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# Checking Compliance with CLP and CHIP in the Laboratory

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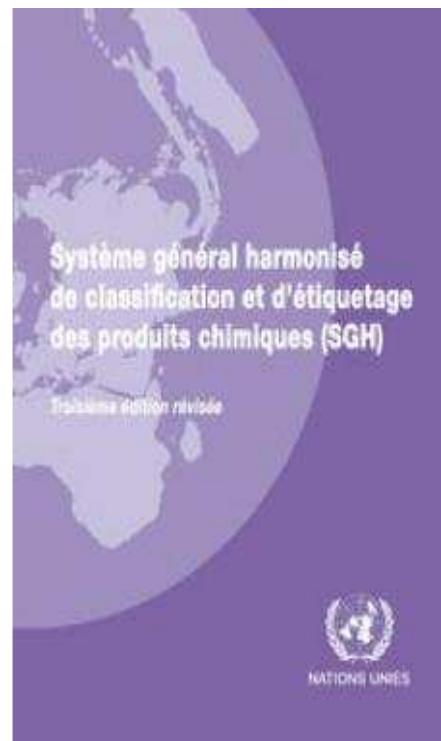
# Introduction

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- The CLP Regulation
- CHIP – CLP Transition
- CHIP/CLP enforcement regime
- A word about SDSs

# Global Harmonisation System (GHS)

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# The CLP Regulation



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- New directly acting EC Regulation to implement GHS – the '**CLP Regulation**'
    - Full title: Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures
    - Entered into force 20th January 2009
  
  - Replacing (over a transitional period):
    - Dangerous Substances Directive (67/548/EEC)
    - Dangerous Preparations Directive (1999/45/EC)
    - Currently implemented in the UK as the Chemicals (Hazard Information and Packaging for Supply) Regulations (**CHIP**)

# Duties on suppliers



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## Manufacturers, importers

- Full duties to classify, label and package chemicals according to the Regulation

## Downstream Users

- Must classify, label and package chemicals according to the Regulation
- But they may use the classification of another actor in the supply chain
  - Only if they don't change composition of substance/mixture

# Duties on suppliers



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## Distributors

- No general duty to classify chemicals
- May use the classification from another actor in the supply chain

## All suppliers (including distributors)

- Must ensure that a substance or mixture is labelled and packaged correctly before placing on the market

# Duties for Labs

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- Usually the duties of Downstream Users
  - Must classify, label and package chemicals according to the Regulation
  - But they may use the classification of another actor in the supply chain
    - Only if they don't change composition of substance/mixture
- Is there onward supply?
- Does the scientific R&D exemption apply?
- Apply COSHH

# CHIP 4



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- Came into force on 6 April 2009 – SI 716/2009
  - Consolidates all previous versions of CHIP
  - Ensures national law dovetails with CLP
  - Allows early compliance with CLP as an alternative to CHIP
  - Introduces enforcement provisions for CLP (same enforcement provisions as CHIP)
  - Removes references to Approved Supply List



# Summary of changes between CHIP and CLP



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- Scope similar to existing EU supply system in 67/548/EEC and 1999/45/EEC (and CHIP)
    - i.e. anything previously covered by EU regime still will be.
  - However some additional hazards also now covered, e.g. gases under pressure, self-reactive substances and mixtures, corrosive to metals
  - Creation of a harmonised classification and labelling inventory, and duty to notify

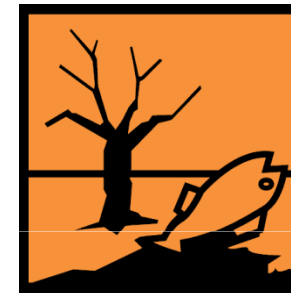
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- Changes to the way in which substances are classified (i.e. the classification criteria)
    - these may produce different classifications to those currently used for certain substances
  - CLP adopts EU harmonised list of classifications – these are mandatory for all suppliers
    - in Part 3 of Annex VI of CLP Regulation
    - Approved Supply List repealed
    - ESIS a really useful source of information:  
<http://ecb.jrc.ec.europa.eu/esis/>

CLP introduces new label elements:

- Pictograms:

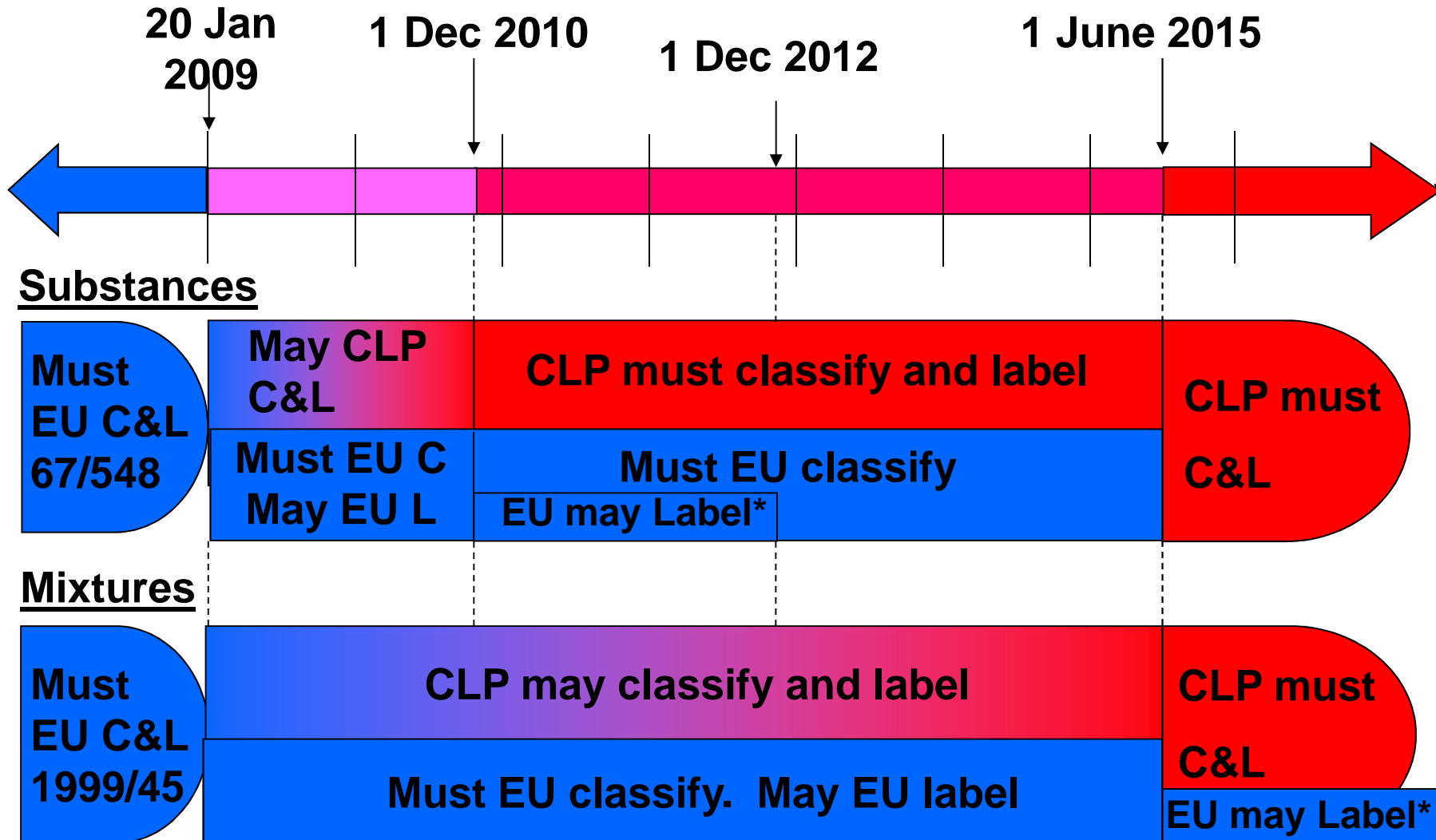


- Hazard statements (e.g. ‘extremely flammable gas’) – replace R-phrases
- Precautionary statements (e.g. ‘Do not allow contact with air’) – replace S-phrases
- Signal words (‘danger’, ‘warning’)





# Transitional Arrangements



# CHIP/CLP Enforcement Regime

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- What would we look for?
- How do we enforce?
- Enforcement tools

# What would we look for?

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- Is there an act of supply?
- Do any exemptions apply?
- Is it a substance or mixture (do the transitional arrangements apply)?
- Is the classification correct?
- Are the correct symbols/statements applied?
- Is there a compliant SDS?
- Is there appropriate documentation/risk assessment in place?
- Is COSHH being applied?



# How do we enforce?

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HSE Strategy recognises two broad approaches:

- education, help and promotion = increased levels of compliance
- range of interventions (proactive and reactive) backed up by formal enforcement where appropriate

# How do we enforce?

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Enforcing authority is HSE, apart from: —

- retail sale or supply of substances / mixtures (local authority trading standards departments)
- provisions on child resistant fastenings, tactile warning devices & advertisements (local authority trading standards departments)
- premises registered under the Medicines Act 1968, e.g. pharmacies (Royal Pharmaceutical Society)

‘Due diligence’ defence available

# CRD Enforcement

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- Fits with HSE's Enforcement Model
  - Enforcement Policy Statement
    - Proportionality
    - Targeting
    - Consistency
    - Transparency
    - Accountability
  - Enforcement Management Model
    - is a framework which helps inspectors make enforcement decisions in line with the EPS

# Enforcement Tools

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- Allow to remain in non-compliance
  - Informal written advice
- Formal written advice
- Improvement Notice
- Prohibition Notice
- Prosecution
  - Prosecution Code

# Supply of substances / mixtures (safety data sheets)



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Suppliers of a substance / mixtures classified as ‘dangerous’ under CHIP (or ‘hazardous’ under the CLP Regulation) must:

- provide a safety data sheet (SDS) to all recipients a ‘recipient’ includes any business but excludes consumers
- the SDS must conform to REACH requirements
- the SDS must be provided (not just ‘made available’)
- the SDS must be free of charge and in the official language of the Member State

# REACH repeals and replaces CHIP requirements as regards safety data sheets

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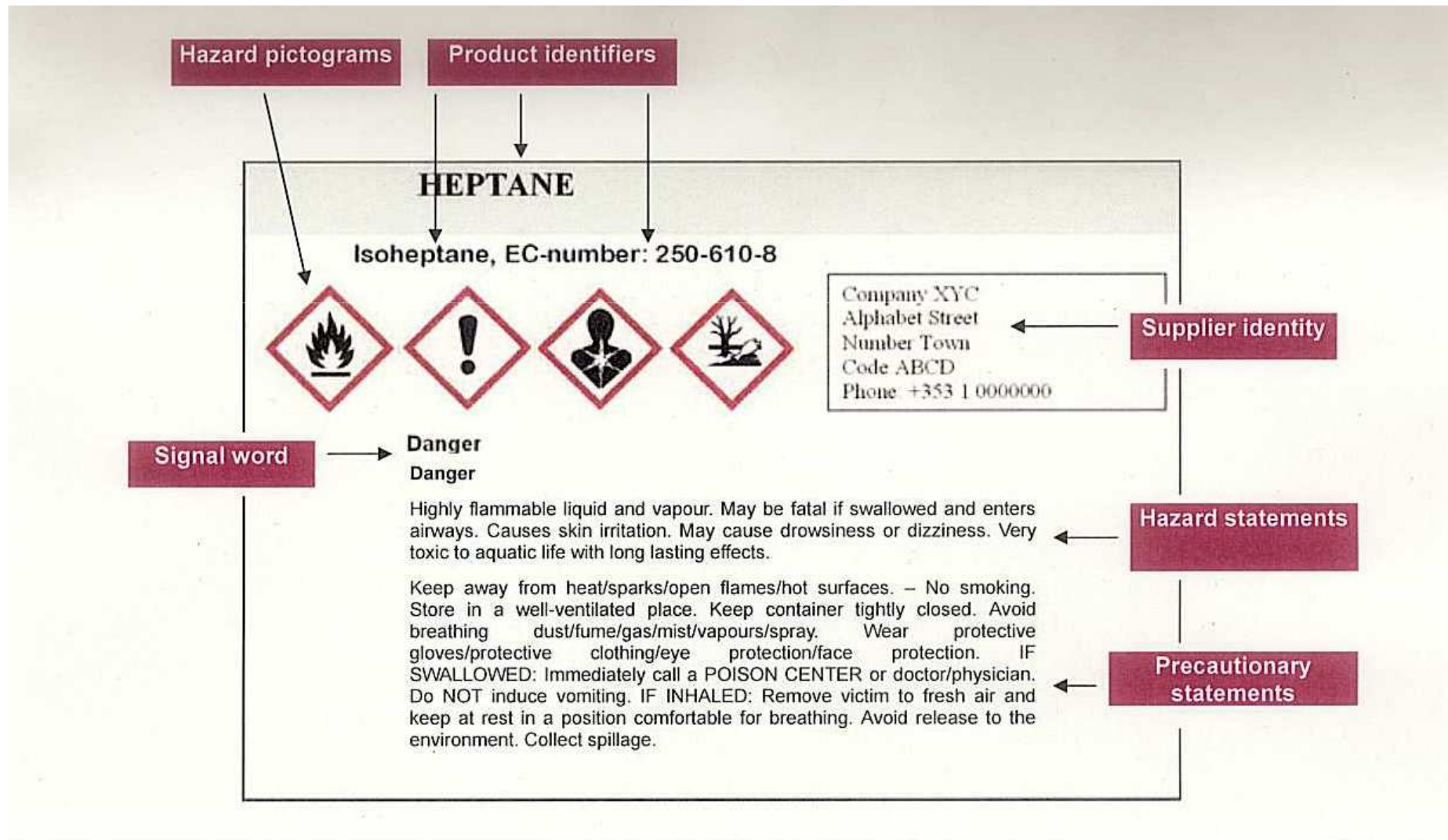
Suggested enforcement policy



Through registration, safety data sheets will contain more and better information about risk management measures ('exposure scenarios')

# Example – CLP substance label

ECHA guidance document on labelling and packaging p37



**THANK YOU FOR YOUR ATTENTION  
– ANY QUESTIONS?**



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**Further information**

[www.hse.gov.uk/ghs/index.htm](http://www.hse.gov.uk/ghs/index.htm)