

ECHA PUBLISHES GUIDANCE ON CLASSIFICATION, LABELING, AND PACKAGING REGULATIONS

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On Aug. 28, 2009, the European Chemicals Agency (ECHA) published comprehensive guidance on Regulation 9EC0 No. 1272/2008 on the classification, labeling, and packaging (CLP) of substances and mixtures. The guidance was published in two documents: *Introductory Guidance on the CLP Regulation* and *Guidance on the Application of the CLP Criteria*. *Introductory Guidance on the CLP Regulation*, ECHA, http://guidance.echa.europa.eu/docs/guidance_document/clp_introductory_en.pdf?vers=24_08_09; *Guidance on the Application of the CLP Criteria*, ECHA, http://guidance.echa.europa.eu/docs/guidance_document/clp_en.htm. The documents were developed by the European Commission in an effort to support entities that manufacture or supply chemicals in the European Union (EU) as they are progressively required to comply with new obligations under the CLP Regulation which entered into force on Jan. 20, 2009. CLP amends the previous requirements for classifying and labeling chemicals in Europe, the Dangerous Substances Directive (67/548/EEC or DSD) and the Dangerous Preparations Directive (1999/45/EC or DPD) and REACH (Regulation EC No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals). Functionally, CLP is based on the United Nations' labeling standard, the Globally Harmonised System of Classification and Labelling of Chemicals (GHS, UN 2007).

The purpose of CLP is to update, while continuing in place the basic, existing regime calling for "self-classification" of products that are subject to the Regulation on the basis of physical, health, and environmental hazards. Pursuant to this regime, manufacturers and suppliers of substances and

mixtures must communicate the hazards of substances and mixtures to other parties in the supply chain, thereby notifying users of the substances' and mixtures' hazards, the methods to avoid exposure, and the potential risks of using these products. The *Introductory Guidance* provides manufacturers, importers, distributors, producers, and downstream users with the basic features and procedures required by CLP as well as relevant REACH compliance obligations pertinent to CLP. In contrast, the *Guidance on the Application of the CLP Criteria* provides comprehensive technical and scientific information to entities subject to CLP so they can properly determine the Regulations' application to specific circumstances. CLP labeling and packaging requirements flow from classifications derived in accordance with the *Guidance*.

Because of the interrelation of CLP and REACH, ECHA is planning for implementation of CLP in similar phases. For substances and mixtures that are first placed on the EU market on or before Dec. 1, 2010, manufacturers or importers of the substances need to notify ECHA with information concerning the substance's identity, classification, and labeling on or before Jan. 3, 2011. The CLP Regulation will be phased in while entities concurrently use DSD and DPD and CLP for certain hazard communication elements (such as Safety Data Sheets). After June 1, 2015, only the CLP Regulation is to be used.