GHS in South America

Society for Chemical Hazard Communication

April 24, 2018

Michael S. Wenk, M.S., MBA The Acta Group Washington, D.C. www.actagroup.com

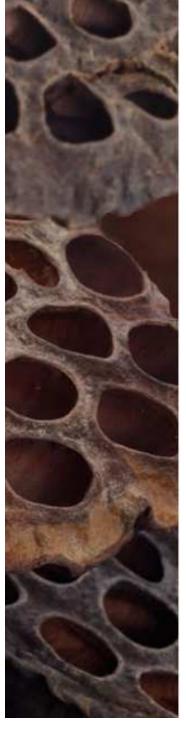




Overview

- Governmental structure in Central and South America
- Legislation formats
- "Regulations," "Directives," "NOMs," and "NTCh/NTCs/NTEs"
- Key countries with respect to the Globally Harmonized System of Classification and Labelling (GHS)
- Final thoughts





Overview

- Argentina
- Brazil
- Chile
- Colombia
- Costa Rica
- Ecuador
- Uruguay
- Venezuela

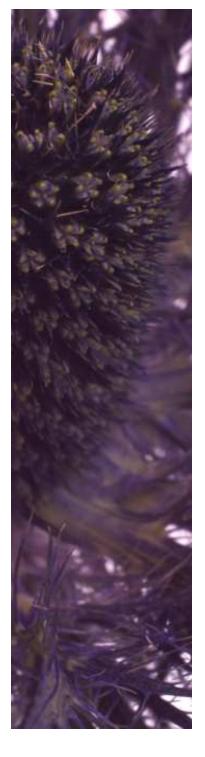




Governmental Structure in Central and South America

- A similar environment for Europeans, vastly different for Americans!
- Americans
 - "Departments": U.S. Department of the Interior (DOI)
 - "Agencies": U.S. Environmental Protection Agency (EPA)
 - "Bureaus": U.S. Bureau of Land Management (BLM)





Governmental Structure in Central and South America

- In part because of its colonial history, Central and South America largely mirror European structure
- Competent authorities are "Ministries"
- Be careful: In many cases, multiple Ministries may have jurisdiction over a substance based on intended use





Legislative Format in Central and South America

- Again, similar environment for Europeans
- Regulations are commonly expressed in the format "ABC 123/YYYY," where:
 - "ABC" is name of the regulation;
 - > "123" is the regulation number; and
 - "YY" or "YYYY" is the year of publication or enactment
- Example: Pesticides Act 7802/1989
- May also be expressed as Pesticides Act 7802:1989 (e.g., in Ecuador)



ASIA | EUROPE | THE AMERICAS



"Regulations," "Directives," "NTCh/NTCs/NTEs" and More

- Central and South America have voluntary versus mandatory legislation types
- These types, while common in theme, can be specific to certain countries
 - Regulations: Mandatory in the country
 - > Directives: Mandatory in the country (e.g., Chile)



ASIA | EUROPE | THE AMERICAS



"Regulations," "Directives," "NTCh/NTCs/NTEs" and More

- NTCh: Normas Técnicas Chilean (Chilean Technical Standards)
- NTC: Norma Técnicas Colombiana (Colombian Technical Standards)
- NTE: Normas Técnicas Ecuatorianas
 Oficializadas (Ecuadorian Technical Standards
 Officialized)





"Regulations," "Directives," "NTCh/NTCs/NTEs" and More

- To further complicate matters, some Central and South American countries incorporate the name of the issuing authority into the regulation title
- Example: Argentina's GHS regulation was "Resolution SRT No. 801/15," where SRT is the Superintendencia de Riesgos del Trabajo (Superintendency of Occupational Risks)
- Not all countries identify the authority in the legislation title





Argentina

- Argentina originally followed ANSI Z400.1 guidance, with Spanish being the preferred language
- IRAM 41400 (September 18, 2013) -- Contenido y Orden de las Secciones (Content and Order of the Sections)
- April 14, 2015: Published Resolution SRT No. 801/15 -- Purpose was to implement GHS
- Entry into force expected within 180 days (October 14, 2015)
- Trade groups, Small- and Medium-size Enterprises (SME), and others expressed concern with timeline





Argentina

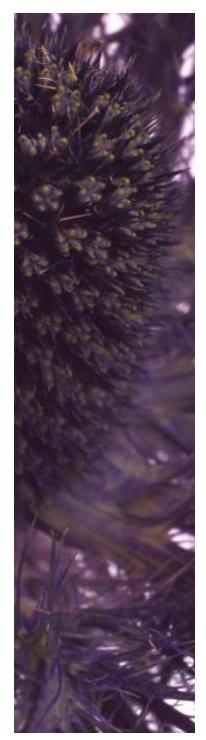
- September 29, 2015: Issued updated Resolution (SRT No. 3359/2015) to modify SRT No. 801/2015
- Enabling legislation: Superintendence of Occupational Risks (SRT) Resolution No. 155/2016
- New dates: January 1, 2017, for substances, June 1, 2017, for mixtures
- GHS fully implemented on June 1, 2017
- Implementation based on Rev. 5 of the "Purple Book"
- Competent authority is SRT





Brazil

- Competent authorities: Ministry of Labor and Employment and Ministry of Health
- ABNT NRB 14725 (consisting of four parts) set detailed rules for classification, labelling, and Safety Data Sheets (SDS)
- ABNT is Associação Brasileira de Normas Técnicas (Brazilian Association of Technical Standards)
- Phased in over three years:
 - > ABNT NRB 14725-1: 2009 -- Scope and terminology
 - > ABNT NRB 14725-2: 2009 -- Classification
 - > ABNT NRB 14725-3: 2012 -- Labelling
 - > ABNT NRB 14725-4: 2014 -- SDSs





Brazil

- GHS implemented in 2010 (substances) and 2015 (mixtures)
- First country in region to do so
- Classifications based on GHS Rev. 3 -- Has adopted all building blocks





Labelling

- > Standard GHS labelling elements (*e.g.*, product identifier, signal word, hazard statement)
- Must be in Brazilian Portuguese
- Chemicals not classified as hazardous must contain a declaration stating so

SDS

- > Standard GHS SDS
- Must be in Brazilian Portuguese
- > Trade secret information (e.g., substance name, exact concentration) can be omitted from an SDS; the SDS must contain a declaration stating this, however





Chile

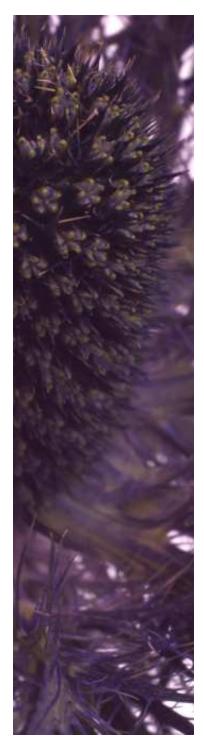
- Competent authorities: Ministry of Labor and Social Security, along with Ministry of Health
- Classification of hazardous substances
 - NCh 382, Sustancia peligrosas -- Classificación general
 - Criteria based on internationally recognized transportation hazard classes
 - Classification following United Nations (UN) GHS is allowed (optional, 5th Revised Edition should be used)





Chile

- Ministry of Labor and Social Security, along with Ministry of Health responsible
 - > NCh 2245 (2015)
 - Establishes specific content and order of sections for SDS and hazard communications label
 - 16 Section format (details in Clause 6)
 - Must be available in Spanish



Chile

- Establishes particular Occupational Exposure Limits (OEL)
- Be aware!
 - Temporary Permissible Limit (TPL): Maximum value for 14 continuous minutes (Short-Term Exposure Limit (STEL) -- 15 minutes)
 - Allowable Absolute Limit (AAL): maximum value for airborne concentration at any point during working hours (Timeweighted Average (TWA) -- 8 hours)



GHS in Chile

- Issued their draft GHS regulation on November 7, 2017, with a comment period that closed on January 5, 2018
- Authority has communicated that it will include all "Purple Book" building blocks except Category 5, Acute Toxicity
- > No proposed date of adoption or entry into force





Colombia

- Competent authority is Ministerio de Trabajo (Ministry of Labor)
- SDS
 - > NTC 4435
 - Establishes specific content and order of sections for SDS and hazard communications label
 - 16 Section format
 - Glossary contains details on classification, including differences (e.g., pre-GHS combustible liquid definition versus transportation definition)
- NTC 1692: Provides basic overview of the nine hazard classes, labelling, and transport requirements for hazardous materials

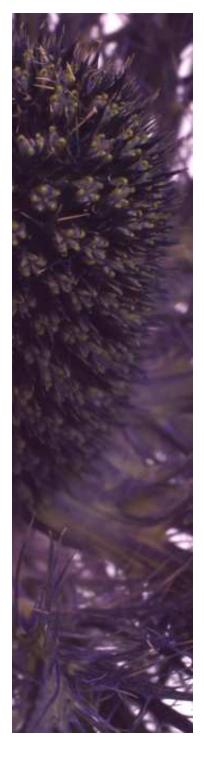




GHS in Colombia

- Proposal finalized in April 2015
- Draft Decree adopting 6th Revision of GHS published November 29, 2017
- Unclear if undergoing public comment at present
- If adopted, when new GHS Revisions issued, various entities will have six months to incorporate into National law
- Colombia also working to join the World Trade Organization (WTO) -- expected future synergies





Costa Rica

- Competent authority is Ministerio de Trabajo (Ministry of Labor)
- Decree No. 28113-S
 - Hazard class definitions in Annex 1 are based on transportation hazards
 - Exemptions are in Article 2
 - > (M)SDS requirements are in Annex 3
 - Basic 16 Section format
 - Contains label requirements for finished products and raw materials in Annex 4
 - Content (label and (M)SDS) should be provided in Spanish





GHS in Costa Rica

- Two Decrees pending
 - Decree 40457-S (published June 29, 2017)
 - Requires labelling according to Revision 6 for workplace and supplier chemicals
 - Five-year transition period (until December 30, 2022)
 - Non-GHS labels may be used on already-registered and on market products until that date
 - Decree 40705-S (published November 2, 2017)
 - Hazardous chemicals seeking registration must have a GHS-compliant SDS
 - > Both Decrees contain significant lists of exemptions

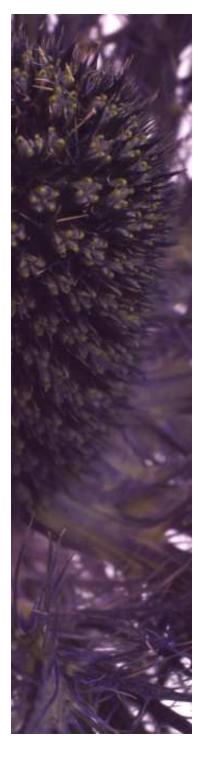




GHS in Ecuador

- GHS entered into force on January 1, 2017, as per Technical Regulation RTE INEN 078:2014 --"Transport, Storage and Handling of Hazardous Materials"
- Initially voluntary (from 2009 to 2017)
- INEN is the Servicio Ecuatoriano de Normalización (Ecuadorian Standardization Service)
- Implements GHS and incorporates required reference documents (e.g., NTE INEN 2266:2013)
- Revision 1 is to be used; all building blocks are included
 - Specific request from the Asociación de Productores Químicos de Ecuador (Association of Chemical Producers of Ecuador -- APROQUE)





GHS in Ecuador

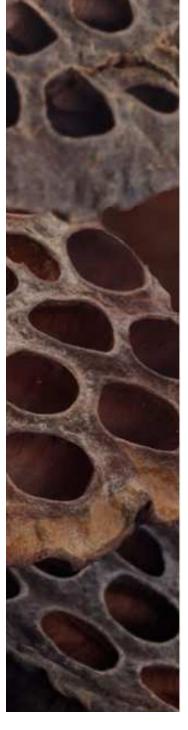
- NTE INEN 2266:2013 -- "Transport, Storage and Handling of Hazardous Materials Requirements"
 - Applies to activities of production, marketing, transportation, storage, and handling of hazardous materials
 - Hazardous materials definitions are taken from Hazardous Materials for Transport and UN GHS
 - 6.1.1.7 and Annex B set out the 16 Section format for the SDS in Spanish
 - > 6.1.5 has requirements for labels; must be in Spanish



GHS in Uruguay

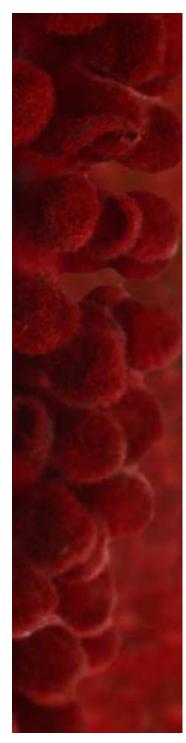
- GHS in force since 2009 via Decree No. 307/009
- Provided the general principles for chemicals management
 - Risk Prevention and Assessment
 - Annex 1 includes details on label contents and requirements (e.g., must be in Spanish as per Article 4 of Decree No 346/011)
 - Annex 2 contains format and content of the SDS (must be in Spanish)





GHS in Uruguay

- Decree No 346/011 (update to Decree No 307/009) extended the transitional periods
 - > Substances by December 31, 2012
 - Mixtures by December 31, 2017
- Not explicitly stated, but appears to follow Rev. 3
- Note: For composition, Uruguay's Confidential Business Information (CBI) rules take priority over GHS requirements





Venezuela

- Competent authority is the Comision Venezolana de Normas Industrial (Venezuelan Industrial Standards Commission, COVENIN)
- SDS regulation is Norma Venezolana (Venezuelan Standard) No. 3059:2002 Materiales Peligrosos. Hoja de Datos de Seguridad de los Materiales (Dangerous materials. Material Safety Data Sheet; HDSM)
- Issued in 2002 (First Revision)
 - Establishes SDS requirements
 - 4.2 contains CBI provisions for ingredient disclosure
 - Annex A contains an example format
 - Generally follows International Organization for Standardization (ISO) 11014-1 and European Union (EU) Directive 91/155/EEC
- No intention at present to implement GHS

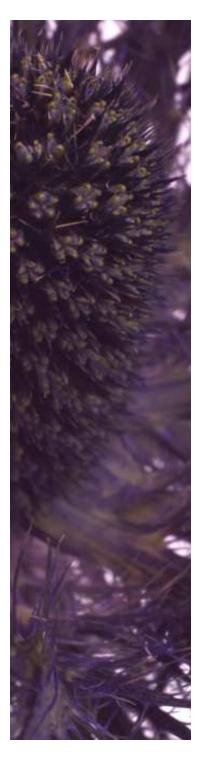




Final Thoughts

- "GHS. It is not global, it is not harmonized, but it is a system" – Michael Wenk
- Compliance with one country's GHS regulations does not equate to compliance with others'
- Many countries have detailed requirements for SDS and label content
- The Acta Group and Bergeson & Campbell,
 P.C. have direct and demonstrated expertise to assist companies in these regions





Thank You

Michael S. Wenk, M.S., MBA
The Acta Group
2200 Pennsylvania Avenue, N.W.
Suite 100W
Washington, DC 20037
mwenk@actagroup.com
www.actagroup.com