

# GHS in South America

Society for Chemical Hazard Communication

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## 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)

## “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)

## “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



## Brazil

### ■ 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 -- Clasificación general*
    - Criteria based on internationally recognized transportation hazard classes
  - Classification following United Nations (UN) GHS is allowed (optional, 5<sup>th</sup> 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 (Time-weighted 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 6<sup>th</sup> 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

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