

REACH

Squaring up to tougher global legislation – how to comply

- Coping with complex compliance
- Need to implement systems
- REACH Delivery solution

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When the EU System on Registration, Evaluation, Authorisation and Restrictions of Chemicals (REACH) came into force in 2007, it placed responsibility for the safe delivery and use of chemicals firmly onto the shoulders of the industry, making 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.

Much of the focus to date has been on the wider process of registration, but one of the main areas currently attracting more attention is in addressing the parts of the legislation regarding the shipping of chemicals and, in particular, the requirements for documentation in the supply chain.

Safety information

As is often the case with new legislation, there have been reports of significant increases in administration and monitoring as companies try to ensure that their customers are supplied with Safety Data Sheets (SDS), 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 the most current Material Safety Data Sheets (MSDS), exposure scenarios and so forth has increased record keeping and increased already time-consuming tasks.

The industry is currently focusing its attention on gearing up for the REACH landmark of 31 May 2013, when companies that manufacture or import in the EU phase-in (those already pre-registered) substances in quantities above 100 tpa will need to register and meet the full compliance legislation for their products.

This stage of REACH will impact a greater number of companies and far more small and medium enterprises (SMEs), many of whom will be finding the process of compliance complex, time consuming and challenging.

Looking beyond the REACH legislation in the EU, a wave of new REACH-like health and safety regulations are being established outside the EU including China, South Korea, Turkey and Switzerland, as well as updated domestic health and safety legislation, for example in the US with updates to the Occupational Safety and Health Administration (OSHA), Hazcom and the Emergency Planning and Community Right-to-Know Act (EPCRA).

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

It is not always enough to simply send information in the post or by

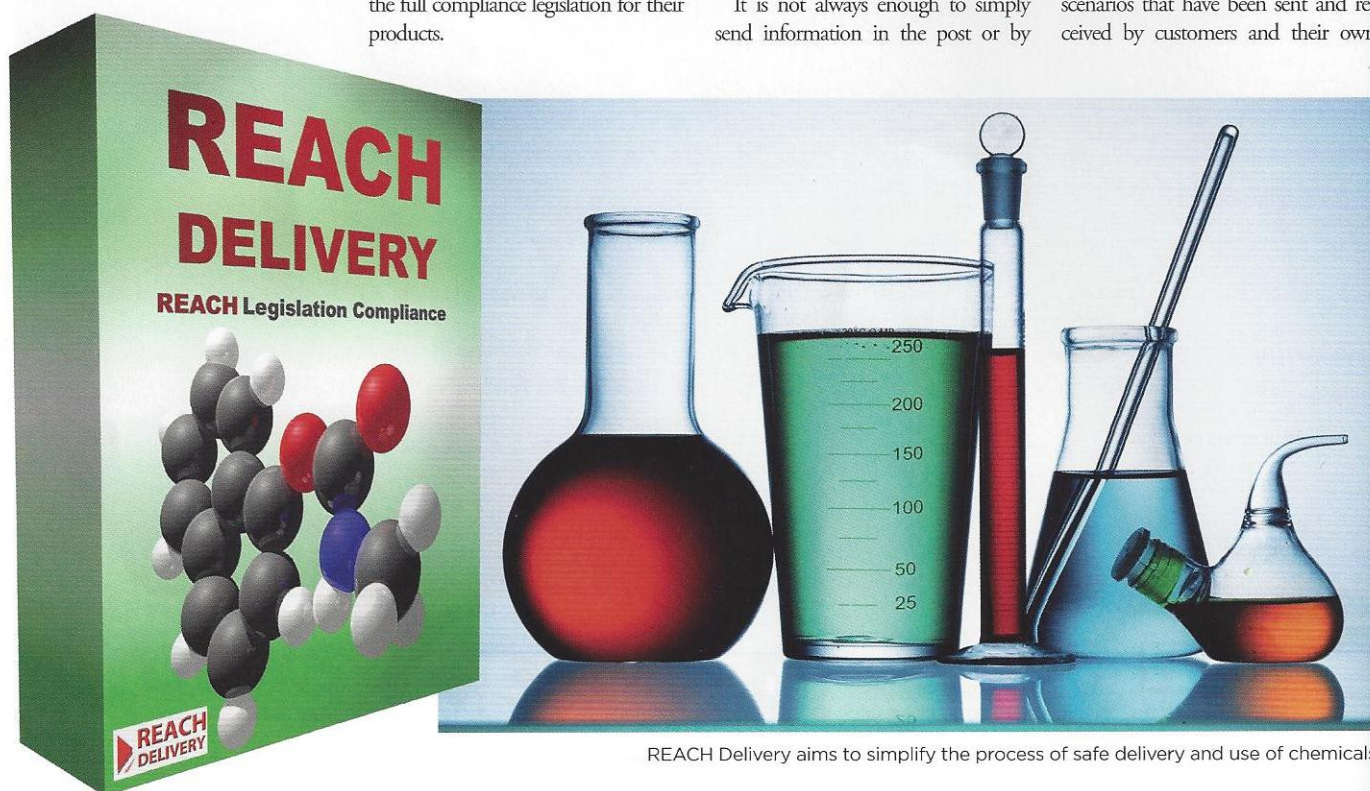
email as this only assumes they have reached the customer – there is often a need to implement the resources, systems and processes required to ensure the actual delivery of the documents in order to achieve compliance.

As indicated above, another common element of these international regulations is the need to ensure that all employees within companies, that may come into contact with hazardous materials, are provided with the most current MSDS and exposure scenarios to ensure the use of chemicals is consistent and safe.

Demonstrate compliance

To comply with these regulations, chemical companies and downstream users worldwide must now consider not only how they maintain compliance but also how they can demonstrate their compliance, and most importantly, prove it should any legal action arise.

To do this, they 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



REACH Delivery aims to simplify the process of safe delivery and use of chemicals

staff. They will also need to demonstrate that new or updated documents have replaced previous versions both internally and externally, plus maintain past versions and in many cases, records that demonstrate compliance, for more than 30 years. The additional work load in administration can be quite significant and needs to be anticipated or automated systems to address this workload need to be implemented by many SMEs now.

To add further complexity to the situation, we are seeing a significant overlap in legislation mainly because the new international legislation has to co-exist most commonly 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 SDS, for example, will be addressed often in more than one relevant piece of legal requirement.

Global legislation

In the UK, Control of Substances Hazardous to Health (COSHH) sits alongside REACH with both calling for risk assessments and utilising the information in the SDS.

EPCRA Section 313 - Hazardous Chemical Storage Reporting Requirements, in the US, requires chemical suppliers to notify customers of any EPCRA Section 313 chemicals present in mixtures or other trade name products that are distributed to facilities.

The notice must be provided to the receiving facility and may be attached or incorporated into that product's MSDS. If no MSDS is required, the notification must be in a letter document that contains specific information and accompanies or precedes the first shipment of the product to a facility.

MSDS are also covered by OSHA. These regulations are aimed at making sure that the hazards of all chemicals imported into, produced, or used in US workplaces are evaluated and that employees are given information about these hazards.

OSHA requires all chemical manufacturers, importers, and distributors of hazardous chemicals to provide the appropriate labels and MSDS to the employers (companies) to which they ship the chemicals.

REACH Delivery: the key aspects of REACH legislation

The main aims of REACH are to ensure a high level of protection of human health and the environment from the risks that can be posed by chemicals, the promotion of alternative test methods, the free circulation of substances on the internal market and enhancing competitiveness and innovation.

REACH makes industry responsible for assessing and managing the risks posed by chemicals and providing appropriate safety information to their users. They key aspects of REACH legislation are:

The positive duty to actually deliver the SDS

REACH states that the supplier of chemicals now has a positive duty to actually deliver the SDS to their customers. They may no longer make them available passively or upon request.

The conditions under which an SDS must be updated

The supplier also has a positive responsibility to re-deliver any SDS that has been changed

with new information, restrictions or authorisations to any customer, supplied within the previous 12 months.

When exposure scenarios are required

Required exposure scenarios should be attached as an annex to the SDS, and delivered and updated as part of the SDS.

The requirement to make certain information available to workers/staff

Employers have a responsibility to make the SDS, or relevant information from the SDS /exposure scenario, readily available to personnel within their own organisation that may come into contact with the substance.



Every container of hazardous chemicals sent must be labelled, tagged, or marked with the required information, accompanied by a MSDS at the time of the first shipment of the chemical. Any updates must also be sent to the customer. MSDSs must be readily accessible to employees when they are in their work areas during their work shifts.

Workplace Hazardous Materials Information System (WHMIS) is Canada's national hazard communication standard. This communication standard addresses workers' 'right to know' insisting that the MSDS are readily available to workers that may be exposed to a controlled product.

In Japan, the CSCL, PDSCL and PRTR legislation outlines specific requirement for information delivery throughout the supply chain. In Korea, the standard for classification and labelling of chemical substances and MSDS requires that not only should the MSDS be provided by the supplier to the customer, but that the recipient (the customer) has an obligation to provide a confirmation of receipt back to the sender.

Similarly in China, the GHS requires that MSDS are communicated to downstream users and that updates

are provided as new information on hazards arise.

Australia's Model WHS (Work, Health and Safety) sets out the obligation to prepare and maintain up to date information on an SDS, and to provide it to all customers or any person that is likely to be affected by a chemical.

Automating the process

As can be seen, the issue of how MSDS should be supplied and delivered to customers is being addressed in more than one piece of legislation and the requirements can vary globally, although many of the newer rules are, as expected, far more stringent.

One thing is clear however; global legislation is moving in the same direction as REACH. There is also a need to ensure that all personnel within an organisation that may come into contact with hazardous materials are also provided with the most current MSDS and exposure scenarios and are using chemicals safely, consistently and correctly.

The need for systems to aid and automate this whole process is very clear.

One such system is the new REACH Delivery 2013 Edition,

which is designed to enable companies to comply with all relevant international and domestic legislation easily and cost effectively.

Companies around the world are using REACH Delivery to automate the sending and updating of their documents, although their customers can still receive them by email, or they too can elect to use REACH Delivery to receive (and send) their documents. Either way, companies have found they are able to monitor, track and report on the process, while retaining a delivery status on all documents sent to and received by their customers.

The saving, in time and cost of administering MSDS and other important documents under the new legislation, is considerable.

The low-cost, easy-to-use service is available to all companies worldwide.

Complying with REACH 2013 and other health and safety legislation is a challenge many organisations are now facing, but with the right system in place, companies can have peace of mind that they are compliant in terms of the delivery of critical safety information to their customers and staff.

A free trial and demonstration of the new system is available on www.reach-delivery.com