

[DENR Administrative Order No. 2015- 09, May 19, 2015]

RULES AND PROCEDURES FOR THE IMPLEMENTATION OF THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELING OF CHEMICALS (GHS) IN PREPARATION OF SAFETY DATA SHEET (SDS) AND LABELING REQUIREMENTS OF TOXIC CHEMICAL SUBSTANCES

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Pursuant to Sections 4(c) and 15 of Republic Act (RA) No. 6969, otherwise known as the "*Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990*," DENR Administrative Order (DAO) No. 29, Series of 1992, captioned "*Implementing Rules and Regulations of Republic Act 6969*", and the Joint DTI- DENR-DA-DOF-DOH-DILG-DOLE-DOTC Administrative Order (JAO) No. 01 Series of 2009 dated 25 May 2009, on "*The Adoption and Implementation of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)*", the following rules and new regulations, procedures and requirements for industrial toxic chemicals are hereby promulgated:

Section 1. Policy and Objectives. In reference to the State's policy under Section 2 of RA No. 6969, and pursuant to the objective set in Section 4(c) of the same law, this Order aims to inform and educate the populace regarding the hazards and risks attendant to the life cycle of toxic chemicals and other selected hazardous substances and mixtures, consistent with the following chemical safety objectives:

- 1.1 Develop and define the procedural guidelines and requirements to be followed by the concerned stakeholders in the preparation and submission of Safety Data Sheet (SDS) and labels of industrial toxic chemicals and mixtures.
- 1.2 Strengthen the implementation of proper labeling and re-labeling requirements of industrial toxic chemicals and mixtures.
- 1.3 Promote awareness and capabilities on the adoption of concepts and principles of the Globally Harmonized System (GHS) for safe use and management of industrial toxic chemicals and mixtures.

Sec. 2. Definition of Terms . As used in this Order, the following shall be defined as:

- 2.1 Chemical Control Order (CCO) - a policy issuance that prohibits, limits or regulates the use, manufacture, import, transport, process, storage, possession and wholesale of priority chemicals that the DENR has determined to be regulated, phased-out or banned due to the serious risks they pose to public health, workplace, and the environment.

- 2.2 Chemical - any organic or inorganic substances of a particular molecular identity including any element or uncombined chemical and any combination of such substances, or any mixture of two, excluding radioactive materials.
- 2.3 Chemical Abstract Service (CAS) Registry Number - unique numeric identifier code assigned to a substance when it enters the CAS Registry database.
- 2.4 Chemical Substance - any organic or inorganic substances or a particular molecular identity, excluding radioactive materials, but including any element or uncombined chemical; and any combination of such substances occurring in whole or in part as a result of chemical reaction or occurring in nature.
- 2.5 Confidential Business Information (CBI) - an information considered as trade secret, i.e., an information which: (a) is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; (b) has commercial value because it is secret; and (c) has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret. (Reference: World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), Article 39, paragraph 2).
- 2.6 Container - any bottle, box, drum, cylinder, bag, barrel, vessel, tank, among others, that contains hazardous chemical substances and mixtures.
- 2.7 GHS - a system for standardizing and harmonizing the classification and labeling of chemicals. It is a logical and comprehensive approach to: (a) defining health, physical and environmental hazards of chemicals; (b) creating classification processes that use available data on chemicals for comparison with the defined hazard criteria; and (c) communicating hazard information, as well as protective measures on labels and SDS.
- 2.8 Hazards - the inherent characteristics of chemical substances and mixtures that are existing in the workplace and in the environment, regardless of quantity that are potentially dangerous or which have the capacity to harm, i.e., its capacity to interfere with normal biological processes and its capacity to burn, explode, corrode, etc.
- 2.9 Harmonization - establishing a common and coherent basis for hazards classification and communication of chemicals, and the appropriate elements relevant to means of transport, consumers, workers and environmental protection can be selected/chosen.
- 2.10 International Air Transport Association (IATA) - is the trade association of the world's airlines which supports many areas of aviation activities and helps formulate industry policies on critical aviation issues.
- 2.11 International Maritime Dangerous Goods (IMDG) Code - a uniform international code for the transport of dangerous goods by sea, covering such matters as packing, containers, traffic and storage, with particular reference to the segregation of incompatible substances.
- 2.12 International Union of Pure and Applied Chemistry (IUPAC) - a long-standing global authority on chemical nomenclature and terminology. Identification of substances by their IUPAC name is widespread practice worldwide and provides the standard basis for identifying substances in an international and a multilingual context (Reference: EC 1272/2008).
- 2.13 Label - an appropriate group of written, printed or graphic information

elements concerning a hazardous product, selected as relevant to the target sector(s), that is affixed to, printed on, or attached to the immediate container of a hazardous product, or to the outside packaging of a hazardous product (Reference: UN GHS of Classification and Labeling of Chemicals).

- 2.14 Mixture - a solution composed of two or more chemicals/chemical substances in which they do not react (Reference: UN GHS of Classification and Labeling of Chemicals).
- 2.15 New chemical - any chemical substance imported into or manufactured in the country after 31 December 1993, which are not included in the Philippine Inventory of Chemicals and Chemical Substances (PICCS) and re-nominated and distributed by the DENR-EMB in 1995.
- 2.16 Priority Chemical List (PCL) - a list of existing and new chemicals that DENR has determined to have potential risks to public health, workplace and environment.
- 2.17 Pro-Manufacture and Pre-Importation Notification (PMPIN) - a process of review of notifications prior to manufacture and importation activities of new chemicals or more chemical substances undertaken by a Chemical Review Committee (CRC).
- 2.18 Precautionary statement - a phrase and/or pictogram, which describes recommended measures that should be taken to minimize or prevent adverse effects resulting from exposure to a hazardous product, improper storage or handling of hazardous product.
- 2.19 Product Identifier - the name or number used for a hazardous product on a label or in the SDS, by which the product user can identify the substance or mixture within a particular use setting e.g., transport, consumer or workplace.
- 2.20 Regulatory Permit/Clearance/Certification - an official document issued by the Environmental Management Bureau (EMB), giving authorization to industrial facilities to import, distribute, use, and transport chemicals / chemical substances and dispose hazardous wastes.
- 2.21 Safety Data Sheet - a document prepared by the manufacturer that contains important physical characteristics, ecological, health, safety and toxicological information on chemical substances or mixtures, or ingredients used at the workplace, transported, and utilized by consumer.
- 2.22 Toxic chemicals - substances or mixtures that are harmful to the environment and/or to human health on short-term or long-term bases if inhaled, swallowed, or absorbed through the skin.
- 2.23 United Nations Recommendations on the Transport of Dangerous Goods (UN RTDG) - international and domestic requirements for chemical packaging and transportation, and the category and code stipulated for transportation, including dangerous goods code, packaging category, packaging mark, packaging methods, UN code and matters needing attention for transportation (Reference: UN Recommendations on the Transport of Dangerous Goods Orange Book).
- 2.24 Worker - any person from an industrial or service sector exposed to industrial toxic chemicals and mixtures, (e.g., laboratory personnel, emergency responder, transporter, warehouse staff etc).

Sec. 3. Scope and Coverage. This Order shall cover all toxic chemical substances and mixtures manufactured, imported, distributed, used, stored and transported in the Philippines. These include toxic chemicals and chemical substances under the

priority chemical list, chemical control order, high volume toxic chemicals, dangerous chemicals identified under IATA and IMDG and mixtures used by the industrial sector. This Order shall also address the classification, labeling and SDS requirements in order to convey information on the chemical hazards as well as to protect the public and the environment from their potential health risks and effects.

Sec. 4. Implementation Timeline. Complete and strict compliance with this Order for the following chemicals shall be in accordance with the following schedule:

| Chemicals | Effectivity |
|--|--------------------|
| 4.1 Single substances and compounds covered under CCO and PCL Chemicals initially listed | 2016 |
| 4.2 High Volume Toxic Chemicals | 2017 |
| 4.3 Toxic Chemicals under the IATA and IMDG list of Dangerous Goods | 2018 |
| 4.4 Mixtures | 2019 |

Sec. 5. General Procedures and Requirements. In addition to the general requirements under Title II of DAO No. 29, Series of 1992, and other pertinent DAOs for various controlled chemicals, the following requirements and procedures on SDS preparation and labeling of toxic chemicals and mixtures are imposed:

5.1 Preparation and Submission of SDS and Labels

5.1.1 All chemical importers, manufacturers, suppliers and distributors shall prepare SDS and labels for all covered industrial toxic chemical and mixtures which meet the harmonized criteria for physical, health and environmental hazards under GHS.

5.1.2 All chemical importers, manufacturers, suppliers and distributors shall submit SDS and labels using GHS format when securing permits, licenses and clearances, duly transmitted with a notarized letter assuming full accountability and in accordance with the standard operating procedures (SOPs).

5.2 Screening, Review and Verification

5.2.1 SDS and labels submitted shall be initially screened for GHS compliance by the Chemical Management staff of EMB and reviewed by the GHS Review Committee. Verification by the GHS Review Committee may be undertaken, if necessary.

5.2.2 Information sources from recognized international organizations and principals may be used for verification.

5.3 Inspection

5.3.1 SDS of all toxic chemicals used shall be accessible and available to all workers at all times.

5.3.2 All covered toxic chemicals and mixtures shall be labeled and marked visibly.

5.3.3 Appropriate pictograms, signal words, hazard and precautionary statements shall be placed at the storage facility/premises and on the transportation/vehicle.

5.4 Training on the interpretation/identification of labels and use of SDS shall be conducted by a competent person within the company, in accordance with the GHS requirements/guidelines, to ensure that information is properly understood by the workers.

Sec. 6. Specific Requirements and Standards. The following detailed components and elements should be indicated in the hazard communication of all industrial toxic chemicals and mixtures expressed through labels and SDS:

6.1 Labeling or Re-labeling Requirements

6.1.1 The importer, manufacturer, supplier and distributor shall ensure that each container of chemical substances within the premise/facility and in transport is labeled, tagged or marked.

6.1.2 GHS Labels shall contain the appropriate product identifier, supplier identifier, chemical identity, symbols, pictograms, signal words, hazard and precautionary statements, placed at the storage facility/premises, and on the transportation/vehicle to clearly convey the hazards and risks and important information about the chemical substances and mixtures.

6.1.2.1 Product identifiers/declaration of ingredients:

6.1.2.1.1 The name or number used for a hazardous product on a label shall be consistent with the composition declared in SDS.

6.1.2.1.2 The substance or mixture shall include the chemical identity of the substances, consistent with the composition declared in SDS.

6.1.2.1.3 UN number proper shipping shall be used on the package if a substance or mixture is covered under UN RTDG.

6.1.2.1.3 The labels for containers of industrial toxic chemical substances or mixtures must clearly indicate the ingredients unless covered by the CBI agreement.

6.1.2.2 Supplier identification:

The name, address and telephone number of the manufacturer or supplier of the substance or mixture shall be indicated on the label, consistent with the information used in SDS.

6.1.2.3 Chemical Identity:

The labels shall also include the chemical identity as determined by IUPAC and by the CAS Registry number or technical name.