REACH E-NEWSLETTER

SGS

WELCOME

Dear Reader,

The UK REACH e-bulletin brings you key issues relating to the EU REACH (Registration Evaluation and Restriction of Chemicals) regulation.

We bring information on proposed changes, confirmed changes and the possible effects of these changes from a manufacturing, retail and consumer perspective. Opinions from all concerned parties are reported so a full picture of the workings and effects of the regulation are shared.

The information in the following pages is sourced from European Chemicals Agency (ECHA) and Chemical Watch. Each of our articles are linked back to source for further reading.

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HAZARD LABELS – MAKE SURE YOU ARE LEGAL AFTER 1 JUNE 2017

The two-year transition period to comply with the Classification, Labelling and Packaging Regulation (CLP) is about to end. This means that all chemical products on the market need to be labelled with the new red and white diamond-shaped pictograms by 1 June 2017.

Everyone in the supply chain, from retailers to manufacturers, is affected. Placing any incorrectly labelled products on the market will be illegal from 1 June. Consumers need to get used to the new pictograms so that they know how to use the products safely.

The CLP Regulation was introduced in 2008. Replacing both the Dangerous Substances Directive (DSD) and the Dangerous Preparations Directive (DPD), it marked a new beginning for communicating on the hazards of chemicals globally.

IF YOU ARE A DISTRIBUTOR OR RETAILER

Since 1 June 2015, all mixtures being placed on the market for the first time have had to be classified and labelled according to the CLP Regulation. However, for mixtures that were already on the market, there was a transition period, during which they could stay on the market and be sold.

The transition period ends on 1 June 2017. No matter what your role is, you need to observe this deadline.

From 1 June 2017, a distributor is not allowed to sell any products with the old classification and labelling. For a retailer, this means that you can only have products with the new CLP labels on your shelves.

Even if you have products with old labels in stock, after 1 June, you can no longer sell them. You need to remove them from the shelves unless you have agreed with your supplier that they provide you with new labels and their packaging complies with the CLP requirements.

If you print your own labels, you must make sure that classification and labelling is correct. Your supplier may be able to help you with this.

The CLP pictograms are different from the old ones. Get used to them so you know what to do when using the products and how to react if you have an accident. Image: ECHA.

Article source: ECHA.Europa.EU
https://newsletter.echa.europa.eu/home/-/newsletter/entry/labels-make-sure-you-re-legal-after-1-june-2017

CHEMSEC LAUNCHES ONLINE MARKETPLACE FOR SAFER ALTERNATIVES

NGO ChemSec has launched the Marketplace – an interactive online portal, which allows manufacturers to advertise safer alternatives to hazardous products.

Demand for the site originally came from the NGO's business group, including Apple, B&Q, Boots, H&M and Ikea, which called for a site where they could select such products.

ChemSec's Anna Lennquist said the site aims to speed up the process, facilitate exchange of information and improve visibility of alternatives.

While companies are free to provide their own information on advertised alternatives, the NGO said it will undertake basic checks and require advertisers to verify certifications and ecolabels.

Over the next three years, ChemSec is planning to update the site with global regulatory news, step-by-step guides to chemical substitution and information about safer alternatives.

Article source: ChemicalWatch.com
https://chemicalwatch.com/55962/chemsec-launches-online-marketplace-for-safer-alternatives?pa=true#utm_campaign=55818&utm_medium=email&utm_source=alert

ECJ SIDES WITH ECHA ON EDC CLASSIFICATION OF DEHP

The European Court of Justice (ECJ) has dismissed legal action challenging ECHA's 2014 decision to identify the phthalate DEHP as an endocrine disruptor for the environment.

Czech manufacturer Deza disputed the classification because the substance was already designated a Substance of Very High Concern (SVHC) and added to the REACH candidate list in 2008, due to its reprotoxic potential.

In its ruling on 11 May 2017, the ECJ said ECHA did not err in its conclusion that DEHP is an endocrine disruptor for the environment. Furthermore, the agency did not commit procedural breaches and its decision did not contravene the principles of legitimate expectations and legal certainty, the court said.

It ordered Deza to bear all costs incurred by ECHA. Four European countries that supported the agency – Denmark, the Netherlands, Norway and Sweden – will pay their own costs. Denmark initially called for the substance to be classified as an endocrine disruptor for the environment.

In 2015, Deza submitted two appeals against ECHA's decision. The first was to annul the new classification, which was rejected on 11 May 2017. The second was an appeal to suspend the classification, until the court gave its final ruling on the first appeal. The court rejected the latter in 2015.

In February 2017, a majority of member states backed another Danish proposal to add DEHP and three other phthalates – BBP, DBP and DiBP – to the candidate list due to their endocrine disrupting effect in humans.

It was the first-time REACH officially recognised chemicals as being of very high concern because of their endocrine disrupting properties to humans, NGO Health and Environment Alliance (HEAL) said.

DEHP is widely used as a plasticiser in the manufacturing of articles made of PVC.

Article source: ChemicalWatch.com
https://chemicalwatch.com/55896/ecj-sides-with-echa-on-edc-classification-of-dehp?pa=true#utm_campaign=55818&utm_medium=email&utm_source=alert

EU COMMISSION SEEKS COBALT SALTS RESTRICTION

The European Commission has asked ECHA to prepare a REACH restriction dossier, to protect workers from five carcinogenic cobalt salts used in industrial metal treatment.

The Commission request is based on the conclusions of a recent ECHA risk assessment that found 'excess cancer risk' values. "Whilst there is no agreed level of excess cancer risk that is deemed unacceptable, risk levels ... have been seen as requiring some level of risk management action," it said.

ECHA will add an entry for a potential restriction to its website's Registry of Intentions by July. After that, it has 12 months to decide whether a restriction is justified and – if the answer is yes – submit a dossier to the Commission.

The five cobalt salts are sulphate, dichloride, dinitrate, carbonate and diacetate.

All are category 1B carcinogens and 1B reproductive toxicants under CLP. ECHA identified them as substances of very high concern and added them to the candidate list for authorisation back in 2010.

But, in December 2012, the Commission said that a restriction might be preferable to authorisation because at least one of the uses posed a risk to human health that was not adequately controlled. It asked ECHA to conduct an assessment of these, and temporarily suspended the authorisation process – a move welcomed by industry.

However, the results, published in 2013, raised further questions. In particular, they said there was uncertainty about the mode of action associated with the cancer endpoint. The assessment also found deficiencies in the registration dossiers, mainly related to the absence of relevant exposure scenarios.

A second assessment by ECHA concluded that the substances were genotoxic carcinogens by inhalation with a non-threshold mode of action. This conclusion was criticised by industry but supported by ECHA's Risk Assessment Committee.

The agency has now published an updated assessment of uses, supplementary to that of 2013, that accounts for the mode of action conclusion, as well as recent dossier updates.

It covers use of the substances:

- In surface treatment
- As a pigment for PET plastic
- As a catalyst for the production of some plastics, such as PET, and their intermediates
- As a catalyst in oxygen scavenging processes
- In animal feed
- In fertiliser
- In biogas production
- In biotechnology, pharmaceuticals and in vitro diagnostics
- In humidity indicators

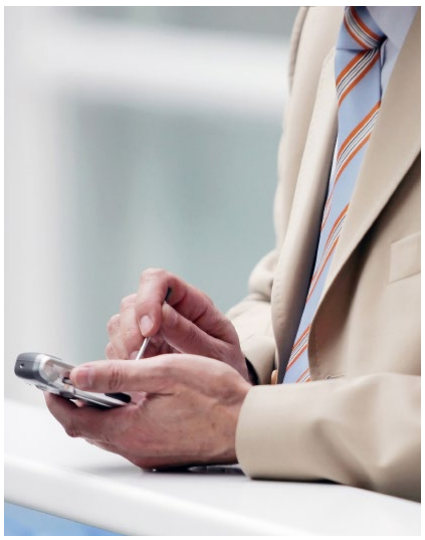
It finds that workers experience the highest exposures when handling the substances in solid form, as powders, granulates or dust. They are lower with aqueous solutions or articles.

The combined EU tonnage for the five substances is about 10,000 tonnes a year, according to data collected by the Cobalt REACH Consortium, which oversees REACH compliance for the industry.

In the EU, more than 80% of that tonnage is accounted for by use as a chemical intermediate.

ECHA says that there are no plans to add the substances to the authorisation list.

Article source: ChemicalWatch.com
https://chemicalwatch.com/56054/eu-commission-seeks-cobalt-salts-restriction?pa=true#utm_campaign=55954&utm_medium=email&utm_source=alert



GERMAN CONSUMER APPS SEND SVHC INQUIRIES

A German phone app gives consumers the chance to check products for SVHCs.

The Scan4Chem app – developed by the country's federal environment agency (UBA) – lets users scan a product barcode. This sends a message to the provider who must send information on any SVHCs within 45 days – as stipulated under REACH Article 33.

Last year Europe's SMEs trade body Ueapme urged ECHA and the European Commission to look for ways to simplify notification of SVHCs in articles under REACH, calling Article 33 a "dead law".

Friends of the Earth Germany (Bund) will extend its personal care products and cosmetics app ToxFox to children's products in June. It will include toys, outdoor products and school materials. Consumers have sent 30,000 Article 33 requests to more than 7,000 companies using Friends of the Earth Germany's (Bund) ToxFox app, the NGO says.

Bund will store company responses in a Bund database. This will grow with each information request. It says the system is similar to the Danish Tjek Kemien app.

Bund launched the ToxFox iOS app in 2013. It enables consumers in Germany, Austria and Switzerland to scan cosmetic products' bar codes for information on the presence of suspected endocrine disrupting chemicals (EDCs). The app was extended to Android devices in September 2014. Since March 2015, downloads have doubled to 900,000.

Article sources: ChemicalWatch.com https://chemicalwatch.com/46597
https://chemicalwatch.com/55522/german-consumer-app-sends-svhc-inquiries?pa=true#utm_campaign=55504&utm_medium=email&utm_source=alert

HUGO BOSS COMMITS TO ZERO DISCHARGE OF HAZARDOUS CHEMICALS

Luxury fashion brand Hugo Boss has become a signatory brand to the Zero Discharge of Hazardous Chemicals (ZDHC) programme.

The German company joins 22 others which have signed up, including Adidas, Burberry, H&M, Benetton, Esprit and SGS.

Signatories support the programme's goal to implement sustainable chemistry in the textile, leather and footwear industries.

A spokesperson for Hugo Boss told Chemical Watch: "By joining the initiative, we want to move forward on the way towards a more sustainable chemical management in the global supply chain. We believe this can only be achieved through joint efforts in leading initiatives, such as the ZDHC."

Hugo Boss already has a restricted substance list (RSL), which its suppliers are required to comply with and sign a warranty declaration of compliance.

The ZDHC programme began in 2011 with six leading brands and today has 23 signatory brands, 27 value chain affiliates and 13 associates.

Article source: ChemicalWatch.com
https://chemicalwatch.com/55502/hugo-boss-commits-to-zero-discharge-of-hazardous-chemicals?q=Hugo+Boss+commits+to+zero+discharge+of+hazardous+chemicals

MPS CALL FOR CLARITY ON BREXIT CHEMICALS REGULATION

MPs have called on the UK government to provide certainty to the chemical industry over the future of its regulation urgently as the country negotiates Brexit terms.

"The government has admitted it will be difficult to transpose regulations, such as REACH, into UK law, yet it has not yet offered a vision for the replacement," Mary Creagh MP, chair of the House of Commons Environmental Audit Committee (EAC), said.

She added that the government needs to ensure it understands "the complexity and importance" of current regulations, in enabling the UK chemicals industry to provide high standards in protecting public health and the environment, as well as economic value.

The EAC has published a report of its inquiry into the future of UK chemicals regulation, for which NGOs, trade associations, ECHA and other stakeholders gave evidence. The report's key findings are:

- The chemicals regulation framework, established by the EU through REACH, is difficult to transpose directly into UK law
- Companies face significant uncertainty over the validity of current REACH registrations, after the UK leaves the EU: the government must clarify its position on the future regulatory framework as a matter of urgency
- The government should take a pragmatic approach in deciding the future of the UK's relationship with the EU's single market for chemicals
- Establishing a stand-alone UK system of chemicals regulation is likely to be expensive for both the taxpayer and for industry
- The experiences of the US, as it introduces an improved system, could be useful for the government when planning the UK's approach

Article source: ChemicalWatch.com
https://chemicalwatch.com/55557/mps-call-for-clarity-on-brexit-chemicals-regulation?pa=true#utm_campaign=55504&utm_medium=email&utm_source=alert

PLASTICSEUROPE FILES ACTION AGAINST ECHA'S BPA SVHC LISTING

Trade association PlasticsEurope has taken ECHA to court over its decision to include bisphenol A (BPA) on the REACH candidate list of SVHCs. It says that the vast majority of uses are as an intermediate, which is excluded from REACH.

In an action brought to the European Court of Justice on 21 March 2017, the association also argues that BPA's inclusion on the list breaches the principles of proportionality as it "exceeds the limits of what is appropriate and necessary" to attain the objective of the Regulation.

Furthermore, it says ECHA committed "a manifest error of assessment" by failing to take into consideration information about the substance's intermediate uses.

BPA was added to the candidate list on 12 January 2017 because of its reprotoxic properties, as set out in a proposal from the French authorities last August. And at its next meeting in June, ECHA's Member State Committee (MSC) will discuss a proposal to identify the substance as an endocrine disruptor in humans.

BPA is one of the highest volume chemicals produced worldwide. BPA-based plastic is used in many common consumer goods, such as:

- Water bottles
- Sports equipment
- CDs and DVDs

Epoxy resins containing it are used to line water pipes and as coatings on the inside of many food and beverage cans.

In October, the European Parliament called for a complete ban on its use in food packaging. A ban in Europe on thermal paper containing the substance takes effect in 2020.

However, producers claim that its identification as an SVHC and any potential future authorisation has no direct implications for the majority of its uses. Antonello Romano, senior EU policy adviser at PlasticsEurope, says the court action aims to improve legal certainty and clarify the implementation of the proportionality principle.

According to PlasticsEurope, a court hearing on the case is likely to begin next year, or at the end of this, at the earliest.

Article source: ChemicalWatch.com
https://chemicalwatch.com/56048/plasticseurope-files-action-against-echas-bpa-svhc-listing?pa=true#utm_campaign=55954&utm_medium=email&utm_source=alert

REACH GUIDANCE FOR NANOMATERIALS PUBLISHED

ECHA has published five documents that will help registrants preparing dossiers that cover nanoforms ahead of the 2018 registration deadline.

The documents include two new pieces of guidance as well as recommendations and updates of the existing guidance on nanomaterials. The new publications are:

- *Nano-specific Appendix to Chapter R.6 of the Guidance on Information Requirements and Chemical Safety Assessment (QSARs and grouping of chemicals):* It advises registrants on how to justify the use of hazard data between nanoforms (and the non-nanoforms) and within groups of nanoforms of the same substance.
- *How to prepare registration dossiers that cover nanoforms – best practices:* This document gives recommendations for distinguishing between different nanoforms of a substance, and how to report information on nanoforms consistently in the dossiers. This document was originally intended to be a guidance document, but as a consequence of the Board of Appeal decision in Case A-011-2014, ECHA is publishing this as an advisory best practice document.

In addition, ECHA has published updates to three of its existing guidance on nanomaterials, which are the appendices for nanomaterials to Chapter R.7a, R.7b and R.7c of the Guidance on IR&CSA (Endpoint specific guidance). These latter three documents provide nano-specific advice to help registrants meet the information requirements set out in Annexes VI-XI to the REACH Regulation.

The scope of the update covers human health and environment related endpoints and incorporates new developments in the scientific understanding of hazard/risk assessment of nanomaterials. It also takes account of ECHA's experience from compliance checks and substance evaluation.

ECHA say that all these documents have been developed to give the best possible support to registrants of substances that include nanoforms.

Article source: ECHA.Europa.EU
https://echa.europa.eu/-/reach-guidance-for-nanomaterials-published

SGS REACH TRAINING

SGS have announced their next REACH "Back to Basics" training session on the 28th June at the SGS Offices, Uxbridge Road, Ealing London.

This training course is an excellent place to start in your understanding of the REACH regulation. The course will provide an overview of the REACH regulation, explain how the regulation affects businesses and what needs to be done to comply.

It will cover:

- The registration of substances
- How products are affected by Substances of Very High Concern
- The communication and notifcation requirements for articles
- The authorisation of substances and how it affects products
- Restricted substances

The course is especially aimed at importers and distributers of consumer products in the UK. Technologists, buyers and quality assurance officers will find the course of benefit.

The course also covers the latest changes to the regulation and provides examples of how they may affect the products sold to consumers.

Delegates are encouraged to ask questions of the presenter, you can hear the experiences of other participants, and network with those in similar situations.

For more information please contact tony.smith@sgs.com

SWEDISH WATER BODY URGES BAN ON GOODS POTENTIALLY CONTAINING PFAS

Trade association Swedish Water, which represents the country's municipal water supply companies, has called for a ban on consumer goods that potentially contain perfluorinated and polyfluorinated alkyl substances (PFAS).

PFAS can be found in textiles, paper, cleaning products and fire extinguishing foam. They are extremely persistent and can find their way into ground and drinking water.

In a March report, the association looked at supermarket efforts to remove microwave-popcorn bags suspected of containing the substances from their shelves.

It approached five supermarket chains to find out if they sold such products. Bergendahl, ICA and Lidl were selling them, Swedish Water said, adding that all three said they were working to get rid of the substances.

Last September the Swedish government announced its budget for strengthening work on non-toxic living from 2017-2020. This includes funding for research into PFAS in drinking water sources.

And in 2015, the Swedish Chemicals Agency (Kemi) proposed national measures for improving information on, and reducing the use of, PFAS.

Article source: ChemicalWatch.com
https://chemicalwatch.com/55406/swedish-water-body-urges-ban-on-goods-potentially-containing-pfas?pa=true#utm_campaign=55365&utm_medium=email&utm_source=alert

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