REACH 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.

CONTENTS

UPDATE OF THE CANDIDATE LIST DELAYED UNTIL JANUARY 2017

The next update of the Candidate List of substances of very high concern (SVHCs) will be in January 2017. While in previous years ECHA have updated the list in December, a later update is necessary due to the timing of the Member State Committee (MSC) meeting. While the cases for identification as SVHCs will be concluded by the MSC in December, the legal obligations related to these substances will only apply from the date of their publication in the Candidate List.

Article source: http://fceg.espsrv.com/f/rnl.aspx/?kfg=tusyu1&x=pv&-jj=u/di9=r1_u/&c3-c=jbcp5fb.j0&x=pp&u1i9h68bbNCLM

AUTHORISATION PROCESS CAN BE EXTENDED TO IMPORTED ARTICLES, SAYS GERMAN AGENCY

The European Commission's environment directorate (DG Environment) is raising awareness of legal analysis that says extending REACH authorisation to SVHCs in imported articles would not violate World Trade Violation (WTO) law.

The analysis by the Society for Institutional Analysis at the University of Applied Sciences Darmstadt, was commissioned by the German Environment Agency (UBA) and published in August. It builds on a comprehensive review the society and the Öko Institute produced for the UBA in 2014, which first recommended extending authorisation to imports.

DG Environment has now resurrected the subject in a news release, pointing out that the analysts concluded, 'the option of extending the authorisation scheme could be considered in the next comprehensive review of REACH.'

UBA official, Dr Johanna Wurbs, said the topic of SVHCs in imported articles would be 'on the table' during the second REACH Review, which is due to conclude next year.

Meanwhile, an alternative to the authorisation extension, the analysis says, would be to modify REACH Article 69(2). This says that if, after the sunset date for an Annex XIV substance has passed, ECHA thinks the substance still poses a risk that is not adequately controlled, it must prepare a restriction proposal to address that risk. This provision could be changed, it says, so that it is specifically tailored for such SVHCs in articles, irrespective of their origin.

However, the analysis says the authorisation scheme is 'clearly more effective' in reducing emissions of SVHCs from imported articles than the proposal of restrictions via Article 69(2). This is because the requirement 'comes into effect more quickly, shifts the burden of proof to actors responsible for the possible risk and allows for case-by-case decisions to grant authorisation.'

Dr Wurbs said the UBA will now 'prove in depth' how the extended authorisation duty could be implemented in the REACH Regulation. But, she said, this depends on how far Article 69(2) will be successfully used to restrict SVHCs in imported articles, in the coming years.

Article source: ChemicalWatch.com https://chemicalwatch.com/51528/authorisation-process-can-be-extended-to-imported-articles-says-german-agency?pa=true#utm_campaign=51420&utm_medium=email&utm_source=alert

BPA RESTRICTION IN THERMAL PAPER ANNOUNCED

On 13 December 2016, the EU published Regulation (EU) 2016/2235 to restrict BPA in thermal paper to no more 200 mg/kg. The new law creates a completely new entry 66 to Annex XVII of REACH and will become effective on 2 January 2020.

According to the legislation, thermal paper is composed of based paper with at least one coating which may contain BPA. The population at risk of exposure to BPA by handling thermal receipt papers includes:

- Workers (primarily cashiers) and consumers
- Unborn children of pregnant workers and consumers

It is noted that Bisphenol S (BPS) is the most likely substitute for BPA. Although BPS has not been evaluated, it may have a similar toxicological profile to BPA due to their structural similarities. The use of BPS in thermal paper will be monitored and the authorities will take any necessary regulatory actions to restrict BPS under REACH.

Highlights of the new law are summarised in Table 1.

Article source: ECHA.Europa. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R2235&from=EN

SUBSTANCE (CAS)	SCOPE	REQUIREMENT	EFFECTIVE DATE
BPA (80-05-7)	Thermal paper	≤ 0.02% (200 mg/kg)	January 2, 2020

Table 1. Restriction of BPA in thermal paper under new entry 66 to Annex XVII of REACH.

ECHA CALLS FOR INFORMATION

Call for evidence: Per- and polyfluorinated alkyl substances (PFAS), specific PFCAs and other fluorinated substances.

Germany and Sweden are jointly preparing a restriction proposal for the long-chain perfluorinated carboxylic alkyl acids of chain lengths between 9 and 20 carbon atoms and related substances (those that may degrade to the C9-C20-PFCAs).

They request information about the manufactured and imported amounts of the respective substances and their potential alternatives, their uses as well as the economic effects linked to the uses.

Article source: Oekopol.de http://www.oekopol.de/en/themen/chemikalienpolitik/umfragen/pfca/

OPINIONS GIVEN ON HEXAVALENT CHROMIUM BY ECHA's SCIENTIFIC COMMITTEES

ECHA's Committees for Risk Assessment (RAC) and Socio-economic Analysis (SEAC) have adopted 19 final opinions for recommending authorisation for the use of hexavalent chromium in aerospace and surface treatment industries.

Ten opinions cover five applications submitted by an industrial consortium (CCST) for the uses of hexavalent chromium compounds by the aerospace and aeronautical sectors. Four opinions are on the uses of hexavalent chromium compounds in chrome plating by the automotive industry. Three opinions cover uses of sodium dichromate by the pulp and paper sector. The remaining two opinions are on functional chrome plating for various industry sectors, and on the electrolytic passivation of tin plated steel for the packaging industry.

ECHA's committees recommended that the CCST application be granted a review period of seven years with specific conditions. These conditions are considered to be important to reduce the risks of these cancer causing substances. This application covered many downstream users, including aircraft manufacturing and airline companies.

Article source: ECHA.Europa.eu https://echa.europa.eu/-/glyphosate-discussed-and-opinions-given-on-hexavalent-chromium-by-echa-s-scientific-committees

POLICY MAKERS SEEK CONSISTENCY BETWEEN OEL's AND REACH

The European Commission is seeking to develop a pan-EU methodology for defining what is an "acceptable level of risk" to workers and consumers getting cancer from exposure to different carcinogenic chemicals, present in the workplace or in products.

It is also hoping to reach agreement on a consistent regulatory framework and policy measures that can be applied to both REACH authorisations and restrictions on the one hand, and to EU occupational exposure limits (OELs) on the other.

As part of this process, the Commission held a recent workshop so that delegates could learn about existing national approaches, including those of the Netherlands and Germany, designed to reduce workplace exposures to non-threshold carcinogens, and to hear people's ideas for the way forward.

A particular problem, the workshop heard, is that ECHA's Risk Assessment Committee (RAC) and the Commission's Scientific Committee on Occupational Exposure Limit values (SCOEL) sometimes give the Commission inconsistent advice on acceptable levels of risk and exposure for the same substance.

"It's well-known," DG Environment's Cristina de Avila told the meeting, "that on some occasions RAC and SCOEL have applied different dose response curves, which result in different levels of risks. As this poses consistency problems for us as regulators, the Commission has given a mandate to both committees to analyse together their methodologies and to resolve as far as possible their methodological differences."

The two committees are due to conduct and complete this work over the course of next year.

Another problem is that non-threshold carcinogens, for which no OELs have been set, may be subject to REACH authorisation. In such cases, the Commission has accepted the level at which workers are exposed to these substances, following the set of particular risk management measures and operational conditions linked to specific authorised uses and workplaces. Moreover, different national occupational exposure limits might have been set for such substances by the member states.

In some cases, said Aart Rouw of the German Federal Institute for Occupational Safety and Health (Baua), the conditions suggested for an authorisation would permit the substance to be used in a way which allows a greater risk of workers getting cancer than if Germany's national system took precedence. "So you may end up in a situation where ECHA tells you yes, fine, you can use this, and the national authorities will say no, you have to make big improvements or you can only continue using it in this way for three years. It's still an open question, how such conflicting cases will be dealt with."

Article source: ECHA.Europa.eu https://echa.europa.eu/addressing-chemicals-of-concern/authorisation/applications-for-authorisation

SWEDEN TAKES COMMISSION TO COURT OVER AUTHORISATION DECISION

The European Commission 'broke the rules' when it authorised the continued use of two lead chromate pigments in the EU, says the Swedish government.

Stockholm is now referring the Commission's decision to the European Court of Justice (ECJ) for a preliminary ruling.

In September the Commission granted authorisation to a Canadian company for the pigments Red 104 and Yellow 34. These are used in industrial coatings, plastics and road markings.

According to their mandatory classifications, both are carcinogenic, reprotoxic and toxic to aquatic life.

Sweden's government said the decision was bad for people's health and distorts competition for responsible businesses that have stopped using the substances. "The Commission's decision thus sends a signal that it is not worthwhile for businesses to phase out particularly hazardous substances," it says.

Unusually, ministers of three government departments made the decision to take legal action – EU affairs and trade, enterprise and innovation, and environment – plus the Swedish Chemicals Agency (Kemi).

Article source: ChemicalWatch.com https://chemicalwatch.com/51308/sweden-takes-commission-to-court-over-authorisation-decision?pa=true#utm_campaign=51254&utm_medium=email&utm_source=alert

TESCO TO ELIMINATE MICROBEADS FROM OWN-LABEL PRODUCTS AS UK GOVERNMENT CONSIDERS A BAN

UK retailer Tesco has pledged to remove microbeads from its own-label products by the end of the year.

From 2017, any new formulations in personal care and household products will be free from microbeads. The store will also 'encourage' brands it sells to phase them out.

The ban was announced by the retailer's group quality director, Tim Smith, at a Greenpeace sponsored event.

A Tesco spokesperson said: "All own-label products are now being made free of microbeads and we expect all previous stock to be off our shelves by the end of the year. We are also actively encouraging brands to match our commitment."

The move follows an announcement by fellow UK retailer Waitrose, earlier this year, that it would not stock any cosmetic products containing the beads from September 2016. According to the retailer, its own-label products have never contained them.

UK BAN

In September 2016, UK environment secretary, Andrea Leadsom, announced plans to ban the sale and manufacture of cosmetics and personal care products containing microbeads.

Ms Leadsom said: "Most people would be dismayed to know the face scrub or toothpaste they use was causing irreversible damage to the environment, with billions of indigestible plastic pieces poisoning sea creatures.

"Adding plastic to products like face washes and body scrubs is wholly unnecessary when harmless alternatives can be used."

The government will consult industry, environmental groups and other relevant parties to establish how and when a ban could be introduced, aiming to change legislation next year. It will also gather evidence on the environmental impact of microbeads in household and industrial cleaning products.

But NGOs have criticised the government's plans for focusing solely on personal care products and called for a comprehensive ban on all products containing them.

Many cosmetics and toiletries companies have already taken steps to voluntarily phase out microbeads from their products by 2020.

Article source: ChemicalWatch.com
https://chemicalwatch.com/51332/tesco-to-eliminate-microbeads-from-own-label-products?pa=true#utm_campaign=51254&utm_medium=email&utm_source=alert

WHY SGS?

SGS is the world's leading inspection, verification, testing and certification company. SGS is recognised as the global benchmark for quality and integrity. With more than 85,000 employees, SGS operates a network of over 1,800 offices and laboratories around the world.

Enhancing processes, systems and skills is fundamental to your ongoing success and sustained growth. We enable you to continuously improve, transforming your services and value chain by increasing performance, managing risks, better meeting stakeholder requirements and managing sustainability.

With a global presence, we have a history of successfully executing large-scale, complex international projects. Our people speak the language and understand the culture of the local market and operate in a consistent, reliable and effective manner

To learn how SGS can help you exceed customer expectations, visit www.sgs.co.uk or contact gb.reach@sgs.com for more information.

WWW.SGS.COM
WWW.SGS.CO.UK

WHEN YOU NEED TO BE SURE

SGS