

# INTRODUCTION



What is Happening  
with  
REACH

Hong Kong 31.03.10



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# 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**



2



HUGO BOSS

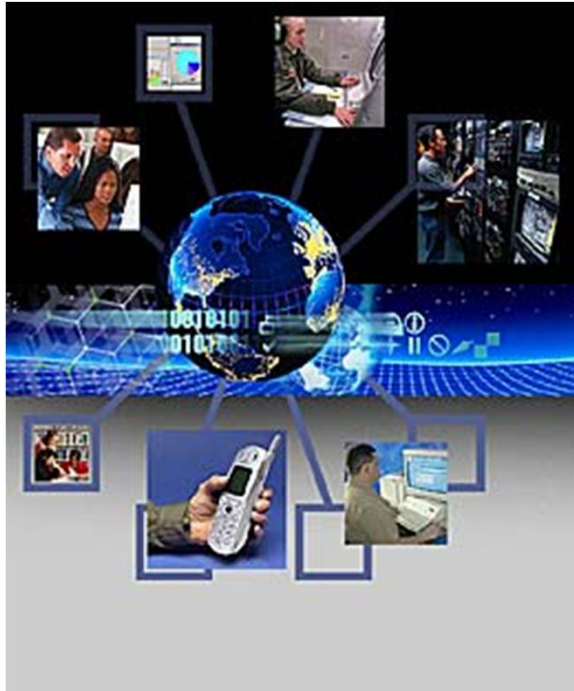


# REMINDER



- **REACH is applicable to :**
  - **Chemical Substances**
  - **Chemical Preparations (Cocktails)**
  - **Chemical Substances in Articles**

# REMINDER



- **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**



LEVI STRAUSS & CO.



TESCO

4



HUGO BOSS



s.Oliver



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



# REMINDER

## 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



5



HUGO BOSS



# REMINDER

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



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# REMINDER

## • 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
- More than 1000 kg per year, per legal entity of the same substance is contained in the product range



# REMINDER



- **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*



# REMINDER

## 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)



# REMINDER

## 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



# REMINDER

- **Candidate list :**

- **Prepared by ECHA and based on individual member states requirements**



# REMINDER



Substances	CAS No. / EC No.	SVHC Classification	Application
Cobalt dichloride	7646-79-9 / 231-589-4	Cat. 1 & 2 CMR	Drying agents such as silica gel
Sodium dichromate dehydrate	7789-12-0 / Not Available	Cat. 1 & 2 CMR	Metal finishing, leather tanning, textile dyeing, wood preservatives
Diarsenic pentaoxide	1303-28-2 / 215-116-9	Cat. 1 & 2 CMR	Fungicides, herbicides, insecticides
Diarsenic trioxide	1327-53-3 / 215-481-4	Cat. 1 & 2 CMR	Herbicides, insecticides
Lead hydrogen arsenate	7784-40-9 / 232-064-2	Cat. 1 & 2 CMR	Insecticides
Triethyl arsenate	15606-95-8 / 427-700-2	Cat. 1 & 2 CMR	Wood preservatives
Dibutyl phthalate	84-74-2 / 201-557-4	Cat. 1 & 2 CMR	Plasticizers, additive to adhesives or printing inks
Bis (2-ethyl(hexyl)phthalate) (DEHP)	117-81-7 / 204-211-0	Cat. 1 & 2 CMR	PVC Plasticizers, hydraulic fluid and dielectric fluid in capacitors
Benzyl butyl phthalate	85-68-7 / 201-622-7	Cat. 1 & 2 CMR	Plasticizer for vinyl foams, floor tiles, synthetic leathers
Anthracene	120-12-7 / 204-371-1	PBT	Dyes, insecticides, wood preservatives
Bis(tributyltin) oxide	56-35-9 / 200-268-0	PBT	Wood preservatives
5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)	81-15-2 / 201-329-4	vPvB	Fragrance, cosmetic products
Cyclododecane	294-62-2 / 206-33-9	PBT	Perfume fixative and enhancer
Hexabromocyclododecane (HBCDD)	25637-99-4 / 247-148-4	PBT	Flame retardants
Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)	85535-84-8 / 287-476-5	PBT	Lubricants for metal processing, rubber and leather coating, glues
4,4'- Diaminodiphenylmethane	101-77-9 / 202-974-4	Cat. 1 & 2 CMR	Azo colorants, epoxy resin hardener for rubber

### 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



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# INFORMATION DUTY

## 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



# INFORMATION DUTY



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,

SAMPLE LETTER FOR CONSUMER  
TO REQUEST INFORMATION ABOUT  
SUBSTANCES IN AN ARTICLE.



cc: European Chemicals Agency - P.O.Box 400,  
00120 Helsinki, Finland, phone: +358-9-686180  
email: [info@echa.europa.eu](mailto:info@echa.europa.eu), [www.echa.europa.eu](http://www.echa.europa.eu)  
(visiting address: Annankatu 18, 00120 Helsinki)  
Your national consumer and/or environmental organisation



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# INFORMATION DUTY



- “Information duty” applies to SVHC’s in articles not preparations
- All SVHC’s above a concentration of 0.1 % in weight



# INFORMATION DUTY



- What actions should importers have taken :
  - Inventory checks for preparations and articles
  - Data gathering from the supply chain
  - Substituting SVHC's for safer alternatives

# INFORMATION DUTY



- Where is full information available

<http://echa.europa.eu/>



ECHA website - European Chemicals Agency.url



# INFORMATION DUTY



What are the latest developments



# INFORMATION DUTY



**14 more substances added to the SVHC list (and more are on the way)**

**6 substances proposed for “authorization”**



**LEVI STRAUSS & CO.**



**TESCO**



**HUGO BOSS**



*s.Oliver*



# INFORMATION DUTY



External pressure towards “European Chemical Agency”

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

- **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.



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# INFORMATION DUTY



“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).



# INFORMATION DUTY



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%)



LEVI STRAUSS & CO.



TESCO



HUGO BOSS



s.Oliver



# INFORMATION DUTY



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





# INFORMATION DUTY

## Some examples

### UK

- Upto GBP5,000 fine and/or upto 3 months imprisonment following summary conviction.
- An unlimited fine and/or upto 2 years imprisonment following conviction on indictment

### Germany

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

### The Netherlands

- Fines upto €670,000 or imprisonment upto 6 years

### Sweden

- Fines or imprisonment upto 2 years

### Ireland

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

