

Lawyers urge industry to prepare for Chile's first chemical reporting deadline next year

NEWS

22 August 2023

Companies should review decree provisions to ensure compliance

Chile

GHS

Chemical notification/ registration

Chemical management

Lawyers are urging manufacturers and importers to prepare for notification deadlines as Chile's Ministry of Environment (MMA) is set to begin compiling a national inventory of chemicals from August next year.



Supreme Decree 57/2019, finalised in February 2021, [established](#) a national chemicals framework for the country (see box) and implemented the seventh edition of the Globally Harmonized System (GHS) for classification and labelling of chemicals, which has its [own set](#) of implementation deadlines.

Diego Peña, partner at DLA Piper Chile, said companies must prepare their environmental and compliance teams to establish "reliable and systematised databases containing accurate information" on the manufacture and import of substances within scope of the decree.

That includes determining which substances are considered hazardous and require registration/notification, said Karin Baron, director of hazard communication and international registration strategy with Bergeson & Campbell.

Baron said companies should "review uses and verify that the substance or the substances in mixtures are actually subject to the Decree" and Resolution 777/2021, which includes 4,315

She also encouraged impacted parties to "review safety data sheets – required for the registration/notification – and ensure they comply".

"If the ministry issues substance-specific classifications, manufacturers and importers will need to validate that classification against any on file," Baron said.

Additionally, Baron said the MMA has indicated an intent to evaluate and select substances for further risk assessments, which could lead to potential future restrictions.

"It's important to separate industrial and non-industrial uses as risk patterns between these two for both the environment and health are historically different," she said.

MMA notifications

The MMA intends to issue a series of resolutions at the end of each year throughout the implementation process, according to a June webinar by the Latin American Regulatory Cooperation Forum (LARCF). These resolutions will list all substances notified up to 31 December of that year.

Felipe Massardo, senior associate at DLA Piper Chile, told Chemical Watch that substances not included in the resolutions will be considered new, meaning that manufacturers will have to notify the government before import, manufacture, or placing on the market.

New substances used as active ingredients in agricultural and sanitary pesticides will be exempt from notification.

Reporting system

Companies must report to the ministry's substance notification system through the digital portal called Ventanilla Única (single window), according to Peña.

Massardo said the system is functional but is currently used for other purposes. As a result, he said, changes will likely be made to the website and its functionality to enable notifications under the decree. Those changes are not expected to take place until much closer to the deadline, he added.

Under the decree, companies that manufactured or imported more than one tonne of hazardous substances or mixtures for industrial use in 2022 or 2023 must notify their substances with the MMA by 30 August 2024, with subsequent reporting/notification due every two years thereafter.

Additional notification deadlines occur in subsequent years, as follows:

- 30 August 2025 – notifications due on substances manufactured/imported for non-industrial use;
- 30 August 2027 – notifications due on manufactured/imported substances contained in mixtures for industrial use; and
- 30 August 2029 – notifications due on manufactured/imported substances contained in mixtures for non-industrial use.

Notifications must include the following information:

- details about notifier;
- basic chemical identity, including name and CAS number;
- hazard classification;
- intended use;
- annual volumes; and
- an attached safety data sheet.