



Australia: The GHS. Going Live in 2017?

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Topics for presentation

- ▶ Legislative and logistical issues for Australia
- ▶ History and origins of national systems
 - ❖ Poisons scheduling
 - ❖ Workplace chemicals
 - ❖ GHS development
 - ❖ Work Health and Safety legislation

Impact on chemical hazard communication

Different sectors: Different approaches

- ▶ Transport
- ▶ Workplace
- ▶ Consumer
- ▶ Pesticides*

Specific National issues

- ▶ Federation of states and territories
 - ❖ Legislation for chemicals regulation lies with the jurisdictions (6 states and 2 territories). Three tiers of government.
- ▶ Size
 - ❖ Approximately the same land area as the contiguous 48 States in the USA but with around 50% of the Australian population in a small number of cities
- ▶ Market share
 - ❖ Around 1% of the global chemicals market

Chemical Sectors

- ▶ Consumer chemicals/Chemicals (Poisons) scheduling
 - ❖ System dates back to the 1950/60s
 - ❖ Means of putting controls in place to protect the public from the dangers of chemicals
 - ❖ Container requirements, warning statements, signal words, first aid instructions and safety directions
 - ❖ Hazard-based assessment
 - ❖ Risk-based labeling system, focused on consumers

Workplace Chemicals

- ▶ Hazard-based classification and labeling system in place since the 1980s, based on the EU system
- ▶ Development of the GHS in the UN necessitated change in workplace system, either to implement GHS or develop alternative system.

Transport Sector

- ▶ Based on UN Model Regulations
- ▶ Overlaid by Australian-specific ADG Code
- ▶ Lags behind UN system by a number of years
- ▶ Can make specific classification decisions at odds with UN Regulations

Workplace Legislation in Australia

- ▶ In Australia, workplace chemicals were the only chemicals for which classification and hazard communication was based on an agreed hazard-based system, namely the EU.
- ▶ When consultation began on developing the GHS in the late 1990s – in the IOMC prior to the establishment of the UN sub committee of experts – other sectors in Australia were uninterested because they had their own classification and labeling systems.

Workplace Legislation in Australia (cont)

- ▶ Why the move to GHS for workplace chemicals?
- ▶ And is anything special about the 2017 implementation date?
 - ❖ Pre-GHS decision to look at physicochemical hazards and human health hazards under one umbrella.
 - ❖ Government decision to develop a single national model work health and safety legislation including workplace chemicals requirements.

Workplace Legislation in Australia (cont)

- ▶ Stars (and governments) aligned
- ▶ National work health and safety legislation agreed, including for workplace chemicals based on GHS
- ▶ Adopted almost all the GHS hazard categories
- ▶ Regulation Impact Assessment supported a 5-year transition for chemicals from start of legislation
- ▶ Implementation date 1 Jan 2012. End transition 1 Jan 2017

Workplace Legislation in Australia (cont)

- ▶ Decision to adopt GHS Rev3 (did not want to be too far ahead of the pack)
- ▶ Legislation adopted and implemented by Commonwealth, States and Territories (minus two...WA and Victoria).
- ▶ Uses a building block approach
- ▶ Associated codes of practice and other supporting material; labeling, SDS, classification criteria, Hazardous Chemicals Information System

Industry ready for Jan 1 2017?

- ▶ Yes, mostly. Still some issues to resolve.
- ▶ For multinationals, including those trading in Europe, should be fairly straightforward. Despite having a combined hazard system drafted around 2008, Australia marked time until other economies – USA, EU, Japan, China – passed by. Some level of risk aversion.
- ▶ For small manufacturers, working previously on the fringe of workplace laws, may still be much to do.

Regulatory Assistance

- ▶ New and improved hazardous chemicals database using GHS classification.
- ▶ Training sessions conducted for around 2000 people on GHS
- ▶ Online training including Federal and State regulatory agencies
- ▶ Concessions made on labeling requirements where chemicals are predominantly for consumer use and for agvet chemicals.

Regulatory Assistance (cont).

- ▶ The workplace laws make allowance for chemicals that might be used both in the workplace and domestically (so-called 'dual-use' chemicals). Under workplace laws, chemicals used **predominantly** in the workplace must be classified and labeled in accordance with those laws.
- ▶ GHS Rev6 now the standard with an additional 2 year transition period agreed.
- ▶ 'Rogue' states agree to recognize both existing system and GHS.

Residual issues for workplace chemicals?

- ▶ Over labeling/incorrect labeling, particularly for transport/workplace interface on IBCs and tanks. Issue raised at UN so other countries also find it a problem.
- ▶ Possible issues for emergency responders if hazard communication becomes ineffective.
- ▶ Concerns about proliferation of hazard elements and subsequent desensitization to the information.

Consumer Chemicals

- ▶ Chemicals (formerly Poisons) scheduling system for consumer chemicals
 - ❖ Different classification system to GHS (considerable similarities)
 - ❖ Different signal words
 - ❖ Different hazard and precautionary statements (some similarities)
 - ❖ No pictograms
 - ❖ Risk-based labeling system

Consumer Chemicals (cont)

- ❖ Different definition of workplace chemicals
- ❖ Focus on controls including packaging
 - ❖ Includes prohibited substances
- ▶ So what issues could there possibly be...?

Hazard Communication Issues

- ▶ Scheduled Poisons which are packed and sold **solely** for industrial, manufacturing, laboratory or dispensary use are exempt from all (scheduling) labeling requirements as they are covered by Safe Work Australia's National Code of Practice for the Labeling of Workplace Substances.
- ▶ Considerable confusion at the consumer / workplace interface. Potential to under or over classify and label chemicals.

Hazard Communication Issues

- ▶ Risk-based system does not allow much leeway to adopt GHS:

- ❖ *'POISONS ARE NOT SCHEDULED ON THE BASIS OF A UNIVERSAL SCALE OF TOXICITY. ALTHOUGH TOXICITY IS ONE OF THE FACTORS CONSIDERED, AND IS ITSELF A COMPLEX OF FACTORS, THE DECISION TO INCLUDE A SUBSTANCE IN A PARTICULAR SCHEDULE ALSO TAKES INTO ACCOUNT MANY OTHER CRITERIA SUCH AS THE PURPOSE OF USE, POTENTIAL FOR ABUSE, SAFETY IN USE AND THE NEED FOR THE SUBSTANCE.'*

- ❖ Still a matter for consideration but not in time for 2017 deadline. Comprehensive discussion document in 2009 but no decisions yet.

Pesticides

- ▶ Agvet chemicals in Australian regulatory terminology
- ▶ Separate regulator and labeling code
- ▶ Subject to consumer, workplace and transport requirements and this is recognized in code
- ▶ Outstanding policy issue still be debated vigorously around agvet chemical labeling.

Review of duplication between workplace and agvet labeling requirements

The review conducted by the Dept of Agriculture will:

- ▶ identify any duplication of effort for products from complying with both work health and safety legislation and agvet chemical legislation
- ▶ identify options to streamline and improve the regulation of work health and safety for agvet chemical products
- ▶ analyse the costs, benefits and other consequences of these options for the safe use of agvet chemical products
- ▶ make recommendations for preferred options that are within the Australian Pesticides and Veterinary Medicines Authority's functions and powers.

The review's final report will be released on the department's website by mid-November 2016.

Pesticides (cont)

Issues

- ▶ Subject to rigorous assessment (compared to workplace chemicals)
- ▶ Risk-based labeling and controls conflict with simple hazard communication
- ▶ Assessed on basis of use in accordance with label instructions
- ▶ Comments received re no physicochem hazard assessment or communication
- ▶ Previously exempt from workplace requirements

Summary

- ▶ 2017 deadline looming
- ▶ Small to medium enterprises might still have issues with compliance
- ▶ High level of awareness in industry
- ▶ Considerable commitment to comply with classification and hazard communication requirements
- ▶ Willingness of regulators to assist and be flexible
- ▶ Still outstanding policy issues under discussion or yet to be tackled

Useful links

▶ Safe Work Australia Chemicals

- <http://www.safeworkaustralia.gov.au/sites/swa/whs-information/hazardous-chemicals/pages/hazardous-chemicals-other-substances>
- <http://hcis.safeworkaustralia.gov.au/>

▶ Chemicals Scheduling Discussion Paper

- <http://www.health.gov.au/internet/main/publishing.nsf/Content/ghs-discussion-paper.htm>

▶ Pesticide review on 'duplication' of labeling

- <http://www.agriculture.gov.au/ag-farm-food/ag-vet-chemicals/review-of-duplication>