



North American Metals Council

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December 3, 2020

Via Docket Submission

Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Avenue N.W.  
Washington, DC 20210

Re: Preparations for the 39th Session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals; Docket Number OSHA-2016-0005-0057

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Dear Sir or Madam:

The North American Metals Council (NAMC)<sup>1</sup> is pleased to submit these comments in response to the U.S. Department of Labor's Occupational Safety and Health Administration's (OSHA) request for comment on the U.S. government's position in advance of the official 29th session of the United Nations (UN) Sub-Committee of Experts on the Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (85 Fed. Reg. 67378 (Oct. 22, 2020)). NAMC applauds OSHA's active participation in the U.S. Correspondence Group to GHS. We understand that the Correspondence Group has agreed to update GHS Annex 9.7 and 10 to align the guidance and criteria.

As NAMC Chair, I have worked diligently with the U.S. delegation and other UN Sub-Committee member countries between 2000 and 2008, which was when the existing language in GHS Annexes 9 and 10 was developed. I was also one of the drafting authors of the transformation/dissolution protocol.

In the following paragraphs, NAMC will address the GHS classification system and, in particular, the aforementioned annexes in view of the upcoming discussions regarding GHS classification during the **December 9-11, 2020**, UN Sub-Committee Meeting.

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<sup>1</sup> NAMC is an unincorporated, not-for-profit organization serving as a collective voice for North American metals producers and users. NAMC is a leader for the metals industry on science- and policy-based issues affecting metals.



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The aquatic chronic classification schemes for metals and metal compounds are presently missing in the GHS guidance section. NAMC believes that incorporation of these schemes into the GHS is required to align the guidance with the criteria section. Therefore, we request that the United States:

- Support the call for the addition of the schemes for metals and metal compounds;
- Acknowledge the progress that has been made in 2020 within the correspondence group; and
- Request that the GHS Sub-Committee work continue in the next biennium.

NAMC understands that three main discussion points have emerged from the Correspondence Group of interest to the metals industry:

First is the role of a default classification category when there are no chronic data and the metal ion is toxic to aquatic life. NAMC and the metals industry do not have concerns on this particular topic, given the existing chronic data for most metals. A classification approach should be devised that is simple and easy to understand.

Second, with respect to the role of the screening transformation/dissolution test, NAMC strongly supports the use of the full transformation/dissolution test. When available, the results from the full test, not merely those from the screening test, should be used. The need for the screening test should be de-emphasized because it often limits the potential to develop full data sets where this is warranted. NAMC is concerned that the screening test has been used by European countries to argue that some metals are readily soluble when, in fact, they are not.

Lastly, NAMC expects European Union (EU) countries to raise several concerns, as specified below, that will distract other member countries from the main objective, and we would like to see these topics de-emphasized for the purpose of this exercise. For example:

- Applicability of the scheme to metal mixtures, in particular, application to alloys: This topic can be handled during a later stage after the guidance on metals has been updated; and



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- Rapid environmental transformation of metals (loss from the water column): This topic is of relevance to the industry, in particular, the copper industry. GHS currently acknowledges that rapid environmental transformation can apply to metals; this argument, however, is challenged by some EU member states. NAMC requests that the U.S. delegation highlight that, at this point, no changes to the GHS should be made regarding the aforementioned topic. Additionally, we request that the U.S. delegation recognize the applicability of the concept of rapid environmental transformation for metals and refer to September 2019 publications on this topic in *Environmental Toxicology and Chemistry*, Volume 38, No. 9.

Thank you for the opportunity to submit these comments.

Sincerely,

William J. Adams, Ph.D.  
NAMC Chair