



REACH in 5 minutes

We have a once-in-a-generation opportunity to have safer chemicals and a healthier future for wildlife and people. The draft REACH regulation offers a chance to identify and phase out the worst chemicals.

Wildlife and people are exposed to thousands of chemicals that lack basic safety information. Many are known to be potentially dangerous. Some can interfere with the hormone systems of animals and humans. Others do not break down in nature, but accumulate in our bodies. Chemicals are increasingly suspected of being linked to cancers, allergies and reproductive problems.

HISTORY OF REACH

Industrial chemicals are essential to society, but many chemicals have dangerous properties. EU level regulation of chemicals began in 1967, but only in 1981 were companies marketing new chemicals obliged to provide safety information. For chemicals on the market before 1981, no safety data was required. Over the years it became clear that this system wasn't working, for two main reasons: a lack of safety data on 'existing chemicals', and a complex system for controlling chemicals of concern.

The EU began debating a new system in 1998. After numerous stakeholder debates, a White Paper was published in February 2001, proposing a new system, "Registration, Evaluation and Authorisation of Chemicals" (REACH). Both Council and Parliament supported the proposal.

The full REACH regulation was drafted by a joint DG Environment/DG Enterprise team, and was subject to internet consultation in summer 2003. The draft REACH regulation was finally published in October 2003, after five years of debate.

WHAT IS REACH?

REACH is an integrated approach to the production, import and use of chemicals in Europe. It aims to create a system based on information about chemicals, rather than ignorance, and which provides safety information to those using chemicals. REACH is complex, but less so than the 40 or so regulations that it replaces.

REACH will result in the creation of a European Chemical Agency in Helsinki, who will administer the new system. REACH is made up of five key components:

Registration – The process by which chemical producers will send a registration dossier with safety data to the Chemical Agency on chemicals produced or imported in quantities of one tonne or above per year. This has an 11-year phase in period. Chemicals produced at higher volumes, and those with certain hazardous properties, will be registered first.

Evaluation – National experts will evaluate the safety data, especially chemicals produced at higher volumes and of particular concern. This may lead to 'authorisation', 'restrictions', or no further action.

Authorisation - Chemicals deemed to be of very high concern will be submitted to authorisation, which identifies and prioritises the chemicals, and allows industry to submit a case for their continued use. Chemicals of very high concern are defined as those that are carcinogens; mutagens; reproductive toxins; are persistent, bio-accumulative and toxic (PBT); very persistent and very bio-accumulative (vPvB); and of similar concern, e.g. endocrine disrupters.

Restrictions – Chemicals with other properties of concern (e.g. toxic to the nervous system) may have their uses controlled through this system.

Information – REACH will generate a freely accessible internet database of chemical

properties, and certain other information. REACH will also create a better flow of information up and down the supply chain.

COSTS AND BENEFITS OF REACH

The costs of REACH have been hotly-debated, while the benefits have been neglected. REACH has been subject to more impact assessments than any other piece of European legislation in history. Industry produced a number of incredibly exaggerated impact studies, which have been condemned many times by economists, but have been politically effective in generating the idea that REACH will be very burdensome.

The most definitive study of REACH impacts was published by the European Commission in October 2003. The key conclusions were:

- REACH would cost the chemical industry around €2.3 billion over 11 years - some €0.50 per year per EU citizen;
- The total cost to industry is predicted to be €2.8 billion to €5.2 billion - less than €1 per EU citizen per year.

REACH also provides many benefits:

- New markets for safer and more environmentally friendly products. Safer products will reduce the risk of liability lawsuits, which can result in enormous costs (e.g. asbestos);
- Easier introduction of new chemicals onto the market, which will encourage development and innovation;
- A more predictable regulatory system will aid industry to plan long-term; and
- Improved transparency and information through the supply chain will lead to more power and confidence – and reducing the liability and workload - for downstream users including SMEs.

PRIORITISATION

Industry has been calling for more prioritisation in the REACH registration process. In reality the process is already prioritised. Credible further prioritising would likely require accelerating the registration of known vPvB and PBT chemicals (which is supported by WWF and by Environment Council).

WWF RECOMMENDATIONS FOR IMPROVING REACH

- A general obligation to substitute when possible

Improvements to registration, including:

- Early registration of known vPvB and PBT chemicals;
- Support for ‘One Substance One Registration’;
- Increase of safety information chemicals produced in quantities of for 1-10 tonnes per year;
- Improving the registration of chemicals in imported articles; and
- An independent audit of all registration dossiers.

Improvements to evaluation, including

- ensuring an minimum number of random ‘spot check’ evaluations are undertaken.

Amendments to the authorisation process are essential to ensure it is workable and effective, including:

- Criteria for adding ‘chemicals of equivalent concern’ need to be made more flexible to ensure that expert judgement can be used to select chemicals that need to be controlled through authorisation;
- The criteria for granting an authorisation need to be modified to ensure that the regulator is always able to consider the availability of safer alternatives. This can be achieved through deletion of ‘adequate control’;
- Labelling of articles containing substances of very high concern; and
- Improvements to the Agency, and to access to information, to ensure that the Agency works effectively and independently.

CONCLUSIONS

REACH is a once in a lifetime opportunity to fix the regulatory system for chemicals and to ensure that the worst chemicals are identified and phased out. Europe must rise to this challenge, in order to protect the environment and public health across the world.

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