

HSE INFORMATION SHEET

Chemical supply : classification, labelling and packaging

CHEMICALS (HAZARD INFORMATION AND PACKAGING FOR SUPPLY) REGULATIONS 2009 – KNOWN AS ‘CHIP 4’ (national regulations)

Summary – the GB Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 represent the 4th consolidated version of the long established CHIP regulations. CHIP implements two European Directives – the Dangerous Substances Directive (67/548/EEC) and the Dangerous Preparations Directive (99/45/EC). These directives set out the requirements for chemical classification, labelling and packaging.

The directives are being replaced by the new directly-acting European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures – the CLP Regulation.

CHIP 4 reflects the changes made to national legislation to align it with the transitional arrangements of the CLP Regulation, and to ensure CHIP's repeal in June 2015.

This sheet should be read in partnership with the **European CLP Regulation Information Sheet**.

**CHEMICALS (HAZARD INFORMATION AND PACKAGING FOR SUPPLY)
REGULATIONS 2009
– KNOWN AS ‘CHIP 4’ (national regulations)**

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Section 1.

Purpose of the CHIP Regulations

1. This Information Sheet provides guidance on the **Chemicals (Hazard Information and Packaging for Supply) Regulations 2009** (CHIP 4).
2. CHIP 4 implements two European Directives (Dangerous Substances Directive (67/548/EEC) and Dangerous Preparations Directive (1999/45/EC)) which have as a principal objective the protection of humans and the environment from the harmful effects of chemicals. This is achieved by a system of classification (identifying any hazards that are present) and by the provision of information about those hazards by suppliers to users, mainly in the form of warning labels¹. CHIP 4 also requires the chemical supplier to package the chemical safely.
3. CHIP is long-standing and well understood by chemical suppliers.
4. CHIP applies to the **supply** of chemicals. Supply includes to sell, offer for sale, provide commercial samples, import, or the transfer of chemicals from workplace to workplace (between two parties). CHIP does not apply to certain specialised chemicals such as medicines and cosmetics. These and other exceptions are described in Regulation 3 of the CHIP Regulations.
5. In CHIP, ‘chemical’ means either a substance, a preparation or both. A **substance** is a chemical element or one of its compounds, including any impurities; a **preparation** is a mixture of substances.

Section 2.

Key features of CHIP 4 (including the repeal of CHIP)

6. CHIP 4 came into force in Great Britain on 6 April 2009 (regulation 1(1)). CHIP 4 includes the same duties as in CHIP 3. CHIP 4 also:
 - **consolidates all amendments** to the CHIP Regulations since 2002 (regulation 18 and Schedule 7);
 - **gives legal effect to the 6th edition of the Approved Classification and Labelling Guide** (regulation 2(1));
 - **dovetails the requirements of CHIP with the transitional arrangements set out in the direct-acting EC Regulation No 1272/2008 on classification, labelling and packaging of substances**

¹ For those at work, in addition, safety data sheets (SDS) are also required. While CHIP determines some of the data needed to compile a SDS, **Article 31 and Annex II of the European Regulation (EC) No 1907/2006 on REACH** provides the primary legislation requiring SDS, and the detail on the compilation of a SDS.

and mixtures (the CLP Regulation) (regulation 13) – the CLP Regulation entered into force in all EU Member States on 20 January 2009. The Regulation is directly-acting on all Member States. The CLP Regulation is subject to certain transitional arrangements which mean the Regulation applies to **substances from 1 December 2010**, and to **mixtures from 1 June 2015**. Chemical suppliers can apply the provisions relating to mixtures ahead of the mandatory compliance date if they choose to. From 1 June 2015, the existing Dangerous Substances Directive and Dangerous Preparations Directive are fully repealed. Therefore, from 1 June 2015, the CLP Regulation becomes the relevant legislation on the classification, labelling and packaging of chemicals. As a consequence, CHIP 4 has been aligned with these changes and will itself be repealed from 1 June 2015, with the exception of the enforcement provisions for the CLP Regulation;

- **provides for enforcement of both CHIP and the CLP Regulation in Great Britain** from 6 April 2009 (regulation 14);
- **repeals the requirements of CHIP at the end of the transitional measures provided for in the CLP Regulation** (1 June 2015), except for the enforcement provisions (regulation 14).

Classification

7. The term *classification* means deciding if the chemical being supplied is dangerous to people, the environment or both. Classification is achieved by identifying what hazardous properties are present in the chemical.
8. Classification can be achieved through two routes:
 - i. (i) through applying the legally binding harmonised substance classifications. These classifications are discussed by national experts from all EU Member States and agreed at European level. Approximately 8000 substances have been assigned harmonised classifications. See Section 8 below; and
 - ii. (ii) through *self-classification*, meaning suppliers have to classify the substance or preparation for themselves. See the Approved Classification and Labelling Guide (publication ref: L131)².
9. Finally, as a consequence of the changes to relevant European legislation and the entry into force of CHIP 4, two of the pieces of documentation supporting CHIP have been withdrawn from official use – the HSE *Approved Supply List* and the HSE *Approved Code of Practice (ACoP)* on the compilation of safety data sheets (see section 6 below).

² CHIP guidance can be viewed or purchased at HSE Books:
<http://books.hse.gov.uk/hse/public/home.jsf>

Section 3.

Labelling - hazard symbols and wording

Hazard symbols

10. The distinctive orange and black CHIP hazard symbols that appear on chemical product labelling are familiar to many people. They appear on chemical products used by professionals and by consumers. The symbols appear below:



Explosive



Oxidising



Flammable



Toxic



Irritant



Corrosive



Dangerous for the environment



Risk phrases

11. A risk phrase is a standard agreed phrase which gives simple information about the hazards of a chemical in normal use. For example: heating may cause an explosion; highly flammable; harmful by inhalation; toxic in contact with the skin; causes burns; irritating to respiratory system; may cause cancer; very toxic to aquatic environment.

Safety phrases

12. A safety phrase is a standard agreed phrase which gives advice on safety precautions which may be appropriate when using a chemical. For example: keep locked up; keep out of reach of children; keep container tightly closed and dry; when using do not eat or drink; avoid contact with eyes; wear suitable gloves and eye/face protection; do not empty into drains.

13. An example CHIP label appears below:

Glutaraldehyde		
 Toxic	 Dangerous to the Environment	Toxic by inhalation and if swallowed Causes burns May cause sensitisation by inhalation and by skin contact Very toxic to aquatic organisms Keep locked up and out of reach of children In case of contact with eyes, rinse immediately with plenty of water and seek medical advice Wear suitable protective clothing, gloves and eye/face protection In case of accident or if you feel unwell seek medical advice immediately (show the label where possible) Avoid release to the environment. Refer to special instructions/safety data sheet
EC label 203-856-5		
Supplied by: Name, address and telephone number of supplier		

Section 4.

Important – changes to CHIP and the new European CLP Regulation

14. As mentioned in Section 3, CHIP was amended to align national (GB) legislation with the transitional arrangements in the European CLP Regulation. After coming into force in all EU Member States on 20 January 2009, the CLP Regulation is subject to a lengthy transitional period which runs until 1 June 2015.
15. Unlike directives, the CLP Regulation is directly-acting in all EU Member States so no national transposing legislation (like CHIP) is needed. As a consequence, the CHIP regulations will cease to have legal effect from 1 June 2015, the date on which the CLP Regulation repeals in full the Dangerous Substances Directive and the Dangerous Preparations Directive and becomes the primary piece of legislation which governs chemical classification, labelling and packaging across the whole of the EU including, of course, the UK.

Section 5.

Transitional arrangements for the CLP Regulation and parallel running with CHIP

16. The CLP Regulation is already in force across the EU. Its transitional period for substances ended on **1 December 2010** but runs until **1 June 2015** for preparations (known as mixtures under CLP).
17. Since 1 December 2010, chemical suppliers who place substances (on their own) on the market must comply with the CLP Regulation. But suppliers who place preparations (mixtures) on the market have until 1 June 2015 to comply with CLP. After 1 June 2015, chemical suppliers must only comply with the CLP Regulation – CHIP will then be repealed.
18. For mixtures, chemical suppliers can apply the provisions of the CLP Regulation, as an alternative to CHIP, ahead of the mandatory compliance date if they wish. But the suppliers will need to ensure that they continue to classify according to CHIP too as required by the CLP Regulation's transitional arrangements.
19. The European Chemicals Agency (ECHA) oversees the CLP Regulation and has provided a suite of guidance and other compliance information. Duty holders should be referred to this guidance if applying CLP.³
20. The Tables below summarise the CLP transitional arrangements:

³ More information can be found on ECHA's web site here: http://echa.europa.eu/clp_en.asp

Substances

1 st December 2010 – 1 st June 2015	Suppliers must classify substances according to both CHIP and CLP. They must label and package according to CLP.
1 st June 2015 onwards	Suppliers must classify, label and package according to CLP.

Preparations [mixtures]

20th January 2009 – 1 st June 2015	Suppliers must classify preparations according to CHIP and may continue to label and package them according to regulations 6 to 11 of CHIP. However they may as an alternative, choose to classify, label and package mixtures according to CLP. In this case, they must, in addition, continue to classify under regulation 4 of CHIP, but the requirements on labelling and packaging in regulations 6 to 11 of CHIP will then no longer apply.
1 st June 2015 onwards	Suppliers must classify, label and package according to CLP.

Section 6.

CHIP guidance and other compliance information

21. CHIP 4 is supported by a suite of established published guidance . This continues to include *An Introduction to CHIP* (ref: INDG350(rev1)),⁴ offering a brief introduction to CHIP and its duties; *CHIP for Everyone* (ref: HSG228), offering more detailed guidance; and *Read the Label* (ref: INDG352(rev1)), offering a brief overview of hazard labels and how to understand the information they contain; and finally, the *Approved Classification and Labelling Guide* (ref: L131, 6th edition) which sets out legally binding instructions telling suppliers how to self-classify chemicals.
22. All the guidance above, with the exception of *CHIP for Everyone*, has been revised to reflect the entry into force of CHIP 4 and to alert chemical suppliers and other interested stakeholders to the arrival of the European CLP Regulation. The guidance is available on-line or in hard-copy in accordance with HSE's publications policy.
23. *CHIP for Everyone*, has yet to be updated to reflect CHIP 4 and the transition to the CLP Regulation. However, the guidance and supporting advice it provides on the duties to classify, label and package under CHIP remains valid.

⁴ CHIP guidance can be viewed or purchased at HSE Books:
<http://books.hse.gov.uk/hse/public/home.jsf>

24. CHIP 4 is also supported by pages on the HSE web site. The web pages expand on the information provided in this circular and includes a series of Frequently Asked Questions.⁵

Section 7.

Important - the withdrawal of HSE Approved Supply List (ASL)

25. The HSE Approved Supply List (ASL) was published in Great Britain for a number of years. It reproduced the list of dangerous substances that had been assigned harmonised classifications and accompanying labelling requirements agreed by all EU Member States and which appeared in Annex I to the Dangerous Substances Directive (67/548/EEC). These harmonised classifications and accompanying labelling requirements were legally binding on all chemical suppliers.

26. On its entry into force on 20 January 2009, in all EU Member States (including the UK), the CLP Regulation repealed Annex I of the Dangerous Substances Directive in full. However, the CLP Regulation immediately re-enacted the detail of the 'old' Annex I in **Table 3.2 in Part 3 of Annex VI of the CLP Regulation**. **Annex VI now provides the legally binding version of the harmonised classification and labelling list.**

27. As a consequence, **the ASL is discontinued and should no longer be used.**

Section 8.

Important - Harmonised classifications – new public listing

28. As explained above, Annex VI of the CLP Regulation now provides the legally binding version of the harmonised classification and labelling list. Unlike the old ASL, Annex VI is only available in electronic form. The legal text can be found in the European Commission's Official Journal⁶. However, readers may find it more accessible to use a searchable version on the web site of the European Commission's Joint Research Centre (formerly the European Chemicals Bureau).⁷

29. The classification information in Annex VI is divided into two distinct sections:

- i. Table 3.2 which holds the 'old' classification information that is used in the CHIP regulations; and
- ii. Table 3.1 which holds the same information as Table 3.2 only expressed using the CLP Regulation's criteria and terminology.

⁵ HSE CHIP web pages: <http://www.hse.gov.uk/chip/>

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>

⁷ <http://ecb.jrc.ec.europa.eu/classification-labelling/>

30. Annex VI can be searched by several different criteria – CAS number; EC number; index number; substance name. The substance search results will show both the Table 3.2 results and the Table 3.1 results.
31. When the transitional period in CLP is over (1 June 2015), Table 3.2 will be fully repealed.

Updating the list of harmonised classifications

32. The list of harmonised classifications is updated every couple of years or so where new adequate, reliable and robust scientific or technical information becomes available which shows that affected substance classifications need to be revised (usually to a more severe classification). Up to date information on substances may also mean the introduction of new substance classification entries too. These technical amendments are called adaptations to technical progress or ATPs.
33. ATPs are not new. CHIP has been amended many times in the past to reflect the 29 ATPs made to the Dangerous Substances Directive and the 2 ATPs made to the Dangerous Preparations Directive. While no further ATPs will be made to these directives, ATPs will continue under the CLP Regulation. Indeed, the 1st ATP to the CLP Regulation has already been adopted and applies from 1 December 2010. The ATP reflected the contents in the original 30th and 31st ATPs to the Dangerous Substances Directive, which were subsequently made under the CLP Regulation.
34. ATPs are adopted and published as European Commission Regulations and apply directly to chemical suppliers. For example, the 1st ATP appears as Commission Regulation (EC) No 790/2009.
35. Information on how a new harmonised classification can be proposed, or a change made to an existing harmonised classification, can be found in HSE Information Sheet on the CLP Regulation.

Section 9.

Important – withdrawal of HSE Approved Code of Practice (ACoP) on the Compilation of Safety Data Sheets (3rd edition)

36. The legal provisions relating to safety data sheets (SDS) now appear in Article 31 and Annex II of the European REACH Regulation. As a consequence, the ACoP on the *Compilation of Safety Data Sheets* is now out of date.
37. HSE will be consulting on its formal removal in 2011 now that the European Chemicals Agency (ECHA) and the European Commission have produced a revision of the supporting guidance on SDS which is set out in Annex II of REACH. Suppliers should be referred to this guidance if help is needed.

38. It is recognised that the ACoP was considered very helpful to suppliers and some may still refer to it. However they should be reminded that it no longer has any legal standing in the interim period until it is formally withdrawn.

39. Questions about the compilation of SDS should be referred to the national REACH Competent Authority Helpdesk.⁸ For specific matters relating to the enforcement of REACH, the REACH compliance team should be contacted.⁹

Section 10.

Enforcement arrangements

40. The enforcement arrangements for CHIP 4 are the same as for CHIP 3. Regulation 14 sets out the powers to enforce the regulations' provisions. Enforcement action can be taken with immediate effect.

41. Regulation 14 of CHIP 4 also allows inspectors to take relevant enforcement action where a duty-holder has applied the provisions of new CLP Regulation. See the relevant Information Sheet.

Section 11.

Other legislation affected by CHIP

42. There are a number of other pieces of national legislation that either refer to or cite CHIP as part of the required control measure – i.e. COSHH; COMAH.

43. If CHIP is relevant to other legislation, the relevant guidance should be referred to see how CHIP should be considered and/or applied.

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