INTRODUCTION

What is Happening with REACH

Hong Kong 31.03.10
REMINDER

- Registration, Evaluation, Authorisation and Restriction of Chemicals
  - In force since 01.06.07
- 850 Pages of EU Legislation
- Covers both Human Health and Environmental Issues
- Non Compliance can mean goods will be banned from EU market
REACH is applicable to:

- Chemical Substances
- Chemical Preparations (Cocktails)
- Chemical Substances in Articles
European Chemicals Agency (ECHA) is responsible for all aspects of REACH

REACH is about products and international Supply Chain Management

REACH is becoming an extensive “RSL” with added complications
Main Objectives of REACH

- Create a single system to regulate chemicals in the EU
- Improve the protection of human health and the environment from risks that can be posed by chemicals

REMINDER

Make importers of substances, preparations and articles responsible for the chemical safety of product.
REMEMBER

- REACH (substances in articles) requires three main actions:
  - Registration
  - Notification
  - Information / communication
  (To downstream users)
Substances in Articles

- Substances must be registered with the European Chemical Agency (ECHA)
- If release of a substance is intended under normal and reasonable foreseeable conditions of use
- If more than 1000 kg per year, per legal, entity of the same substance is contained in the product range
What is an article?

REACH Article 3.3:

Article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition.
Intentional release
(under normal or reasonable foreseeable conditions of use)

- Release related to a quality/function is intentional
- Release caused by wear and tear in general not considered intentional release
- Release caused by accidents are generally not intended (even if they may be reasonably foreseeable)
Notification
The ECHA has to be notified by the EU importer if:

- A Substance of Very High Concern (SVHC) listed on the ECHA “candidate list” is present in an article above a concentration of 1000 ppm
- More than 1 ton per year is imported – in articles where 1000 ppm is exceeded
Candidate list:

- Prepared by ECHA and based on individual member states requirements
## REMINDER

**SVHC LIST**

<table>
<thead>
<tr>
<th>Substances</th>
<th>CAS No. / EC No.</th>
<th>SVHC Classificati on</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cobalt dichloride</td>
<td>7646-79-9 / 231-599-4</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Drying agents such as silica gel</td>
</tr>
<tr>
<td>Sodium dichromate dehydrate</td>
<td>7799-12-0 / Not Available</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Metal finishing, leather tanning, textile dyeing, wood preservatives</td>
</tr>
<tr>
<td>Diarsenic pentaoxide</td>
<td>1303-28-2 / 215-116-9</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Fungicides, herbicides, insecticides</td>
</tr>
<tr>
<td>Diarsenic trioxide</td>
<td>7227-53-3 / 215-481-4</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Herbicides, insecticides</td>
</tr>
<tr>
<td>Lead hydrogen arsenate</td>
<td>7784-40-9 / 232-064-2</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Insecticides</td>
</tr>
<tr>
<td>Triethyl arsenate</td>
<td>15606-95-8 / 427-700-2</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Wood preservatives</td>
</tr>
<tr>
<td>Dibutyl phthalate</td>
<td>84-74-2 / 201-557-4</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Plasticizers, additive to adhesives or printing inks</td>
</tr>
<tr>
<td>Bis (2-ethyl(hexyl)phthalate)</td>
<td>117-81-7 / 204-211-0</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>PVC Plasticizers, hydraulic fluid and dielectric fluid in capacitors</td>
</tr>
<tr>
<td>Benzyl butyl phthalate</td>
<td>85-68-7 / 201-622-7</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Plasticizer for vinyl foams, floor tiles, synthetic leathers</td>
</tr>
<tr>
<td>Anthracene</td>
<td>120-12-7 / 204-371-1</td>
<td>PBT</td>
<td>Dyos, insecticides, wood preservatives</td>
</tr>
<tr>
<td>Bis(tributyl) oxide</td>
<td>56-35-9 / 200-268-0</td>
<td>PBT</td>
<td>Wood preservatives</td>
</tr>
<tr>
<td>5-tert-butyl-2,4,6-trinitro-m-xylene</td>
<td>81-15-2 / 201-329-4</td>
<td>vPvB</td>
<td>Fragrance, cosmetic products</td>
</tr>
<tr>
<td>Cyclodecane</td>
<td>294-62-2 / 206-33-9</td>
<td>PBT</td>
<td>Perfume fixative and enhancer</td>
</tr>
<tr>
<td>Hexabromocyclooctadecane (HBCDD)</td>
<td>25037-99-4 / 247-149-4</td>
<td>PBT</td>
<td>Flame retardants</td>
</tr>
<tr>
<td>Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)</td>
<td>85535-84-8 / 287-476-5</td>
<td>PBT</td>
<td>Lubricants for metal processing, rubber and leather coating, glues</td>
</tr>
<tr>
<td>4,4’- Dianinodiphenylmethane</td>
<td>101-77-9 / 202-974-4</td>
<td>Cat. 1 &amp; 2 CMR</td>
<td>Azo colorants, epoxy resin hardener for rubber</td>
</tr>
</tbody>
</table>

**Abbreviations**
- Cat. 1 & 2 CMR: Category 1 & 2 carcinogen, mutagen, & toxic for reproduction
- ECHA: European Chemical Agency
- PBT: Persistent Bioaccumulative Toxic
- REACH: Registration, Evaluation, Authorization and Restriction of Chemicals
- SVHC: Substances of Very Concern
- vPvB: very Persistent very Bioaccumulative
Information duty:
Information on certain “Substances of Very High Concern” has to be passed down the supply chain from the importer to the retailer.
If asked by an end-consumer, the retailer must provide such information, free of charge, and within 45 days.
This end-consumer right will also be used by NGOS and consumer watchdog groups to raise public awareness of potential harmful chemicals in articles.
INFORMATION DUTY

Date
Dear Sir/Madam

In accordance with the new European regulation on Chemicals, REACH, I am writing to ask you to inform me about the presence in the product XX or its packaging of any chemical from the group of “substances of very high concern” as specified by REACH.

Should any of these substances be present in the product XX or its packaging, I wish to be informed about the name of this substance, and receive sufficient information on how I can protect myself and the environment from it.

I would be grateful to receive this information within 45 days as required by REACH.

I would also be grateful if you would inform me about steps you are taking to provide products intended for the same use but which do not contain such potentially hazardous chemicals.

Yours faithfully,

cc: European Chemicals Agency - P.O.Box 400, 00120 Helsinki, Finland, phone: +358-9-686180 email: info@echa.europa.eu, www.echa.europa.eu (visiting address: Annankatu 18, 00120 Helsinki) Your national consumer and/or environmental organisation
“Information duty” applies to SVHC’s in articles not preparations

All SVHC’s above a concentration of 0.1 % in weight
What actions should importers have taken:

- Inventory checks for preparations and articles
- Data gathering from the supply chain
- Substituting SVHC’s for safer alternatives
Where is full information available

http://echa.europa.eu/

ECHA website - European Chemicals Agency
What are the latest developments
14 more substances added to the SVHC list (and more are on the way)

6 substances proposed for “authorization”
External pressure towards “European Chemical Agency”

A SIN (Substitute It Now) list – an NGO (Chemsec) driven project intended to speed up the transition to a toxic free world.

A TUP (Trade Union Priority) list – aimed at prioritizing the regulation of known SVHCs still being widely used in the workplace, and in particular those which are known to cause occupational diseases at community level.
“REACH” now encompasses previous EU regulations on restricted substances (76/769/EEC).

More stringent requirement of the restricted substances can be expected.

ECHA published the 1st “List of Intention for Restriction” on 01/07/09 (6 substances).
Surveillance by national authorization is increasing.
RAPEX (01-01-09 to 30-06-09)

- 23% of products notified come from the clothing/textiles/fashion sector
- 208 products were posted on RAPEX (clothing/textiles/fashion)
- Chemicals (in articles) represent the highest notified risk category (28%)
The individual member states are required to develop penalties/ sanctions for non-compliance with REACH

So far 14 member have drafted/ approved penalties for non compliance
Some examples

UK
- Up to GBP5,000 fine and/or up to 3 months imprisonment following summary conviction.
- An unlimited fine and/or up to 2 years imprisonment following conviction on indictment

Germany
- Fines up to €50,000 or imprisonment up to 1 year for less severe infringements
- Fines up to €100,000 or imprisonment up to 5 years for more severe infringements

The Netherlands
- Fines up to €670,000 or imprisonment up to 6 years

Sweden
- Fines or imprisonment up to 2 years

Ireland
- Fines up to €5,000 or imprisonment up to 6 months, or both for summary conviction
- Fines up to €3,000,000 or imprisonment up to 2 years, or both for conviction on indictment