SADC GHS POLICY

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Presentation Outline

- Background to the assignment
- The SADC GHS Policy document
  - ➢ **Introduction and background**
  - ➢ **Situation analysis (global context, regional context, benefits)**
  - ➢ **Existing regional legal and institutional mechanisms (regional, national)**
  - ➢ **GHS implementation arrangements (policy)**
  - ➢ **Financing the proposal**
- Some challenges
- Going forward

Background to the assignment

Assignment ToR

- Preparation of a draft SADC GHS policy paper for the EWG based on an earlier draft
- Presentation of draft policy documents to the SADC GHS EWG

- Presentation of revised draft to SADCTRLC (21 March 2012, Lilongwe)

Objective of Policy paper

- **Policy paper will guide legislative processes in SADC in the implementation of common GHS technical regulations based on the UN GHS/SADC GHS Harmonised Text 10234**

Critical Elements

- The policy proposal should include the following sections:

  ➢ *Situation analysis; Vision, Rationale; Guiding Principles; Objectives; Measures; and Implementation Framework, Institutional Arrangement, Legal Framework, Monitoring and Evaluation, Resource Mobilisation and Financing*

Critical Elements cont'd

- Background and history of GHS
- Strategy and objectives of a SADC GHS Policy
- Necessity to implement GHS
- Importance of the SADC GHS Policy
- SADC GHS Harmonized text
- Current Status of the GHS Implementation in SADC Member States
- Transitional arrangements
- Recommendations

General Background to the GHS

Chemical substances

- Beneficial and used in many spheres of life

- Can be dangerous and harmful in use, transportation or disposal

- Hence exploitation is usually regulated to minimise adverse impacts on humans, animals and plants.

Chemical industry

- Economically very important in most countries
- Production of goods that are used in everyday life: clothes, food, transport, packaging, medicines, cosmetics, agro-chemicals, communication, etc
- Employs 10 million people and generates US$1.7 trillion worth of business globally with 63% growth expected between 1996 and 2010
- Significant growth of chemical industry in non-OECD countries *(with attendant H&S concerns…)*

Trade in Chemicals

- Trade importance is reflected in the size of the industry
- Important to have a common understanding of product characteristics to allow uninhibited cross border movement
- Transported by same public means and access methods
- Harmonized product labelling safeguards health of handlers and users

Brief History of the GHS

Where did it all begin?

- In 1992, an international mandate to develop a globally harmonised system for hazard classification and labelling was adopted at the UN Conference on Environment and Development (UNCED) as reflected in Agenda 21, paragraph 19.27:

"A globally harmonised hazard classification and compatible labelling system, including material safety data sheets and easily understandable symbols, should be available, if feasible, by year 2000".

GHS development

- 2003 – first edition of the GHS published
- 2005 – first revised edition
- 2007 – second revised edition
- 2009 – third revised edition
- 2010 – fourth revised edition

Brief description of the GHS

What is the GHS?

- In brief, the GHS is an international standardised system for:
  - ➤ ***Classifying* chemicals, and**
  - ➤ ***Communicating* their physical, health and environmental hazards to consumers, workers, transport workers, and emergency responders.**

- The goal of the GHS is to identify the intrinsic hazards found in substances and mixtures and to convey hazard information about these hazards

GHS Aim

- Harmonization of:

  ➢ *Classification of chemicals by type of hazard;*

  ➢ *Hazard communication elements, i.e. labels and SDS;*

  ➢ *Guidance on definitions of chemicals making it easier to cover a lot of substances.*

GHS includes…

- Harmonized criteria for classifying substances and mixtures according to their:
  - ❖ Physical, (or physico-chemical)
  - ❖ Health, and
  - ❖ Environmental hazards

- Harmonized hazard communication elements including requirements for labelling and SDS

How the GHS works

- The GHS itself is really not a regulation or a standard, rather a guide for countries to use as they develop national chemicals handling and use regulations.

- The GHS aims at ensuring that information on physical hazards and toxicity from chemicals is available in order to enhance the protection of human health and the environment during the handling, transport and use of these chemicals.

How the GHS works (cont'd)

- The elements in the GHS provide a mechanism to meet the basic requirements of any hazard communication system, which is to decide if the chemical product produced and/or supplied is hazardous, and to prepare a label and/or Safety Data Sheet as appropriate.

- The GHS covers all hazardous chemicals. Classification in the GHS is criteria-based, not limiting coverage to a list that can become out-dated.

Hazards

- **Physical** – explosiveness, flammability
- **Health** - acute toxicity, skin irritation, serious eye damage/eye irritation, sensitization, germ cell mutagenicity, carcinogenicity, reproductive toxicity, and target organ/systemic toxicity (TOST).
- **Environmental** – aquatic toxicity
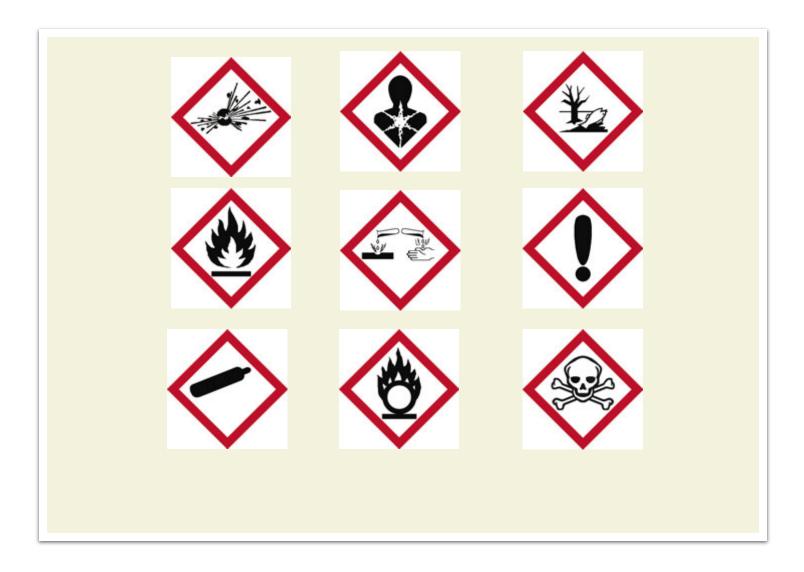
When implemented, the GHS will..

- enhance the protection of human health and the environment by providing an internationally comprehensible system for hazard communication

- provide a recognised framework for those countries without an existing system

- reduce the need for testing and evaluation of chemicals, and

- facilitate international trade in chemicals whose hazards have been properly assessed

Harmonization of the application of the GHS

- GHS allows hazard communication elements (hazard statements, symbols, signal words,) to be standardized and harmonized.

- **For transport** – containers of dangerous goods are marked with pictograms that that address their nature (toxic, flammable, explosive etc)

- **In the workplace** – labels and safety data sheets communicate core hazard information about the chemical

- **For the consumer sector** – labels are the primary focus of GHS application

Pictograms

- Pictograms are a key hazard communication tool within the GHS.

- Pictograms give an immediate indication of the type of hazard that a chemical may pose.

- They are used in combination with other harmonised GHS elements which together convey information about the type, severity and management of chemical hazards.

Common GHS pictograms

Who benefits of implementing the GHS?

- Members of the public benefit
- Workers benefit
- Companies benefit
- Governments benefit
- There are global benefits
  - ❖ Facilitation of trade
  - ❖ Health and safety

The SADC Context

Chemicals industry in SADC

- Practically all SADC countries have some chemical industry; ranging from the very basic (simple mineral products, base chemicals) to quite sophisticated chemical end products (blended lubricants, pharmaceuticals, explosives etc)

- The chemicals industry is growing as SADC countries consumption patterns become more sophisticated

- Intra-regional trade in chemicals and chemical products is also growing

GHS Uptake in the region

- Globally, more than 65 countries are either implementing the system or actively developing or revising legislation for its implementation.

- This includes 7 countries in Africa with 5 of these (Madagascar, Mauritius, South Africa, Zambia, the Seychelles) being SADC Member States.

- According to the UN however, Mauritius and South Africa are implementing their national systems based on the first edition of the GHS.

- Madagascar and Zambia are in the legislation development phase.

Legal Framework

- SADC Declaration and Treaty
- SADC Protocol on Trade
- TBT Annex to the SADC Protocol on Trade
- Technical Regulation Framework national obligations

The TBT Annex to the SADC Trade Protocol

- The TBT Annex establishes a common technical regulation framework for the region,

- Objective of the framework is to identify, prevent and eliminate unnecessary TBTs amongst MS…

- Before MS develop, adopt and implement technical regulations, governments shall ensure that the intervention is based on objective evidence and that the action taken is justified.

Compliance with Article 6 no. 3 of TBT Annex

- Is there a problem to be addressed?

- Are there no suitable alternatives for addressing the problem?

- Are there socio-economic benefits to society?

- Are the costs of proposed actions reasonable?

- What are the risks associated with proposed actions?

Compliance with Good Regulatory Practice (OECD checklist)

- Is the problem to be addressed by the regulation correctly defined?

- Is governmental action justified?

- Is there a legal basis for regulation?

- Is regulation the best form of intervention/action?

- Do the benefits justify the costs?

- Is the regulation clear, consistent, comprehensible, and accessible to users?

- Have all interested parties had the opportunity to present their views?

- How will compliance be achieved?

Regulatory Impact Assessment

- The RIA is a complex exercise and can be quite costly and time consuming.

- It would be recommended that for countries in SADC, efforts be made to access the RIA results of countries that have already done this with respect to the GHS and use these to formulate their own local implementation plans.

Institutional Arrangements

- Regional coordination at the SADCTRLC /SADC Secretariat level

- National coordination by relevant Ministry and including participation of NSBs or Standards Focal Points, Universities, Research Institutes, etc

- Business or professional associations in the chemical industry to create awareness and assist members to comply,

- Government to establish the most cost effective way to actually enforce the regulation – can use existing regulator or create a new one.

Implementation framework

• Regional level agreement:

"At their meeting held on 25 April 2009 in Gaborone, the SADCTRLC agreed to prioritise the development of a SADC technical regulation on the classification and labelling of chemicals…"

• *Macro issues can be addressed regionally as well*

Implementation framework cont'd

- National level process:

  - ➢ Driven by TRLC members at national level
  - ➢ Assimilation of agreed policy into domestic legislation
  - ➢ Awareness raising and stakeholder consultations
  - ➢ Training (employees, emergency responders, etc)

  - ➢ *Major challenge is coordination among the many stakeholders with an interest in this work – industry, labour, consumers, trade department, transport department, environment department etc*

Transitional arrangements

- What is important is that all countries agree to implement the GHS regulation.

- A transitional period for the implementation of the GHS regulation in SADC will be required as countries will not all be able to move at the same pace.

- Could stipulate implementation times based on *select products*

Progress to date

- January 2010 - First draft policy document produced by the SADCTRLC EWG

- August 2011 – Consultant assigned

- October 2011 – Second draft circulated to EWG

- December 2011 – Review of second draft by EWG

- February 2012 – Third draft circulated

- March 2012 – Comments on third draft reviewed

- Progress report presented at SADCTRLC Meeting – 21 March 2012

Overview of current draft (1)

- **1   BACKGROUND AND INTRODUCTION**
- **2   SITUATION ANALYSIS**
  - **2.1 Global Context**
    - **2.1.1   Background to the GHS System**
    - **2.1.2   Historical development of GHS**
    - **2.1.3   How the GHS works**
  - **2.2 Regional Context**
    - **2.2.1   SADC Situation Analysis**
    - **2.2.2   GHS Status in SADC Member States**
    - **2.2.3   Moves towards regional implementation of GHS in SADC Member States**
  - **2.3 Benefits of Implementing GHS**

Overview of current draft (2)

❑**3   EXISTING REGIONAL LEGAL AND INSTITUTIONAL MECHANISMS**

❖3.1   SADC RISDP

❖3.2   Legal Mechanisms relevant to Chemical Classification and Hazard Communication

❖3.3   Institutional Mechanisms – Regional

❖3.4   Institutional Mechanisms – National

❖3.5   Implementation Framework

Overview of current draft (3)

Overview of current draft (4)

Challenges

Bureaucracy

- By nature legislative processes are slow and bureaucratic. It would be very difficult to set a common implementation schedule for the GHS in SADC for all countries.
- Full uptake of the new regulations will depend on the pace at which stakeholders understand and are able to use the new regulations
- Raising awareness and education/training
- Keeping up with updates and revisions of the GHS
- Compliance and administrative costs can be high
- TBT Annex still not fully implemented and being revised
- Dealing with non compliance and illicit trade

Technical

- GHS is very technical – collaboration with the scientific community required to ensure technical credibility of classification and communication,
- Ensuring comprehension of chemical hazard information by the target audience i.e. workers, consumers and the general public,
- Life-cycle considerations,
- Languages to be used,
- Protection of confidential business information,
- Dealing with chemicals imported from outside the region:
  - ➢Re-labelling
  - ➢Application of rules of origin issues

What next?

- Finalise the draft policy
- Regional/National consultations (reaching out to all relevant stakeholders)
- Presentation to Ministers
- Implementation