



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

Report of the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on its forty-fourth session

held in Geneva from 10 to 12 July 2023

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I. Attendance

1. The Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals held its forty-fourth session from 10 to 12 July 2023, with Ms. Nina John (Austria) as Chairperson and Ms. Lynn Berndt-Weis (Canada) as vice-chairperson.
2. Experts from the following countries took part in the session: Australia, Austria, Belgium, Canada, China, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Republic of Korea, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.
3. Under rule 72 of the rules of procedure of the Economic and Social Council, Switzerland took part as observer.
4. Representatives of the United Nations Institute for Training and Research (UNITAR) were also present.
5. The following intergovernmental organizations were represented: European Union and Organisation for Economic Co-operation and Development (OECD).
6. Representatives of the following non-governmental organizations took part in the discussion of items of concern to their organizations: Australasian Explosives Industry Safety Group Incorporated (AEISG); Center for International Environmental Law (CIEL); Compressed Gas Association (CGA); Croplife International; European Aerosol Federation (FEA); European Chemical Industry Council (Cefic); European Environmental Bureau (EEB); Health and Environment Justice Support; International Association for Soaps, Detergents and Maintenance Products (A.I.S.E); International Council of Chemical Associations (ICCA); International Council on Mining and Metals (ICMM); International Organization of Motor Vehicle Manufacturers (OICA); Institute of Makers of Explosives (IME); Responsible Packaging Management Association of Southern Africa (RPMASA); and Sporting Arms and Ammunition Manufacturers' Institute (SAAMI).

II. Adoption of the agenda (agenda item 1)

Documents: ST/SG/AC.10/C.4/87 and ST/SG/AC.10/C.4/87/Add.1 (secretariat)

Informal documents: INF.1, INF.2 and INF.10 (secretariat)

7. The Sub-Committee adopted the provisional agenda prepared by the secretariat after amending it to take account of informal documents INF.1 to INF.22.

III. Work on the Globally Harmonized System of Classification and Labelling of Chemicals (agenda item 2)

A. Work of the Sub-Committee of Experts on the Transport of Dangerous Goods on matters of interest to the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

1. Amendment to section 51.4.4.2 (e) of the Manual of Tests and Criteria

Document: ST/SG/AC.10/C.4/2023/1 (China)

Informal document: INF.22, item 1 (secretariat)

8. The Sub-Committee noted that the Sub-Committee of Experts on the Transport of Dangerous (TDG Sub-Committee) had adopted the proposed amendment to the Manual of Tests and Criteria between square brackets, on the understanding that further work was needed to improve it and address some inconsistencies. It was also noted that China had volunteered to lead an informal working group on burn rates and that following the outcome

of this work additional information and/or revised proposals in relation to the amendment initially proposed in document ST/SG/AC.10/C.4/2023/1 may need to be submitted during the biennium.

2. Amendment of the definition of “explosive or pyrotechnic effect”

Document: ST/SG/AC.10/C.4/2023/2 (Sweden)

Informal document: INF.22, item 2 (secretariat)

9. The Sub-Committee was informed that the TDG Sub-Committee had adopted between square brackets proposal 1A but considered that more time was needed to consider all possible implications of the deletion of the reference to 2.1.1.1 (c) in the definition of “explosive or pyrotechnic effect” in the Model Regulations, the Manual of Tests and Criteria and the GHS. It was also noted that more time was needed to consider proposals 2A and 2B and that the TDG Sub-Committee had decided to keep the document on the agenda for the next session. The Sub-Committee concurred with that decision.

3. Amendments to chapter 2.17 of the GHS and section 51 of the Manual of Tests and Criteria

Document: ST/SG/AC.10/C.4/2023/3 (AEISG)

Informal documents: INF.15 (SAAMI)

INF.22, item 3 (secretariat)

10. The Sub-Committee noted that following the outcome of the discussions at the Explosives Working Group and its recommendations, the TDG Sub-Committee had adopted the proposal in paragraph 15 in document ST/SG/AC.10/C.4/2023/3 but could not reach consensus on the proposals in paragraphs 13 and 14. The Sub-Committee concurred with the decision of the TDG Sub-Committee on paragraph 15.

11. The representative of AEISG informed the Sub-Committee that he will work with other interested delegations to revise the proposals in paragraphs 13 and 14 to take account of the comments made. This would also include consideration of the issues raised by SAAMI in informal document INF.15. The representative of SAAMI confirmed that he would also work with other delegations to see how to address them (i.e. as part of the proposals made by AEISG or separately).

4. Aerosols, alignment of special provision 63 with special provision 362

Informal documents: INF.5 (FEA)

INF.22, item 4 (secretariat)

12. The representative of FEA informed the Sub-Committee that due to unexpected circumstances, no representatives from FEA were able to attend the TDG Sub-Committee and requested that discussion on this topic be postponed for a forthcoming session.

13. The expert from Germany explained that the outcome of the discussions on the topic raised by FEA at the TDG Sub-Committee would be helpful to clarify some of the notes applicable to aerosols and gases under pressure in the GHS.

B. Simultaneous classification in physical hazards and precedence of hazards

Informal documents: INF.14 (Germany)

INF.22, item 5 (secretariat)

14. The Sub-Committee took note of the progress of the work of the informal working group. The expert from Germany invited delegates interested to participate in the work to contact her.

C. Use of non-animal testing methods for classification of health and environmental hazards

Informal document: INF.13 (United Kingdom, the Netherlands)

15. The Sub-Committee took note of the progress report in informal document INF.13. It was pointed out that the proposal addressing the review of classification of mixtures for skin sensitization in chapter 3.4 was expected to be completed and included in an official document for the forty-fifth session of the Sub-Committee in December 2023. It was also noted that the informal working group was considering additional hazard classes or issues that may need to be revised with respect to the use of non-animal testing methods, once the work on chapter 3.4 is completed.

D. Classification criteria for germ cell mutagenicity

Informal document: INF.17 (European Union)

16. The Sub-Committee took note of the progress of the work on the informal working group since the last session as detailed in informal document INF.17, in particular: ongoing work regarding the revision of the structure of chapter 3.5 for alignment with chapters 3.2, 3.3 and 3.4; the revision of criteria for category 1A; consultations and exchange of information with the informal working group on non-animal test methods; and clarification of criteria in relation to the use of in vivo somatic and germ cell genotoxicity tests for classification under category 1B.

E. Potential hazard issues and their presentation in the Globally Harmonized System

Document: ST/SG/AC.10/C.4/2023/6 (European Union)

Informal document: INF.19 (European Union)

17. There was general support for the mandate to OECD in document ST/SG/AC.10/C.4/2023/6 and the workplan for the work of the informal working group in informal document INF.19. While acknowledging the need and importance to address the issues presented in the proposed workplan as soon as possible, some experts emphasized the need to take into consideration the limitations imposed by the available resources. It was felt however, that the proposed workplan allowed for a paced approach.

18. The Sub-Committee agreed on the mandate to OECD on endocrine disruptors in paragraph 12 of document ST/SG/AC.10/C.4/2023/6 as well as to the 2023-2024 workplan for the work of the informal working group on potential hazard issues in paragraphs 15 to 19 of informal document INF.19.

19. Regarding the work of the informal working group, the representative of the European Union provided a brief report on the meeting held on 10 July 2023. He indicated that the group had agreed on organisational matters and identified the main topics for its next meeting.

F. Practical classification issues (proposed amendments to the Globally Harmonized System)

20. No proposals for amendment to the GHS were submitted under this agenda sub-item. Information about progress on the current items on the programme of work of the informal working group was considered by the Sub-Committee under agenda item 4 (a).

G. Nanomaterials

21. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

H. Hazard communication for gases addressed in the Montreal Protocol and other conventions

1. Revision of chapter 4.2 to include classification and hazard communication for greenhouse gasses listed in the annexes of the Montreal Protocol

Document: ST/SG/AC.10/C.4/2023/4 (Austria, Finland, Germany, United Kingdom, United States of America, European Union)

Informal document: INF.3 (Austria, Finland, Germany, United Kingdom, United States of America, European Union)

22. The Sub-Committee adopted the proposal in the annex to document ST/SG/AC.10/C.4/2023/4 (see annex) and requested the secretariat to inform the ozone secretariat of this decision.

2. Hazard communication for substances that are hazardous to the atmospheric system

Informal document: INF.11 (Austria, Germany, European Union)

23. There was general support for the proposed workplan and terms of reference as contained in informal document INF.11. Mindful of the current workload of the Sub-Committee, several experts voiced concerns about possible lack of time and expert's availability to address new work items during the current biennium. It was noted however that the paced approach proposed in paragraph 14 of the informal document would allow to address these concerns. On these grounds, the Sub-Committee agreed to the proposed terms of reference and workplan in paragraphs 13 and 14 and accepted the offer from the representative of the European Union to lead an informal working group on "hazard communication for substances hazardous to the atmospheric system". Experts interested in participating in the work were invited to contact the representative of the European Union.

I. Improvement of annexes 1 to 3 and further rationalization of precautionary statements

Informal documents: INF.6 and INF.7 (United Kingdom)

24. The Sub-Committee took note of the progress of work of the informal working group since the last session.

25. The Sub-Committee also noted the information provided in informal document INF.7. Experts were invited to consider the issues raised therein and to provide feedback to the expert from the United Kingdom.

J. Practical labelling issues

Document: ST/SG/AC.10/C.4/2023/5 (Cefic)

Informal document: INF.4 (Cefic)

26. The Sub-Committee adopted the proposal in document ST/SG/AC.10/C.4/2023/5 with some amendments, following the comments made during the discussion in plenary (see annex).

K. Other matters

1. Hazard communication requirements for substances and mixtures emitting volatile and flammable vapours

Informal documents: INF.16 (China)
INF.22, item 6 (secretariat)

27. The Sub-Committee concurred with the TDG Sub-Committee that the issue raised by China deserved consideration.

28. It was noted that, in addition to the proposed amendments to annex 4 of the GHS, it may be appropriate to consider including additional guidance in annex 11. The expert from the United States of America volunteered to work with the expert from China on the development of such guidance and to explore whether, and to which extent, this subject could also be addressed by the informal working group on practical classification issues within item 1 of its work programme, i.e: “Consider the need to include in GHS annex 11 hazard communication associated with the hazards of flammable vapours created in the headspace (the unfilled space left above the contents in a sealed container) for solid and liquid substances or mixtures”.

29. Several experts suggested to consider alternative wording to avoid misunderstandings related to the use of the term “explosive” in a wider context, outside the definition and scope of chapter 2.1 of the GHS. Some additional editorial suggestions to the proposed text for A4.3.2.3 were also provided. The expert from China welcomed the feedback received and invited all those who made comments to send them in writing, with a view to submitting a revised proposal for the next session.

2. Use of “should”, “shall”, “may” and “must” in the Globally Harmonized System

Informal document: INF.20 (United States of America)

30. The Sub-Committee acknowledged the need for further guidance on the GHS on the interpretation and application of these terms to ensure common understanding and consistent implementation worldwide, while allowing for some flexibility to facilitate implementation at national/regional level. It was noted that, as a follow-up action, the whole text of the GHS may need to be reviewed to ensure alignment in the use of these terms with the agreed principles. Consideration of the ongoing workload and to how the intended interpretation of these terms within the GHS context may translate into other languages should also be taken into account when developing the guidance.

31. The expert from the United States of America invited all experts interested in the work on this issue to contact her.

IV. Implementation (agenda item 3)

A. Possible development of a list of chemicals classified in accordance with the Globally Harmonized System

Informal document: INF.21 (Canada, United States of America)

32. The Sub-Committee noted the information on the status of the work of the informal working group. It was pointed out that the analysis of the results of the survey on GHS implementation by United Nations bodies and specialized agencies as well as non-governmental organizations was completed. It was also noted that an outline of a draft manuscript detailing the background information and initial findings of the survey was being developed, and that the informal working group had started to address work stream item B (a) of its programme of work (i.e: “Continue to research and analyse the existing classification lists: further evaluate the classifications on a subset of the lists, e.g. by hazard class or category”).

B. Reports on the status of implementation

1. Canada

Informal document: INF.12 (Canada)

33. The expert from Canada informed the Sub-Committee that the transition from the fifth revised edition (Rev.5) to the seventh revised edition (Rev.7) of the GHS had been completed with the publication on 4 January 2023 of the amended Hazardous Products Regulations (HPR) and schedule 2 to the Hazardous Products Act (HPA), modifying Canada's national hazard communication standard for the workplace (Workplace Hazardous Materials Information System (WHMIS)). It was pointed out that the criteria in the eighth revised edition (Rev.8) of the GHS had been implemented for chemicals under pressure.

34. Additional details on the updates and related outreach information activities conducted at national level can be found in informal document INF.12.

2. Russian Federation

35. The expert from the Russian Federation informed the Sub-Committee that since January 2023 two national standards had been aligned with the provisions of the seventh revised edition (Rev.7) of the GHS.

3. South Africa

36. The representative of RPMASA informed the Sub-Committee that the transitional period for implementation of the regulations applicable to workplace chemicals that were in the supply chain before 30 September 2022 will end on 30 September 2023. As from that date, all chemicals in the supply chain falling within the scope of these regulations will have to be classified and labelled in accordance with the provisions therein. It was also noted that these regulations also include the requirement for GHS labelling and provision of safety data sheets for consumer products used in the workplace.

4. Australia

37. The expert from Australia informed the Sub-Committee that the transition from the third revised edition (Rev.3) to the seventh revised edition (Rev.7) of the GHS had been completed on 1 January 2023.

5. Status of implementation worldwide

38. Noting that the information on the webpage compiling information about the status of implementation worldwide had been recently updated¹, a member of the secretariat invited experts to check the information available for their countries and inform them about any additional updates.

C. Cooperation with other bodies or international organizations

39. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

D. Miscellaneous

40. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

¹ <https://unece.org/transport/documents/2021/01/ghs-implementation-implementation-country>

V. Development of guidance on the application of the Globally Harmonized System (agenda item 4)

A. Practical classification issues

Informal document: INF.18 (United States of America)

41. The Sub-Committee took note of the status of the work of the informal working group in paragraph 2 of informal document INF.18.

B. Practical labelling issues

42. The Sub-Committee considered the proposal for amendment of examples 1 to 7 in annex 7 of the GHS under agenda item 2 (j). No further discussion took place on this topic under this agenda sub-item.

C. Miscellaneous

43. As no document had been submitted under this agenda sub-item no discussion took place on this subject.

VI. Capacity building (agenda item 5)

A. UNITAR

44. The representative of UNITAR informed the Sub-Committee about activities supporting GHS implementation. These included: development of roadmaps for GHS implementation in Ecuador and El Salvador; agreements to support the development of draft legislation implementing the GHS in El Salvador and Armenia; capacity-building, including promotion of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) toolbox, training and other activities in support of the development of draft national legislation in Tanzania; and, supporting ongoing United Nations Environment Programme (UNEP) projects in Côte d'Ivoire, Ghana, Kenya and Nigeria aiming at the establishment of legislation to implement the GHS in these countries.

45. On capacity building, the Sub-Committee noted that UNITAR is planning to develop awareness raising materials on “the GHS and agriculture” and “the GHS and transport”. Regarding e-learning courses, the Sub-Committee was informed that the next round of the e-learning course in English was scheduled to start on 18 September 2023 and the Spanish version on 25 September 2023.

46. Referring to the ongoing negotiations for a global treaty on plastic pollution, he pointed out that UNITAR would like to develop awareness raising material on the relevance of the GHS for plastics. He invited Sub-Committee’s experts to provide any sources of information or contacts who may be able to contribute to this work.

47. The Sub-Committee was informed that a draft target on GHS implementation was included in the current draft version of the framework that is expected to be adopted at the forthcoming fifth international conference on chemicals management (ICCM-5), to be held in Bonn (Germany) in September 2023². UNITAR, OECD and ILO as members of the Global Partnership to Implement the GHS, intend to organize a side event to promote the GHS, the partnership, and seek momentum for early activities under the new framework.

² <http://www.saicm.org/About/ICCM/ICCM5/tabid/8207/Default.aspx>

B. Sweden

48. The expert from Sweden informed the Sub-Committee of activities supporting GHS implementation in several African countries conducted or supported by the Swedish chemicals' agency (KEMI) as part of the Swedish international cooperation initiatives.

VII. Implementation of Agenda 2030 and work of the Economic and Social Council (agenda item 6)

Informal document: INF.9 and INF.9/Add.1 (secretariat)

49. The Sub-Committee noted that the Economic and Social Council (ECOSOC) had considered the report of the Secretary-General on the work the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals during 2021-2022 (E/2023/56) and had adopted the draft resolution contained therein as prepared by the Committee at its eleventh session. The resolution, as adopted by the Council on 7 June 2023 was circulated under the symbol E/RES/2023/5.

VIII. Other business (agenda item 7)

A. Consultative relations between the United Nations and non-governmental organizations

Informal document: INF.8 (secretariat)

50. The Sub-Committee took note of the information regarding consultative relations between the United Nations and non-governmental organizations (NGOs), in particular as regards applications for consultative status and the need to keep the secretariat informed about changes in name for NGOs who are already in consultative status with the Sub-Committee.

B. Tributes

51. The Sub-Committee was informed that Mr. Hiroshi Jonai (Japan) had retired recently and Mr. Robert Sheridan (AEISG) would be retiring soon. It was pointed out that Mr. Jonai had attended the sessions of the Sub-Committee since its establishment in 2000 as the head of the Japanese delegation and Mr. Sheridan has been attending the sessions for the last thirteen years as a member of the AEISG delegation. Acknowledging their expertise and long standing contribution to the work of the Sub-Committee, and noting that they would no longer attend the sessions, the Sub-Committee wished them a long and happy retirement.

52. The Sub-Committee was also informed that Mr. Ed de Jong (Netherlands) would no longer be chairing the Explosives Working Group of the TDG Sub-Committee. The Sub-Committee expressed its appreciation for his dedication and hard work. It was noted that Mr. Martyn Sime (United Kingdom) had been nominated as the new chair of the Explosives Working Group.

IX. Adoption of the report (agenda item 8)

53. In accordance with the established practice, the Sub-Committee adopted the report on its forty-fourth session and its annex on the basis of a draft prepared by the secretariat.

Annex**[Original: English and French]****Draft amendments to the tenth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.10)**

Document ST/SG/AC.10/C.4/2023/4 adopted.

Document ST/SG/AC.10/C.4/2023/5 adopted with the following modifications:

Examples 1 and 2:

- In the heading, replace “liquid” by “liquids”.
- Amend the line for “Outer packaging” to read “Outer packaging: Box with a Class 3: flammable liquids transport label*”.

Example 3:

- Amend the line for “Outer packaging” to read “Outer packaging: Box with no transport label (not required)*”.
- In the line for “Inner packaging”, delete “hazard warning”.

Example 4, heading

Before “200 l drum)” add “for example, a” and replace “liquid” by “liquids”.

Examples 5 and 6, heading,

After “Single packaging”, add “(for example, a 200 l drum)” and replace “liquid” by “liquids”.
