

With tighter controls on chemicals increasing, **Malcolm Carroll**, Director, REACH Delivery International Ltd, discusses the impact the May 31 deadline will have on larger companies and SMEs in the industry

## Compliance challenges

Complying with REACH 2013 and other health and safety legislation is a challenge for many organisations in the plastics industry – but with the right system in place, companies can have peace of mind they are compliant in terms of the delivery of critical safety information to their customers and employees

**M**ay 31, 2013 is the next landmark for REACH (the Registration, Evaluation, Authorisation and Restriction of Chemicals) compliance. The legislation will bring tighter European controls on the manufacture, movement and use of dangerous or hazardous chemical products.

As with most other industries, the plastics industry has been widely impacted by the phased introduction of REACH. The regulations will impact organisations in every part of the plastics supply chain – from additive producers, plastics producers and converters, through to the manufacturers of finished goods, retail businesses and importers to the EU. The legislation applies to chemicals manufactured, bought or imported, used in any stage of production or sold within the EU. The purpose is to protect and inform the workers, end-users and customers that come into contact with hazardous substances, at all stages of the supply chain and the industry as a whole places great emphasis on the often diverse use of their products.

### IMPACTING THE INDUSTRY

This latest stage of REACH is expected to have a significant impact on both larger companies and SMEs in the industry, which will find the process of compliance complex, time consuming and challenging. To compound matters, a wave of similar legislation has been introduced in other parts of the world, increasing pressure to ensure compliance across the supply chain and adding further complexity into the mix.

Under REACH, companies in the petroleum sector will – like the manufacturers and their customers – need to demonstrate that their operations are covered by the required paperwork. This means ensuring that their employ-

ees and customers have access to relevant, up-to-date material safety data sheets (MSDS) and exposure scenarios and that they are using the most up-to-date versions of the documents across the business.

Since the EU introduced REACH in 2007, there have been reports of significant increases in administration as a result of companies having to ensure their customers are supplied with SDS, exposure scenarios and other critical safety information. Under REACH, it is not sufficient to have sent the latest documents to customers; the onus is on suppliers to ensure their customers have received them and that any subsequent updates have also been received.

At the same time, companies are required to ensure that all internal personnel who may come into contact with hazardous materials are also provided with current MSDS and other documents, which makes record-keeping even more time-consuming.

### REACH-LIKE REGULATIONS OUTSIDE THE EU

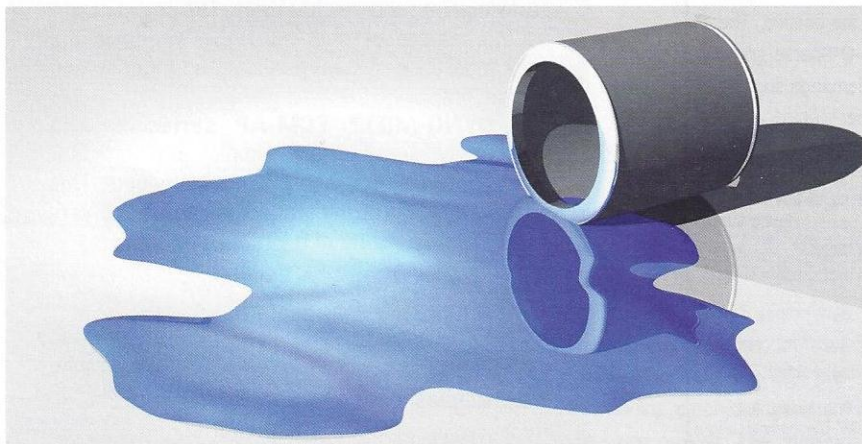
Looking beyond REACH legislation, we have recently seen a wave of REACH-like health and safety regulations being established outside the EU in places such as China, Korea, Turkey and Switzerland. There has also been updated domestic health and safety legislation in the USA, for example with changes to OSHA, Hazcom and EPCRA.

The common factor in all these regulations is their emphasis on manufacturers and distributors providing more information about the chemicals and their properties in MSDS and ensuring these documents and other critical information are delivered directly to customers. It is no longer good enough to send information by post or email, as this merely assumes they have reached the customer. Compliance requires implementing the resources, systems and processes in order to validate the delivery of the documents.

As indicated above, a related common element of the international regulations is the need to ensure that employees using, handling or transporting hazardous materials are fully aware of current safety requirements, so that actions are consistent and safe.

Compliance, therefore, means that manufacturers, chemical companies and downstream users or handlers must consider how they maintain compliance and also how they can prove compliance in the event of an incident or even legal action.

To ensure compliance, they will need easily retrievable records – and preferably audit trails – of the MSDS and exposure scenarios that have been sent and received by



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customers and are being used by their employees. They will also need to demonstrate that new or updated documents have replaced previous versions. It also requires maintaining copies of past versions and, in many cases, records that demonstrate compliance going back 30 years. The additional administrative workload is quite significant and needs to be anticipated – or transferred to automated systems as soon as possible.

#### GLOBAL LEGISLATIVE OVERLAP

To add further complexity to the situation, there is a great deal of legislative overlap – mainly because the new international legislation has to co-exist with domestic health and safety directives. The requirement to register hazardous materials is clear in its own right but other elements have parallels in existing regulations. The supply and delivery of M(SDS), for example, is often addressed in more than one relevant legal requirement.

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

In the USA, the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313: Hazardous Chemical Storage Reporting Requirements, requires chemicals 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 MSDS aren't required, the notification must be in a letter that contains specific information and accompanies or precedes the first shipment of the product to a facility.

Also in the USA, MSDS are covered by Hazcom and the Occupational Safety and Health Administration (OSHA). These regulations are aimed at making sure that the hazards of all chemicals imported into, produced or used in workplaces are evaluated and that employees are given information about these hazards. OSHA requires all hazardous chemicals manufacturers, importers and distributors to provide the appropriate labels and MSDS to the employers

(companies) to which they ship the chemicals. Every container of hazardous chemicals sent must be labelled, tagged or marked with the required information, accompanied by an MSDS at the time of the first shipment of the chemical. Any updates must also be sent to the customer. M(SDS) 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 requirements 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 the sender with confirmation of receipt. Similarly, the China 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.

As you can see, the issue of how MSDS should be supplied and delivered to customers and employees is being addressed in many pieces of legislation. The requirements can vary widely but – as expected – the global trend is towards more stringent rules.

It is clear, however, that global legislative requirements are moving in the same direction as REACH, with the onus firmly on suppliers to ensure that safety information is passed down the supply chain. The need for systems to aid and automate this process is also very clear.

#### MEETING REQUIREMENTS

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. It supports the sending, receiving, internal distribution and automated updating 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 and has replaced previous out-of-date versions. The service is available to all companies worldwide. It is low cost and easy to use and customers can try it out free-of-charge.

Companies worldwide use REACH Delivery to automate the sending and updating of their documents. Their customers can receive them by email – or 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 and staff. The saving, in time and cost of administering data sheets and other important documents, is considerable. ■