



## regulations



# Time to Reach out is ticking

The countdown to the next Registration, Evaluation, Authorisation and restriction of Chemicals (Reach) deadline of 31 May is underway, a time for pre-registered companies that manufacture or import EU phase-in substances in quantities above 100 tonnes a year to register their chemicals with the European Chemicals Agency (ECHA).

At this time many small-to-medium businesses (SMEs) will come under Reach and they will no doubt be finding the process of compliance complex, time consuming or challenging. But the aim of Reach is to improve and ensure the safe use of chemicals by allowing all parties in the supply chain, from manufacturers and distributors through to downstream users, directly responsible for the safety of the chemical substances they handle.

One area where this has

caused changes is the shipping of chemicals and, in particular, the requirements for documentation in the supply chain. Under Reach, the responsibility is on suppliers to ensure that their customers are supplied with Material Safety Data Sheets (MSDS), exposure scenarios and other critical safety information, often with the requirement to actually deliver and update at regular intervals, rather than simply sending these documents.

In addition, the requirement to ensure that all internal personnel that may come into contact with hazardous materials are also provided with current MSDS has increased record keeping and time consuming tasks.

To compound these challenges, a wave of new Reach-like health and safety regulations have been introduced around the world in countries including China, Korea, Turkey and Switzerland.

There has also been updated domestic health and safety legislation in places like the US, with updates to Occupational Safety and Health Administration (OSHA), the Hazard Communication standard and the Emergency Planning and Community Right-to-Know Act (EPCRA).

### Need to know

What these regulations have in common is the emphasis they place on manufacturers and distributors to provide more information about chemicals and their properties within MSDS, or exposure scenarios, and ensuring these documents and other critical information is delivered directly to customers.

It is not always enough to simply send information in the post or by email as this only assumes they have reached the customer; there is often a need to implement the resources and processes required to ensure the actual delivery of the documents in order to achieve compliance.

To do this companies will need to have easily retrievable records and preferably audit trails of

the MSDSs and exposure scenarios, that have been sent and received by customers and their own staff. They will also need to demonstrate that new or updated documents have replaced previous versions, both internally and externally, while maintaining past versions and, in many cases, demonstrating compliance for over 30 years. The additional administrative workload can be significant and needs anticipated or automated systems to address this workload implemented by many smaller SMEs now.

To add further complexity to the situation, Reach Delivery sees a great deal of overlap in legislation, mainly because the new international legislation has to co-exist with domestic health and safety directives. Whereas the requirement to register hazardous materials is clear in its own right, other elements have parallels in existing regulations. The supply and delivery of MSDS will be addressed often in more than one relevant piece of legal requirement.

Under EPCRA section 313, chemicals suppliers must notify customers of any hazardous chemicals present in mixtures or other trade name products that are distributed to facilities. The notice must be provided to the recipients and may be attached or incorporated into the product's MSDS. If no MSDS is required, an accompanying notification document, containing specific information, must accompany or precede the first shipment of any product to a facility.

MSDSs are also covered by the OSHA regulations, which are aimed at making sure that all chemicals imported into, produced or used in US workplaces are evaluated and that employees are given information about potential hazards. OSHA requires all manufacturers, importers and distributors



of hazardous chemicals to provide both appropriate labels and MSDS to the companies to which they ship. Any updates must also be sent to the customer, with MSDS readily accessible to employees during their shifts.

The Workplace Hazardous Materials Information System is Canada's national hazard communication standard. It addresses workers' 'right to know', insisting MSDS are readily available to workers that may be exposed to a controlled product. The CSCL, PDSCL and PRTR legislation used in Japan outlines specific requirements for information delivery throughout the supply chain.

The standard for chemical substance classification and

MSDS in Korea requires the supplier to provide MSDS to the customer, but also that the recipient has an obligation to provide a confirmation of receipt in return too. Similarly in China, its GHS requirement means MSDS are communicated to downstream users and, when any hazards arise, those updates are provided as new information.

Australia's Model Work, Health and Safety sets out the obligation to prepare and maintain up-to-date information on an MSDS, so it can be provided to all customers or any person likely to be affected by a chemical. Finally, the Control of Substances Hazardous to Health legislation sits alongside


Reach in the UK, with both calling for risk assessments and full use of MSDS information.

### Got you covered

Requirements vary worldwide but one thing is clear: global legislation is moving in the same direction as Reach and the onus is firmly on suppliers to ensure their customers are directly supplied with MSDS and other critical safety information.

There is also a need to ensure that all personnel within an organisation that may come into contact with hazardous materials are also using chemicals safely, consistently and correctly.

One such system is the new Reach Delivery 2013 edition, which is designed to

enable companies to comply with all relevant domestic and international legislation easily and cost effectively. This edition supports the sending, receiving, internal distribution and automated update of MSDS, and associated documents, for all companies. It meets the various legislative requirements by guaranteeing delivery, monitoring and auditing actual receipt by customers and staff, as well as ensuring that the latest version of the document is always available. In the event of a dispute, users are able to access complete audit trails quickly and easily. 

### For more information:

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