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Malcolm Carroll: Countdown to REACH – complying with document delivery challenges

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Malcolm Carroll of Reach Delivery talks about the impact of the EU REACH regulation on the supply chain



The countdown to the next REACH deadline of 31st May is definitely underway. This is the deadline for companies that manufacture or import in the EU phase-in (those already pre-registered) substances in quantities above 100 tonnes a year to register their chemicals with the European Chemicals Agency – ECHA. At this time many SMEs will come under REACH this time and many of these companies will no doubt be finding the process of compliance complex, time consuming and challenging.

The aim of REACH is to improve and ensure the safe use of chemical and the one of the things that REACH does is make all parties in the supply chain from manufacturers, 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 firmly 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 the most current (M)SDS, exposure scenarios etc. has increased record keeping and increased already time consuming tasks.

To compound these challenges, a wave of new REACH-like health and safety regulations have being introduced around the world in countries including China, Korea, Turkey and Switzerland as well as updated domestic health and safety legislation, for example, in the USA with updates to OSHA, Hazcom and 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 Material Safety Data Sheets 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.

To comply with these regulations chemical companies and downstream users world-wide 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 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, record that demonstrate compliance, for over 30 years. The additional work load in administration can be quite significant and needs to be anticipated or automated systems to address this workload implemented by many smaller SMEs now.

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 MSDSs and ESs 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. REACH

Delivery 2013 supports the sending receiving, internal distribution and automated update of MSDS and associated documents for large and small companies alike. It meets the various legislative requirements by guaranteeing delivery and monitoring and auditing actual receipt by customers and staff, as well as ensuring that the latest version of the document is always available.

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 use REACH Delivery to receive – and send – their documents.

Either way, 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. To demonstrate compliance or in the event of a dispute, users are always able to access complete audit trails (with time and date stamps, version numbers etc.). The saving, in time and cost of administering MSDS and other important documents under the new legislation, is considerable.

Malcolm Carroll is director at REACH Delivery.