

## CLP and Classification for Transport Changes - June 2009

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GHS (the Globally Harmonised System of Classification and Labelling of Chemicals) is not only the basis for the EU's new CLP regulation, covering the classification and labelling of chemicals for supply purposes, but it also underpins the classification of chemicals for transport. This is illustrated in Figure 1 below.

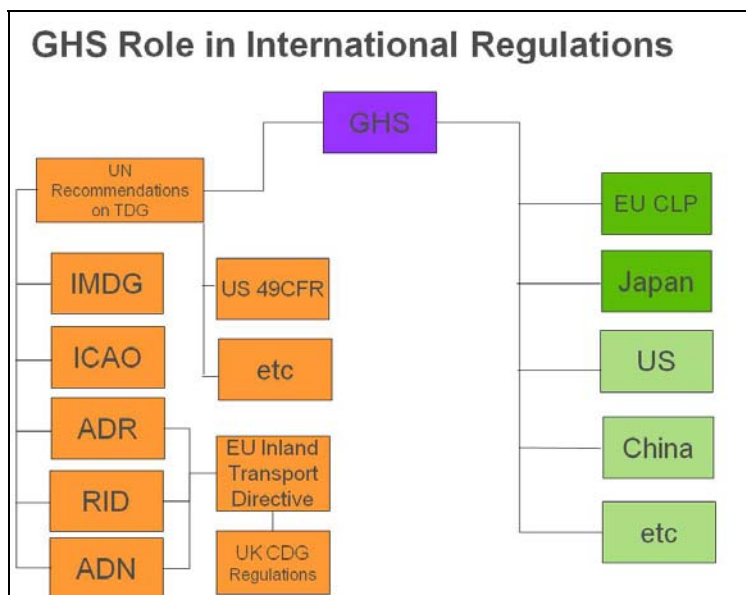


Figure 1

The hazard classification criteria of the UN Recommendations on the Transport of Dangerous Goods (or Orange Book, as it is commonly known) have been harmonising with those of the GHS for some time now, and indeed, for physical hazard classes, the classification criteria of the GHS were largely based on those of the Orange Book.

As classification for the purposes of transport is intended to identify acute hazards, and not those related to longer-term worker or consumer exposure, not all of the GHS Hazard Classes and Hazard Categories have been included in the Orange Book. For example, those criteria relating to chronic health hazards have not been taken up into the transport regulations. On the other hand, since the physical hazards criteria were based on the transport criteria, new hazard classes have been taken into the supply regulations, including identification of gases under pressure, and substances corrosive to metals, which were previously only included in the transport regulations.

The rest of this article provides information on a couple of key transport classification and labelling issues that may have slipped readers notice.

### Classification of Environmentally Hazardous Products for Transport

The 2009 editions of ADR, IMDG, ICAO, etc. included an update to the criteria for environmentally hazardous substances in class 9. The new criteria are based on those of the GHS, and include the hazard categories Aquatic Acute 1, and Aquatic Chronic 1 and 2 (CLP also includes Aquatic Chronic 3 and 4). The criteria take into account the product's:

- Acute toxicity

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- Bioaccumulation potential
- Degradation
- Chronic toxicity.

Methods for assessing the hazards of mixtures are also included. Where products are found to meet the criteria, they will be classified as environmentally hazardous. If they are also classified within classes 1-8, that will take precedence. If they are not classified for other hazards, then they will be assigned to Class 9, UN 3077 (solids) or UN 3082 (liquids) as appropriate. Products found to be environmentally hazardous will be required to carry the new Environmentally Hazardous mark in addition to the normal class labels. So, for a substance assigned to UN 3077 or UN 3082, the package must be labelled and marked as below:

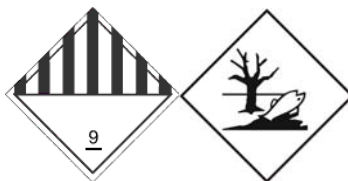


Figure 2

### CLP Labelling and Transport

The new CLP Regulation also includes rules for the use of combined supply and transport labels. These provisions are included in Article 33 of CLP, and can be summarised as follows (you should of course check the exact wording of the Regulation):

- Article 33(1) provides that combination packagings that are classified for both transport and for CLP must carry the CLP labelling on the inner and any intermediate layers of packaging. The outer must be labelled for transport, and may also be labelled for CLP. If CLP labelling is included on the outer, and the CLP pictograms relate to the same rules as the transport of dangerous goods, for example a flammable substance, then the relevant CLP pictogram may be omitted
- Article 33(2) provides that combination packagings that are not classified for transport, but which are classified for CLP must carry the CLP labelling on all layers of packaging – inner, outer, and any intermediate layers. (If the outer packaging allows the labelling on intermediate or inner layers to be clearly seen it need not also be labelled).
- Article 33(3) provides that single packages, e.g. drums, that are required to be labelled both for transport and for supply must carry both sets of labelling. However, where the CLP pictograms relate to the same rules as the transport of dangerous goods, for example a flammable substance, then the relevant CLP pictogram may be omitted.

Article 33(2) will mean a change of practice for some readers, as the issue was not as clearly dealt with under the old system based on the DSD/DPD, and was interpreted differently by organisations and EU Member States, some of whom felt that outer packagings should also carry supply labels, whilst others did not.

However, all may still not be completely clear, as the issue of Limited Quantity (or LQ) packages is under debate (and by extension, also the new Excepted Quantities (or EQ) packages). It would seem that some are interpreting Article 33(1) as requiring LQ packages to carry CLP labelling, since the LQ symbol is a 'mark', and not a 'label', and therefore the outer packaging is not 'labelled' in accordance with transport rules. Such an interpretation may cause problems for a number of industries, who often pack a number of different products, all with different CLP labelling requirements, together in a box under the LQ rules. Others disagree with this interpretation, asserting that LQ packages meet the requirements of the transport rules and there is no real difference between a 'mark' and a 'label' in this context. Hopefully, a clarification on this will be made in the near future.