

Chapter 29**IMPLEMENTATION AND MAINTENANCE OF THE GHS****HOW – GHS fits into chemical life cycle management**

1. It is important to understand how a national system will implement the GHS, understand the various elements of the GHS, and how the GHS will be used to meet the needs of the various interested parties. The implementation of the GHS should be considered in light of national circumstances. It is hoped that those countries that are capable of implementing the GHS will do so by 2008, but the actual implementation timeframe is country specific. Governments in consultation with affected stakeholders should determine a realistic timetable for implementation. A national implementation program should consider both domestic production and chemical imports, and resources available for the implementation and maintenance of the system. Issues to consider, but not limited to, include:

- Has adequate instruction been given to industry – both domestic and importing manufacturers – to be able to comply? Are copies of the regulations readily available in local language and English, if applicable?
- Is sufficient time given to allow industry to implement and maintain the system, e.g., staff to handle the workload associated with the system?
- Is sufficient time given to allow for a reasonable transition to the new system (e.g., the use of existing labeling stock, or allow for products already in the supply-chain without requiring re-labeling)?
- Are there ministries/agencies ready to implement and maintain the systems, e.g., staff to handle the workload associated with the system?
- What is the relationship between government and industry in the context of a self-implementing (both classification and hazard communication) system?
- Has allowance been made for imported products to be re-labeled in country if necessary?

2. The practice currently used in some countries for imported chemicals could serve as a model for the GHS. For example, an importer who imports hazardous products that comply with UN transport requirements for labeling but do not comply with national workplace/consumer labeling, must label the product in accordance with national requirements, a) where the product is delivered to the address of the importer for his use or sale, before the product is used or sold (e.g., distributor), or b) where the product is imported to the address of the person to whom the importer has sold the product, before the product is used by that person (e.g., customer).

3. An alternative practice is that the person to whom the importer has sold the product undertakes to apply a label that the supplier may generate to the product.

WHO – has a Role in GHS

3. At the government level it is important to form an inter-ministerial coordinating group to ensure an integrated approach to implementing the GHS. It is also important to ensure

Environment							
Health							
Agriculture							
Labour							
Trade/Commerce							
Industry							
Finance							
Transport							
Interior/ Civil Defense							
Justice							
Customs							
Foreign Affairs							
Other							

[Comment: it may be helpful to provide a brief description of ILO, OECD, NIOSH activities etc, e.g., pilot programs]

WHAT – are Mechanisms for Implementing GHS

8. It is important to understanding existing legal instruments and non-regulatory mechanisms for managing chemicals, including their implementation and enforcement, and identify how they relate to the GHS implementation. Again this information may have already been compiled in your country National Profile.

9. Due to the cross-sectoral nature of chemicals management, it is likely that several pieces of legislation, regulations, or standards in the country address chemicals in different ways. Many of these laws, regulations, standards, decrees or other legal instruments may be relevant even when they are not limited to, or specifically target, chemicals. For example, general transport laws or environmental laws may have some control provisions that are applicable to hazardous chemicals. Some countries may already use the GHS as the basis for establishing a national system of classifying and labeling chemicals while other national systems have an existing regulatory regime for classifying and labeling chemicals that may need to be revised to reflect the criteria and intent of the GHS.

WHERE – is the Information Found

10. The GHS permits the use of existing data already used to classify products and is adaptable for those regulatory systems in existence. It is intended to reflect a system that relies on the most up-to-date scientific knowledge and principles.

11. One of the general principles established by the IOMC-CG-HCCS states that test data already generated for the classification of chemicals under the existing systems should be accepted when classifying these chemicals under the harmonized system thereby avoiding duplicative testing and the unnecessary use of test animals. This policy has important implications in those cases where the criteria in the GHS are different from those in the existing system. In some cases, it may be difficult to determine the quality of existing data from older studies. In such cases, expert judgment will be needed.

12. For the purpose of classification or re-classification, tests that determine hazardous properties conducted according to internationally recognized scientific principles could be used for purposes of a hazard determination for health and environmental hazards. The criteria for classifying health and environmental hazards is test method neutral; it allows for different approaches as long as they are scientifically sound and validated according to international procedures and criteria already referred to in existing systems for the endpoint of concern and produce mutually acceptable data.

13. The criteria for determining physical hazards relies on the recommendations in the Manual of Tests and Criteria supplement the "Recommendations on the Transport of Dangerous Goods" and the Model Regulations contained in the Orange Book. The purpose of the Manual of Tests and Criteria is to present the United Nations schemes for the classification of certain types of dangerous goods. It gives descriptions of the test methods and procedures considered to be the most useful for providing competent authorities with the necessary information to arrive at a proper classification of substances and articles for transport. The Manual of Tests and Criteria should be used in conjunction with the latest version of the Recommendations on the Transport of Dangerous Goods and of the Model Regulations on the Transport of Dangerous Goods annexed to these Recommendations.

WHAT – is the Role of the Guidance

14. This document contains recommendations concerning the classification, labeling, and preparation of MSDS with a national system that can be used by government or industry since this system is based on self-classification. The Guidance aims at presenting a basic scheme of provisions that will allow uniform development of national and international regulations governing the GHS; yet they remain flexible enough to accommodate any special requirements that might have to be met. It is expected that governments, intergovernmental organizations and other international organizations, when revising or developing regulations for which they are responsible, will conform to the principles laid down in the Guidance, thus contributing to worldwide harmonization in this field. Furthermore, the new structure, format and content should be followed to the greatest extent possible in order to create a more user-friendly approach, to facilitate the work of enforcement bodies and to reduce the administrative burden.

15. The Guidance covers principles of classification, labeling and MSDS. The scope of the Guidance ensures their value for all who are directly or indirectly concerned with the GHS. At various times during the development of harmonized classification criteria, concerns have arisen over the way a harmonized classification system might be used and whether it would meet the needs of its various end-users.

WHAT – is the Role of the UNCETDG/GHS

16. The UN Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labeling of Chemicals is responsible for strategic issues rather than technical issues. It has not envisaged that it would review, change or revisit technical recommendations of the sub-committees. Accordingly, its main functions are:

- To approve the work programmes for the sub committees in the light of available resources;
- To coordinate strategic and policy directions in areas of shared interests and overlap;
- To give formal endorsement to the recommendations of the sub committees and provide the mechanism for channeling these to ECOSOC;
- To facilitate and coordinate the smooth running of the sub-committees.

Functions of the GHS sub-committee are:

- To act as custodian of the GHS, managing and giving direction to the harmonization process;
- To keep the GHS system up to date as necessary, considering the need to introduce changes, ensure its continued relevance and practical utility, and determining the need for and timing of the updating of technical criteria, working with existing bodies as appropriate;
- To promote understanding and use of the GHS and to encourage feedback;
- To make the GHS available for world wide use and application;
- To make guidance available on the application of the GHS, and on the interpretation and use of technical criteria to support consistency of application;
- To prepare work programmes and submit recommendations to the committee.

17. The existing terms of reference for the Sub-committee of Experts on Transport of Dangerous Goods continue to apply.

HOW – is GHS Updated

18. The updating of the GHS will be undertaken as proposals by member countries are submitted to the UNCETDG/GHS Sub-committee. It is anticipated that proposals may be submitted to the sub-committee to correct problem areas in the classification or hazard communications criteria that arise as the system is implemented or new areas of work (e.g., new endpoints) are identified. The actual technical work may be delegated to other entities like OECD or ILO.

WHEN – is New GHS Information Updated

19. It is important to convey appropriate information to stakeholders about products that are supplied to a workplace. This information identifies the hazards of chemicals and provides advice for safe use of the products to people that work with them or use them as consumers. Depending on the national or regional system that is implementing the GHS the party responsible for classifying chemicals should review and respond to new and significant information affecting classification within six months. If information is received that the chemical or chemical mixture poses a greater or lesser hazard than is currently shown on the label or the MSDS, or if any other information is received which affects the advice given as a result of the GHS classification the responsible party should update the MSDS within six months and label information should be updated when label stock is depleted but no later than one year from the time new information is known about the product. Re-labeling should not be required for products that are in the distribution chain.