

Your submission to Implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (Revision 7)

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Overall Position: Support in Part

Clause

1. Do you agree with our proposal to update the HSNO classification system by issuing a new EPA Classification Notice that will incorporate GHS revision 7 (2017) by reference? Please provide your reasons.

Position

Yes

Notes

This will allow better alignment with overseas suppliers to the industry BUT will require significant re-training of New Zealand workers at all levels within the supply chain. There should also be sufficient scope within the Classification Notice to allow for future upgrades to maintain relative currency with GHS.

Clause

2. Do you agree with our proposal to discontinue the current HSNO classification framework and numbering system, noting that the current system will still be referred to in guidance material? If not, please provide your reasons.

Position

Yes

Notes

Whilst this system has been in place since 1995, it is out of line with where the rest of the world has ended up in respect to describing hazard classifications, and to bring NZ into line with the rest of the world will be beneficial in many ways, not the least being a reduction in the time/ effort taken to reclassify to the current NZ standards.

Clause

3. Are you aware of any benefits or costs involved in adopting the GHS 7 that are not outlined in Section 3 of this document?

Notes

There will be a high cost to industry in retraining and education around the GHS classifications, and then there is the associated recompilation of product evaluations, Safety data sheets and labels, inventories. Also, there will be a need to obtain updated Compliance Certifications (Location & Certified Handlers), and underlying this is all the IT structures through the entire distribution chain from importers through distributors through manufacturers through retailers through end applicators through waste disposers as well as all of the appropriate regulators including Councils/FENZ. The NZPMA also strongly supports harmonisation between our significant trading partners whilst maintaining the safety of our workers and the environment. Taking the lowest classification limit will result in a disparity between NZ and countries like Australia. Although Australia and the EU will be covered under alternative compliance programs this will have a two-fold impact of: 1. NZ products will be classified more severely than Australia (for example) which will potentially impact customer choice. 2. This will impact companies who wish to export mixtures to countries such as Australia as the classification/ labelling will be more severe.

Clause

4. Do you have any other comments you would like to make on the proposal to adopt the GHS 7?

Notes

With the changes to classification, there will be negative impacts due to the higher published warnings on labels and SDS, which the end-user will tend to balk at, but overall will give the end-user a better indication of the hazards associated with the product through a more 'plain English' descriptor series

Clause

5. Do you agree with proposal 2a, to not adopt the GHS acute toxicity Category 5 (HSNO 6.1E)? If not, why not?

Position

Yes

Notes

It is not adopted in most of our major trading partners and the controls are almost non-existent for this class of substance due to the low hazard and will save some space on already limited labels.

Clause

6. Do you agree with proposal 2b, to not adopt the GHS skin irritation Category 3 (HSNO 6.3B)? If not, why not?

Position

Yes

Notes

The controls associated with this classification are almost non-existent due to the low hazard and then will also make it simpler than it is either corrosive to the skin (3 subcategories) or an irritant (1 subcategory).

Clause

7. Do you agree with proposal 2c, to not adopt the GHS aspiration hazard Category 2? If not, why not?

Position

Yes

Notes

Aspiration classification is currently a challenge as there is not too much data available regarding the viscosity of products at 40°C, so, for now, the least challenges within this area the better, whilst the industry generates the data required.

Clause

8. Do you agree with proposal 2d, to adopt all seven GHS categories for substances hazardous to the aquatic environment, i.e. GHS Acute 1- 3 and Chronic 1-4? If not, why not?

Position

Yes

Notes

They are in place now, so cannot see why to change, although it is noted that there are many of our trading partners (namely Australia) who have omitted aquatic ecotoxicity from their suites of classifications.

Clause

9. Do you have any other comments on the building blocks we have proposed to adopt?

Notes

Are you able to confirm which other GHS classifications you will also be including: Flammable Gases (3 subcategories); Flammable Aerosols (3 subcategories); Gases under pressure (4 subcategories); as some of these are used within the industry.

Clause

10. Do you agree with our proposal to adopt the lower level of concentration cut-off values for classification as outlined in Table 2? If not, please provide your reasons.

Position

No - please tell us why

Notes

Would prefer to stay with the GHS classifications for Respiratory Sensitisation as this gives a wider spread of thresholds depending upon the state of the product for what is a potentially subjective classification, which in turn leads to a higher threshold of 1% for substances with a lower frequency, and similarly for Skin Sensitisation. With the latter, there should also be acceptable mitigation when the substance is fully incorporated (diluted) within other matrices such as paint. With Germ Cell Mutagenicity would prefer to stay with the GHS thresholds with Category 2 being at 1% which then enables some differentiation between the degrees of mutagenicity. Would be nice to have some mitigation strategies available for Category 2 mutagens based on incorporation within a matrix such as paint. Carcinogenicity - would prefer to stay with the GHS thresholds with Category 2 being at 1% which then enables some differentiation between the degrees of carcinogenicity. Would be nice to have some mitigation strategies available for Category 2 carcinogens based on incorporation within a matrix such as paint. Additionally, the adoption of the accompanying notes relating to the disclosure on labels and SDS With Reproductive Toxicity would prefer to stay with the GHS thresholds including the adoption of the accompanying notes not requiring label statements and/ or SDS inclusion. Specific Organ Toxicity Category - Single Exposure would prefer to stay with the GHS thresholds including the adoption of the accompanying notes not requiring label statements and/ or SDS inclusion. Agree with the threshold of 20% for Specific Organ Toxicity - Single Exposure Category 3 With Specific Organ Toxicity Category - Repeated Exposure would prefer to stay with the GHS thresholds including the adoption of the accompanying notes not requiring label statements and/ or SDS inclusion. Can you please confirm that if there are multiple components triggering one of the above classifications within any single product, that they are not additive within the mixture, so for example if you had 3 Category 1A carcinogenic substances each at 0.07% in the product, then the final product would not, therefore, be classified as a Category 1A substance.

Clause

11. Do you envisage any issues with implementing these values? If so, please outline these issues.

Position

Yes - please specify

Notes

Implementation of the values as proposed will lead to more stringent classifications in New Zealand as other jurisdictions are tending to apply GHS as written. This then leads to requirements for classification, re-labelling and recreation of SDS once products land in New Zealand, leading to a competitive disadvantage for NZ manufactured products against similar imported products from our close trading partners.

Clause

12. Do you agree with our proposal to replace the current HSNO subclasses for terrestrial ecotoxicity (9.2, 9.3 and 9.4) and 9.1D biocides with a single category for “substances that are ecotoxic to the terrestrial environment”, and for that category to be applied only to agrichemicals or related substances, as defined in Appendix 1?

Position

Yes

Notes

Makes sense, as there are very few other jurisdictions who have enabled the terrestrial ecotoxicity classifications. We fully support the requirements for the protection of the environment. There are many of the products within the industry that currently trigger these classifications due in the main to the animal testing that has been carried out to obtain the LD50 values.

Clause

13. Can you envisage any issues with implementing this proposal? If so, please outline these.

Position

Yes - please specify

Notes

Issues will arise around the education of all parties, as well as the time to reclassify, prepare new labels and SDS's, inventories.

Clause

14. Do you consider an additional two year transitional period for labelling, safety data sheet, and packaging requirements is adequate? Please provide your reasons.

Position

Yes

Notes

Accept, but note that the education, time and cost will be issues. The transition isn't only from one version of GHS to another but is a transition from the HSNO terminology to GHS which will take time to implement and embed.

Clause

15. Do you have any comments relating to the proposed consequential amendments, including the revocation of the Minimum Degrees of Hazard Notice?

Notes

It is not clear in the consultation document why you are revoking the Minimum Degrees of Hazard Notice, but assume that by adopting GHS7 the definitions make this Notice superfluous.