Concerns

- Reporting for components of formulations containing purchased materials could be problematic
 - Purchased components; DOE may implement 3rd party reporting provisions (verbal)
 - CBI: will be allowed for company name, use and volume (verbal)

Environmentally Hazardous Substances ('EHS')

Reporting - Industry Concerns

- Confidential Business Information (CBI) is a significant issue
- Industry needs to protect critical information on composition and distribution of some products
 - Obtaining and maintaining CBI from suppliers of proprietary components for products imported
 - CBI you provide to customers on proprietary substances and subsequent import

Environmentally Hazardous Substances ('EHS')

Reporting - Industry Concerns

- CBI is a significant issue for DOE as well
- Government burden for CBI protection could be extensive and expensive
 - Information shared with other agencies or groups?
 - Use of contractors in handling or to access of information?

Malaysia Emerging Issues

- Websites are main sources of information, at least for companies outside of the country.
- GHS under Department of Occupational Safety and Health (DOSH)
 - <http://www.dosh.gov.my/>
- Environmentally Hazardous Substances under the Department of Environment (DOE)
 - <http://www.e-ehs.doe.gov.my/>