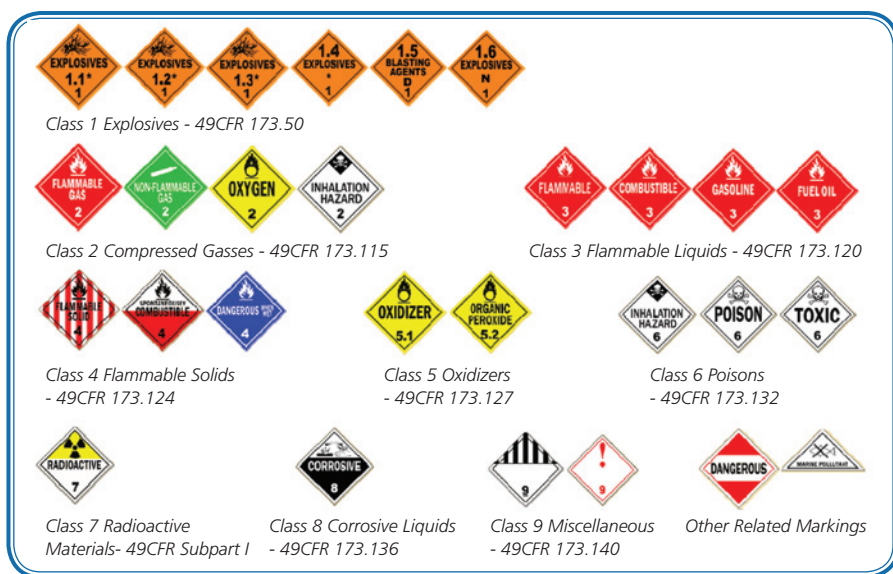


Registering and Transporting Hazardous Substances

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Tips for Complying with New European and American Legislation on Registering and Transporting Hazardous Substances



Last November (2010) was the first major deadline for registration of chemical substances affected by the European program "Registration, Evaluation, and Authorisation of Chemicals" (REACH). The US Department of Transportation's Final Rule 76 FR 3308, which took effect in January, also made several important changes and reclassifications of hazardous materials. Are you compliant?

Starting January 3, 2011, the Classification, Labeling, and Packaging of chemical substances (CLP) regulation (European regulation (EC) No 1272/2008) implemented the Globally Harmonised System (GHS) in Europe. The CLP will replace the current Dangerous Preparations Directive (1999/45/EC) and the related Dangerous Substances Directive (Directive 67/548/EEC) in 2015. Another recent change affects US shipments: the US Department of Transportation's Final Rule 76 FR 3308 attempts to harmonize the US laws with international standards, in addition to enacting numerous detailed changes to the previous body of law. Although this one piece of legislation was more substantial than many, this law is just the latest in a series of near-monthly up-

dates, all of which are important to shippers.

If you are shipping to or from Europe, here is some advice:

- Make sure you are in conformance with registration deadlines that have already passed (2008 and 2010).
- Register new substances that you buy, sell, or ship with the European Chemicals Agency (ECHA) within one month of putting it on the market. If you need to keep the chemical formulation confidential, you can flag the chemical formulation - the IUPAC (International Union of Pure and Applied Chemistry) name, which sets the nomenclature for chemical substances - for confidentiality so long as it is a non-phase-in substance, it is an intermediate rather than a final product, or if it is used for research. If you want to use an alternative name in IUCLID (International Uniform Chemical Information Database), you will need to file a request.
- Update the pictograms that you use for labeling.
- Check naming conventions for the products you ship, as some of them have changed, especially for solvents.
- Change the format of Safety Data

Sheets (SDS) or Material Safety Data Sheets (MSDS) sheets by replacing "Risk Phrases" in Section 15 with "Hazard Statements," and "Safety Phrases" with "Precautionary Statements."

- Apply for approval of low risk biocides and lower-volume (from 100 to 1000 metric tons per year) substances, as well as new products, via a centralized procedure starting in 2013. The remaining products - mostly low-volume (below 100 metric tons per year), low environmental impact substances - must be registered starting in 2017. Note that you may be eligible for an exemption if the product is used for research or if it is shipped in small quantities.

If you shipping to, from, or within the US, you should:

- Determine if you have a placardable shipment. If so, you need to register it. A placardable shipment is a bulk shipment of a substance that falls into one of the Pipeline and Hazardous Materials Safety (PHMSA)'s nine hazard classes, or a shipment greater than 1,000 pounds, or any shipment of agents or toxins identified in 49 CFR § 172.101.
- Check to see if you are affected by any recent changes in PHMSA rulings, especially Final Rule 76 FR 3308. That rule made several important changes and reclassifications. Here are a few examples:
 - ★ Sour crude oil is now addressed by the Hazardous Materials Regulations.
 - ★ Corrosive substances (such as UN 3485, just to name one example) have been added to the list of regulated chemicals.
 - ★ Other substances (such as Bromates like UN3213) need to have the letter "G" added to their shipping labels.
 - ★ Quantity thresholds were aligned with international standards. **D**

Not sure of the procedures? Feel free to contact me at djacoby@bostonstrategies.com.

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