

The Reach Clock Is Ticking

■ The implementation of the EU's new chemical regulatory framework has got under way relatively smoothly. While the major European players are up to speed on what is required by the new system, companies outside Europe need to know a lot more—and fast—as the next stage kicks in at the beginning of December.

Text and photos: Päivi Ikonen

Helsinki was as relaxed as always during the traditional holiday month of July this year, with tourists and holidaymakers taking it easy in the city's parks and streets and out on the water.

The atmosphere was far from relaxed at the headquarters of the European Chemicals Agency (ECHA), however, as Reach pre-registration, which started at the beginning of June, has kept everyone there very busy. One source of people's headaches there was provided by IT problems with bulk inputting of data using the REACH-IT programme, but these were soon ironed out.

A special help desk has been set up at the agency to assist chemical suppliers and users, and is being flooded by a growing stream of questions from around the world. The bulk of questions so far have come from outside the EU.

"That's been a bit of a surprise to us," says **Anna-Liisa Sundquist**, who is Chairman of the Committee of Member States at ECHA.

"Information on preregistration clearly hasn't reached everyone as much as it should outside the EU."

Sundquist says that it is clear that many businesses outside the EU are unaware of what they need to do to comply with Reach regulations.

"Many are under the impression that they need to preregister their substances. In fact, they can't, and are not allowed to preregister in any case. What they need to do is to get what's known as an Only Representative to handle things. The other alternative is for importers to handle preregistration."

ECHA has decided to step up its communication effort on this and other subjects, and will be organising a Stakeholder Day in Helsinki on October 10 to update both European and non-European players. Time is at a premium, as the preregistration phase is due to end on December 1.

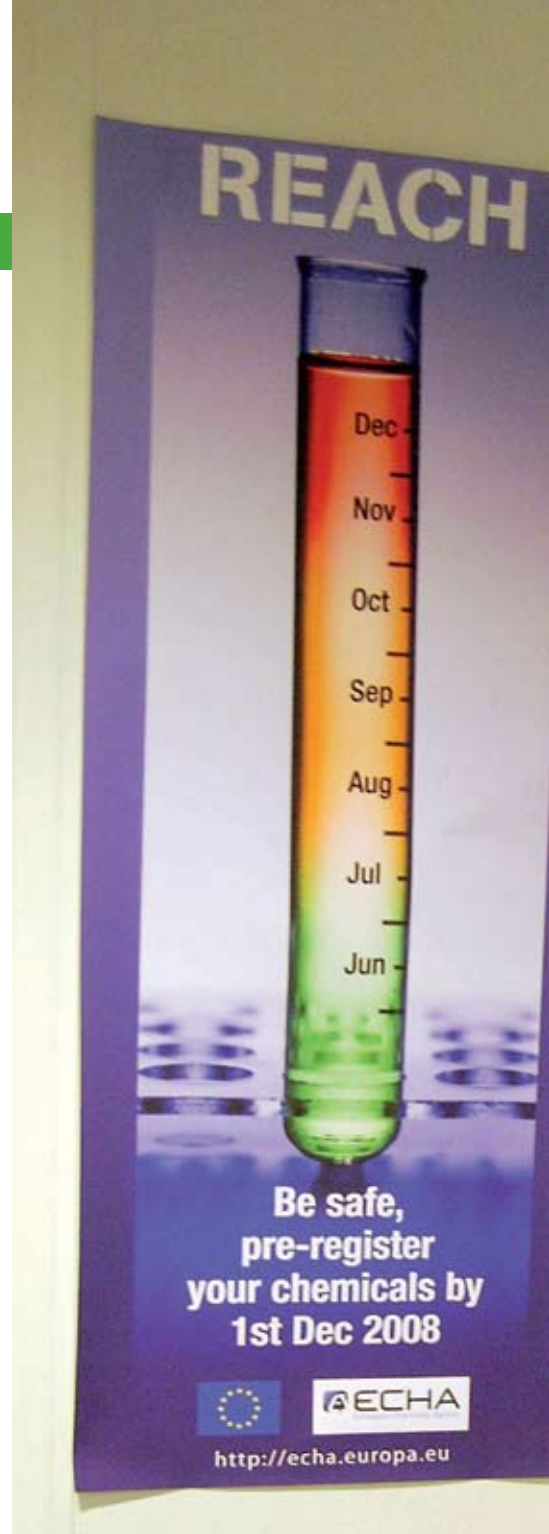
"It's time to get on board"

Although Reach has entered the implementation stage, industry voices can still be heard complaining about how difficult the new regulations are to interpret and the amount of work called for in complying with them.

Anna-Liisa Sundquist admits that Reach is quite a mouthful in more ways than one.

"I'm not surprised by the number of complaints about the difficulty of understanding the new system. It will certainly take some time for industry to work its way through everything. Preregistration, though, is pretty straightforward."

A lot is down to people's attitudes



"Preregistering chemicals needs to be done before we enter the 'red zone' at the beginning of December," emphasises **Anna-Liisa Sundquist** of ECHA.

and how committed they are to getting to grips with the new regulations.

"Reach calls for a new approach, both in Europe and elsewhere. Everybody simply needs to get on board with the fact that Europe has a major new chemical regulatory framework."

That is not to say that ECHA does not take companies' problems seriously. While most large companies have got their Reach issues under control, many small companies simply are not up to speed,



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and how it is interpreted will depend on the authorities and national legislation in member countries.”

Sundquist is unwilling to predict how many of the 30,000 substances involved could miss the preregistration deadline.

“The relevant national authorities are the ones that will have to assess this.”

Hazardous substances are already being replaced

Although Reach implementation is still in its early stages, some of its ultimate goals have already been achieved, according to Anna-Liisa Sundquist. The use of many substances harmful either to the environment or man has already stopped, even though they have not actually been officially banned.

“Reach has got industry thinking. Companies have had to review the substances they use in detail, often for the first time, and this has seen them abandon many which are simply not essential,” she says.

“Companies have implicitly recognised that they have been using hazardous substances. They just haven’t faced up to the matter before, as there haven’t been any consequences to using them before. The situation today is different, and they are having to ask themselves whether they really need all the chemicals they use.”

It is clear, though, that it will be essential to continue with the use of some potentially very hazardous chemicals because of the lack of any viable substitutes, at least at the moment. These substances will be identified, documented, and their use made subject to special licence.

A total of 16 substances have been proposed by member states as calling for special attention as of mid-July. As there is no deadline in this area, it is likely that the list will grow.

“Typical substances here are carcinogens and chemicals that build up in the environment. Toxicity data on them already exists, so they will not need to be tested specially,” explains Sundquist.

Public consultation is currently under way on these proposals. If the Committee of Member States unanimously determines that a particular substance requires special attention, it will be added to the list of licensed chemicals. Substances on this list can only be used with the permission of the authorities and only in specific applications.

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and even some large ones are only in first gear.

One problem that chemical importers could face, says Sundquist, is that preregistration requires substances to be thoroughly identified.

“Many importers simply don’t have the resources to do this, and need to get the information from manufacturers, and this can be difficult sometimes.”

While Reach is still something of a question mark for companies the other side of the Atlantic or in Asia, it is far from clear to everyone in Europe either. There are small and medium-sized companies in every member state that have little or no awareness of the big picture involved with the introduction of Reach.

“Small and medium-sized companies

are still a big problem, particularly small outfits that import their own chemicals. Time will tell how well they’re able to cope with the Reach process.”

Time will also tell what will happen if substances currently in use, perhaps in large volumes, fail to be preregistered by the December deadline. The options are minimal.

“If they miss the boat, there’s not a lot that can be done. We will have to abide by the book here. If a substance is not preregistered, it will have to be registered immediately, without the benefit of the transition period offered by preregistration.”

What exactly “immediately” means here is another thing, says Sundquist.

“This is not defined in the regulations,



This process could well reduce the volumes of these types of chemicals currently used, says Sundquist—perhaps dramatically. It will also encourage industry to develop safer substitutes.

“Obviously, it’s in everybody’s interests if highly hazardous substances are replaced. What’s important is to start looking for better chemicals to enable us to gradually replace them.”

Monitoring is a national responsibility

December 1 will mark the start of a new era. After this, it will be illegal to manufacture, import, sell, buy, or use chemicals that have not been preregistered. But who will be responsible for monitoring that this happens?

“The national authorities in member states,” says Anna-Liisa Sundquist.

“We will not be implementing pan-European monitoring. This is based on the EU charter and the principle that each country coming within the scope of the Reach framework is responsible for monitoring the situation within its national borders.”

Reach is making a small exception to this basic principle, however, and a project to harmonise the monitoring of chemicals is under way in the Monitoring Forum aimed at providing member states with a common framework and common guidelines in this area.

“National authorities” is itself a catch-all term, and refers to a large number of different agencies and departments at the national, regional, and local level.

“Reach is a very extensive framework, and monitoring its implementation will be complicated. After all, its role is to protect the public, employees, users, consumers, and the environment, so all the authorities associated with these areas will be involved, as well as border officials and customs.”

Coordination of monitoring will be the responsibility of the ministries of member states. In the case of Finland, this means the Ministry of Social Affairs and Health, the Ministry of Employment and the Economy, and the Ministry of the Environment. This is pretty typical of the situation in other EU countries, according to Sundquist.

“In practice, the authorities will be

Staff at ECHA headquarters in the centre of Helsinki are being kept very busy at the moment, as Reach implementation began in earnest at the beginning of June this year.

empowered to spot-check workplaces for chemicals, for example. If something illegal is observed, they can trace the substances in question all the way back to the importer and manufacturer.”

The amount of monitoring called for is so extensive, and the challenge of carrying it out effectively so large, that many say it will be virtually impossible. Some say that we could be faced with the emergence of a completely new chemical ‘underworld’ and a grey market in illegal substances.

“That’s something we need to take seriously,” admits Sundquist.

“Estimating the potential size of such a grey market is very difficult, though. Everything will depend on how successful monitoring is. Efficient monitoring is in the interests of everyone who observes the new regulations and sources their chemicals legally.” □