

Position on the revision of CLP

Key messages

- BASF supports the aim of the Chemical Strategy for Sustainability (CSS) to strengthen human health and environmental protection.
- The EU Commission proposes adding new hazard classes – Endocrine Disruptors (ED), Persistent, Bioaccumulative and Toxic (PBT), very Persistent and very Bioaccumulative (vPvB), Persistent, Mobile and Toxic (PMT) and very Persistent and very Mobile (vPvM) – on EU level first through the EU Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP) without international alignment. To maintain a globally harmonized approach BASF suggests the introduction of new hazard classes first in the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and afterwards in CLP.
- Global value chains benefit from globally harmonized chemicals legislations and standardized labels – for the safety of workers and professionals around the world!
- The CLP revision foresees an extension in the current right of initiative to submit and develop proposals for the harmonized classification and labelling of chemicals (CLH) to the EU Commission. BASF is of the opinion that the CLP Regulation works and reaches its goals. This has recently been confirmed by the EU Commission's fitness check.

About the topic

What is GHS, CLP and CLH?

1. GHS was created to develop a globally harmonized system to address the classification of chemicals by types of hazards, and harmonize hazard communication elements such as labels and safety data sheets. It provides a basis for harmonization of rules and regulations on chemicals at a global level, which is an important factor for trade facilitation. It provides global standardized safety information to workers and the public in its 80 signatory countries.
2. GHS has increased the level of protection for humans and the environment in all participating countries, transparency through unambiguous, direct and easy communication in global supply chains and markets, thereby supporting safer transportation, storage and handling of chemicals. GHS does not have direct legal effect. It must first be made binding through implementation in the national legislation of the individual states or communities of states.
3. The CLP Regulation (classification, labelling and packaging of chemical substances and mixtures) is the regional implementation of GHS in Europe.
4. For hazards of highest concern (carcinogenicity, mutagenicity, reproductive toxicity (CMR) and respiratory sensitizers), classification and labelling are harmonized throughout the EU (Harmonized classification and labelling, CLH) to ensure adequate risk management. The right of initiative to CLH is currently limited to Member States and industry. Within the revision of the CLP Regulation, the EU Commission proposes to be empowered with the same rights.

What does BASF offer?

1. It is BASF's strategic goal to ensure a globally aligned understanding on chemical hazards and safety measures to continuously increase global health and safety. BASF is committed with its longstanding expertise to actively contribute to achieving these goals and actively engage in further development.
2. We provide Safety Data Sheets (SDS) for all our chemical products even if they are not required by law due to non-hazardous nature of the product or if the legal requirement does not exist in the respective country. Currently, we compile SDS for approx. 70 jurisdictions, serving more than 45 languages and promoting the GHS-based classification and labelling globally.
3. BASF supports global capacity building of safe and sustainable use of chemicals and waste with dedicated regional activities. Among this, we support the implementation of GHS in four African countries together with our partners at UNEP (United Nations Environmental Program) and other global organizations.

Our position

1. Global health and safety first: BASF supports the goals of the CSS as well as the global harmonization of classification and labelling of chemicals.
2. Any fundamental changes to reform the CLP unilaterally without alignment at UN level will result in divergencies from GHS. Such actions will weaken confidence in GHS and might encourage other countries to diverge from GHS as well. Only with an aligned process we will be able to improve chemicals safety in international value chains. Therefore, new hazard classes for EDs, PBTs and PMTs should be introduced at UN GHS first following established rules and procedures. Implementation of the UN GHS core building blocks into the CLP regulation should be done as a second step. Global harmonization is a principle that has always been supported and promoted by the EU. A unilateral deviation from the global system by the EU is in stark contrast to earlier commitments and sends a wrong and disruptive signal to other regions. Introducing new hazard classes in CLP first will pose the risk of re-opening CLP if criteria agreed at GHS at a later point in time diverge.
3. Until new hazard classes are implemented in CLP, existing instruments in REACH can be used to regulate substances with the proposed hazards
4. If the EU Commission, nevertheless, acts unilaterally by introducing new hazard classes into CLP first, scientifically sound definitions and criteria have to be used.
 - a. ED: Introduce one category for human health and one for the environment and no further categories for suspected EDs to maximize alignment with the WHO definition as well as already existing definitions in other EU regulations (Biocide Product Regulation, Plant Protection Product Regulation).
 - b. Mobility criteria for PMT, vPvM: Due to the complexity of the mobility criterion in PMT and vPvM a multi-step approach is needed to identify mobile substances contaminating e.g., drinking water. A single criterion approach such as the sole use of the organic carbon partition coefficient (K_{oc}) would unjustifiably classify a significant number of substances as PMT/vPvM and qualify them as substances of very high concern (SVHCs). Instead, K_{oc} should be used as screening tool followed by leachability assessment.
 - c. Toxicity criteria for PMT: To ensure uniformity, the toxicity criterion in PMT should be identically defined to the definition already existing within PBT.
 - d. PBT: Maintain the current definition as laid down in ANNEX XIII of the REACH regulation.
5. Extending the right of initiative to submit and develop proposals for CLH, currently limited to Member States and industry, to the EU Commission, will not result in a higher level of protection of human health and the environment and a better functioning internal market. The recent [EU Commission fitness check on chemicals](#) (except REACH) which inter alia evaluated the CLP Regulation confirms this. Such a mandate would endanger the gatekeeper function of the EU Commission and undermine the four eyes principle.