

RAPRA REACH Europe Conference

Mamta Patel
Editor
Chemical Watch

Workshop A: Lessons learned for the year ahead

18 September 2008

CHEMICALWATCH

Briefing businesses on REACH and chemical risks

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REACH Consortia Ask Dr Reach REACH Documents Toolkit

Industry bodies surprised by ECHA funding concerns

25-Jul-08

CEFIC, FECC, CBA warn Agency not to raise fees, call for assumptions to be made transparent [CW article](#)



ECHA chief signals financial worries

22-Jul-08

REACH-IT being prepared for bulk submission from tomorrow, but it will be complex [CW article](#)



Other News

- 28 Jul: Revised draft environmental risk assessment for vinyl acetate published
- 28 Jul: OECD plans for global coordination on nano standards published
- 28 Jul: Danish EPA gives tips on safe furniture buying as toxic sofa impacts spread
- 28 Jul: Canada acts on brominated flame retardants
- 25 Jul: ECHA invites participants for first stakeholder day
- 24 Jul: REACH draft Annexes IV and V covering exemptions published
- 24 Jul: FoE Europe accuses EFSA of putting consumers at risk over bisphenol A
- 24 Jul: Commission updates EINECS structures database
- 23 Jul: No change in EU food authority advice on bisphenol A
- 23 Jul: Commission consults on regulation of hair dyes, limits for toluene, bans for DEG and vitamin K1
- 23 Jul: Bulk submission of REACH pre-registration data now possible

[Full news archive](#)

[Web Feed](#)

Analysis and case studies: monthly briefing

Issue No 9 (July/August 2008) of our [monthly briefing](#) is now available:

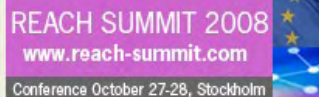
- The REACH candidate list (page 1)
 - REACH surprise for pharmaceutical companies (page 6)
 - U.S. REACH conference, September 10 (page 8)
 - REACH offers new life to chemical leasing (page 9)
 - Minding the gaps in nanotech safety (page 13)
 - Ask Dr Reach: What will REACH registration cost you? (page 18)
 - Legal spotlight: Securing REACH guarantees from suppliers (page 19)
 - Guest column: REACH and animal testing (page 20)
- [Download this month's briefing now](#)



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A program for U.S. businesses
September 10, 2008 Arlington, VA



Our Mission...

To provide businesses with the information they need
to manage chemical risks responsibly

- Online real time news ☺ €
- Weekly news email alert ☺
- Monthly briefing - analysis, discussion €
 - *Dr REACH* ☺ ; *Legal Spotlight* ☺ ; *Guest Column*
(Various)
- Events ☺
- Toolkit
 - *REACH Directory* ☺ *REACH library* ☺ *REACH Consortia list* ☺
- Jobs ☺

Directory of Service Providers

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|---|--|--|
| <input type="checkbox"/> Corporate strategy/advice | <input type="checkbox"/> Pre-registration/Registration | <input type="checkbox"/> Risk assessment (environmental) |
| <input type="checkbox"/> Consortium management | <input type="checkbox"/> Dossier preparation & data management | <input type="checkbox"/> Supply chain communication |
| <input type="checkbox"/> SIEF facilitation | <input type="checkbox"/> Testing strategies | <input type="checkbox"/> IT & software services |
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Name	Work Areas
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Cambridge Environmental Assessments	• Consortia • Corporate • Dossiers/data • IT/software • Legal • Only rep • Pre/registration • Enviro risk • Human risk • SIEFs • Supply chain • Testing • Third party rep • Training
ChemADVISOR, Inc	• Corporate • Dossiers/data • IT/software • Only rep • Pre/registration • Enviro risk • Human risk • SIEFs • Supply chain • Testing • Third party rep • Training
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Chemical Industries Regulations Exhibition 30 Sept-1 Oct 2008
REACH, AGCHEM, BIOCIDES & GHS
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Consortia

REACH consortia – please send updates and new details to mamta.p@chemicalwatch.com

Substance(s)	Contacts	CW articles	Details
Aluminium	Aluminium Consortium	-	Aluminium metal, bauxite, aluminium hydroxide, alumina, cryolite
Antimony	International Antimony Oxide Industry Association (IAOIA)	CW 17 August 2007	Antimony trioxide (ATO) and ten other compounds.
Cadmium	International Zinc Association	-	Cadmium, cadmium oxide, cadmium hydroxide, cadmium nitrate, cadmium carbonate, cadmium sulphide, cadmium sulfo selenide (red), cadmium zinc sulphide (yellow), cadmium telluride
Chlorine and derivatives	Euro Chlor REACH site	CW 16 May 2008	Carbon tetrachloride, caustic soda, chlorine, chloroform, ethylene dichloride, hydrogen chloride, long chain chlorinated paraffins, medium-chain chlorinated paraffins, methyl chloride, methylene chloride, perchloroethylene, potassium carbonate, potassium hydroxide, short-chain chlorinated paraffins, sodium hypochlorite, sulpho-chlorinated paraffins, trichloroethylene
Cobalt	CDI REACH consortium site	CW 9 January 2008	Cobalt, cobalt (inorganic compounds), cobalt carboxylates
Copper	European Copper Institute	CW 22 February 2008	Copper metal, removal cathodes, spent anodes, Cu blister, Cu anode, Cu matte, Cu-Pb matte, white Cu matte, Cu cement, black Cu, slimes and sludges from Cu protection, speiss Cu, Cu slags, Cu slags – product sold for construction, Cu slags,

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Dr Reach

Read readers' questions and the answers by Dr Reach – and add your own questions

How much does registration cost?

Question: "How much will REACH Registration cost?" Question from a Brazilian producer of speciality chemicals.

Dr REACH answer (July/August 2008)

Monomers in an imported polymer

Question: "How can a company register monomers bound in an imported polymer?" Question from a medium-sized Turkish company.

Dr REACH answer (July/August 2008)

Substance, polymer or preparation?

Question: "A company imports a product that contains a polymer and other additives. Is this a substance, preparation or polymer and what must be registered?" The questioner is a Hungarian trade association.

Dr Reach answer (June 2008): Click here

Substances and preparations

Question: "Does a company purchasing 0.5 tonnes of substance A in preparation X and

Put your question to Dr Reach

Send your questions to steffen@chemicalwatch.com

We will not disclose your identity (unless of course you request that your name be included).



Dr Steffen Erler is Director of REACH Services at Smithers Rapra Technology. Over the past few years, he has been closely involved in the formulation of REACH and the REACH Implementation Projects (RIPs), including as a consultant for the UK Chemical Industries Association and REACHReady. As a chemist

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Jobs

To have your jobs included here, contact lorna.m@chemicalwatch.com

Job Title	Organisation	Location	Description
REACH Consultant	Royal Haskoning	Nijmegen/Den Bosch, The Netherlands	Experienced consultants with knowledge of REACH and the international chemical sector (Regulatory Affairs)... Download
Project Officer	Royal Haskoning	The Netherlands, United Kingdom or Belgium	Are you a junior with knowledge of hazardous substances who would like to contribute to the implementation of various advisory projects? Download
Marketing & sales	Royal Haskoning	Nijmegen/Den Bosch, The Netherlands	Would you like to use your commercial talents for the sale of products and services in the field of Chemicals Management? Download
Experienced advisor	Royal	Nijmegen/Den	With your knowledge of



Issues

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Four firms mount legal challenge to REACH Regulation

REACH rules on monomers and preparations are focus of judicial review application

12-Jul-2007

Four speciality chemicals businesses initiated a joint **legal challenge** of the REACH Regulation even before it entered into force, *Chemical Watch* can reveal.

The companies - led by French firm SPCM, with C H Erbslöh of Germany, Lake Chemicals & Minerals of England, and Hercules of Delaware, USA - served a **legal** notice on the UK Environment Secretary at the end of May, seeking a judicial review of the Regulation.

The firms are distributors and producers of speciality chemicals, including polymers and rubbers.

They are understood to be challenging two specific provisions under the Regulation:

- Article 6.3 requiring registration of monomers present above specified concentration and tonnage thresholds in polymers.
- Article 6.1 requiring registration of each substance within a preparation that is manufactured or imported in quantities of one tonne or more each year.

One of their arguments is that Article 6.3 essentially undermines an exemption for

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OR surprise at REACH pre-registration launch

'Only representatives' will have to register substances for each non-EU manufacturer

14-Apr-2008

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'Only representatives' (ORs) appointed to register substances on behalf of non-EU manufacturers will have to submit separate registrations for each company they represent, the European Commission announced today.

Speaking at the joint Commission/European Chemicals Agency (ECHA) pre-registration launch event in Brussels, Otto Linher of DG Enterprise, said the change in interpretation followed a further round of dialogue with member states last week. He urged delegates to "spread the message as widely as possible".

During the meeting, the Commission conceded that it was wrong in its earlier interpretation, which required ORs to submit one registration aggregating tonnages for all the non-EU manufacturers it represents.

The news was welcomed at first sight by EU manufacturers at the meeting and ORs. The director of one OR company - REACH Only Representative - said "this brings clarity to the situation and is good news for everyone". But the consequences of the decision are still being worked out. Mr Linher stressed

Further information

[NEW - ECHA pre-registration website](#)

[Live conference website](#)

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Latest REACH-IT trials hit problems

Dramatic build up to pre-registration but contractors insist flaws can be ironed out in time

27-May-2008

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With less than a week to go before REACH pre-registration begins on 1 June, final tests by industry and by the European Chemicals Agency (ECHA) have turned up significant problems.

Speaking last week after delivery of a production version of the system, ECHA executive director Geert Dancet said it looked much better but the Agency would carry out its own tests to be sure ([CW 19 May 2008](#)). Today, Mr Dancet revealed that "quite a lot of serious problems were identified in all different functions" during the internal tests which concluded on Friday.

The contractors charged with delivering the IT system - Trasys and TechniData - were informed of its findings. They are said to have expended "enormous resources" last week and over the weekend, resulting in a new version of the system complete with further test reports being delivered to ECHA last night.

The system is said to be much improved on earlier versions, but ECHA now plans to undertake its own further round of testing over the next few days. According to Mr

Further information

[ECHA](#)

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A broader agenda

- Emerging science
- New products - nanomaterials
- NGO campaigns
- Societal expectations
- Vulnerable groups
- Corporate social responsibility
- Trailblazers
- Investor concern
- Liability
- Johannesburg goal

Actors

Current issues

A selection of the top issues we get asked about:

- Rules for importers
 - only representatives, substances in articles,
- REACH-IT
 - is it ready? Is it safe? Bulk submission
- Pre-registration
 - What happens if suppliers do not pre-register in time?
- Monomers in polymers
 - How? What? When? Who?
- Exemptions
 - Do I have to?

Current issues continued...

- Consortia
 - Which ones? What are the rules? What are the costs? Anti-competitive?
- Retailers' obligations
 - What do we have to do? How soon?
- Candidate list
 - How long? When? What's on it? What about the "SIN List"?
- ROW (Rest of World)
 - How are other governments, non-EU firms reacting? RoHS precedent
- Enforcement
 - Resources, awareness, whistle-blowing

How do other countries see REACH?

- The RoHS effect – *China, Japan, South Korea, India keen not to make same mistakes again, 3-400 at REACH conferences*
- Anxiety and hostility – *the US view: REACH is “overburdensome”, will not work, ECHA will not cope, but multinationals are getting on with it*
- World Trade Organization (WTO) – *REACH is the biggest issue in the history of the TBT committee*
- Others disagree – *South Korea at HICCS 2008 said the EU has gone out of its way to notify the world about REACH, it is not a TBT.*

REACH

Is it over or just beginning?

Companies that have invested in REACH

- Rolls Royce
- Johnson Matthey
- Du Pont
- SABIC
- Lego
- Boots
- Dow Europe
- L'Oreal
- Fujifilm

Others that have invested in REACH

- Trade associations worldwide
 - Helpdesks, service providers, consortia
- National authorities worldwide
- National regulators worldwide
- EU institutions
- IT firms worldwide
- Consultancies worldwide
- NGOs worldwide

Enforcement (1)

Responsibility and control over enforcement of REACH lies with national authorities *(hence the need for registration by individual legal entities)*

- Mixture of approaches being taken according to jurisdictional precedent, culture, etc.
- Criminal and civil law sanctions

Enforcement (2)

- Dutch system: sliding scale of penalties – light to severe assigned to each REACH article
- Pragmatic approach – awareness visits, roadshows, “soft enforcement” - at least initially, more severe later

ECHA enforcement forum

- First meeting last year, another earlier this year, next meeting in December 08
- Activities under way in all Member States
- Working groups established

ECHA enforcement forum

WG1 – *Annex XVII (changes to restrictions), report in September*

WG2 – *Inventory of data authorities will require from REACH-IT, initial report prepared*

WG3 – *Harmonisation of enforcement strategies – prioritisation, minimum criteria*

WG4 – *Enforcement guidance for inspectors*

WG5 – *Art 117, common framework for Member States' 5-yearly reports on enforcement of REACH*

Other types of enforcement

- supply chain contracts
- whistle blowing – by competitors, customers, NGOs
- cultural – eg. Trade association pressure
- consumer 'right to know'

ChemSec SIN List 1.0

- 263 chemicals
 - 226 CMRs
 - 17 PBTs
 - 30 of equivalent concern
 - eg. bisphenol A, formaldehyde, PFOA, styrene, triclosan

ChemSec SIN List

- Aims
- - to put pressure on authorities to expand official REACH candidate list
- - to provide companies with predictability
- - to offer a tool to consumers

Thank You!

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www.chemicalwatch.com