

Promoting substitution through REACH and CLP

25 September 2013

Jack de Bruijn
Director of Risk Management
European Chemicals Agency



Contents

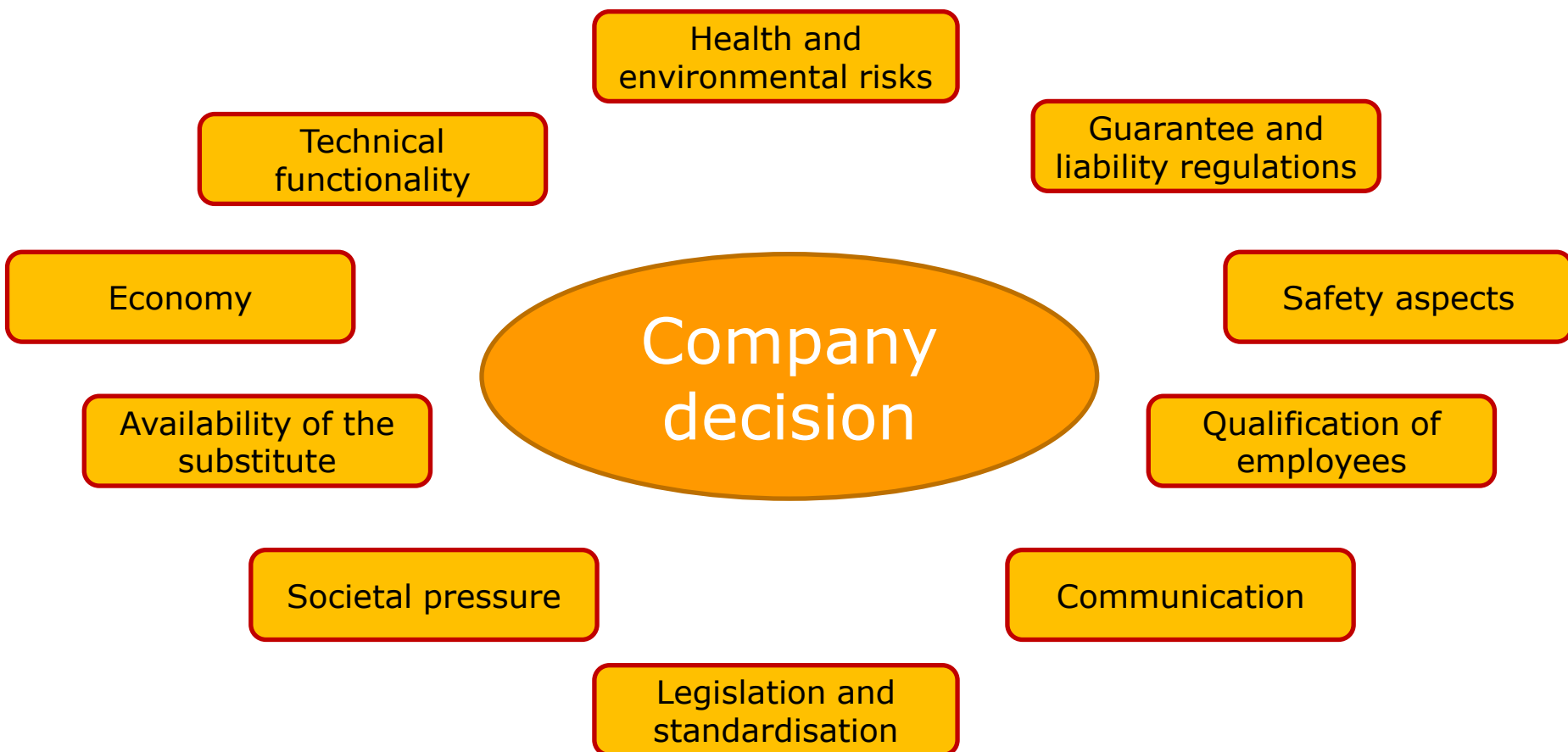
- What is substitution and how is it influenced?
- Back to the basics of REACH and CLP
- How do these influence substitution?
- What ECHA can and cannot do to support this process?

Working definition

- “Substitution means the replacement or reduction of hazardous substances in products and processes by less hazardous or non-hazardous substances, or by achieving an equivalent functionality via technological or organisational measures.”

Belgium. Directorate General for Environment of the European Commission. (2003) *Substitution of Hazardous chemicals in products and processes*. Hamburg: Ökopol GmbH and Kooperationsstelle

What affects substitution?



Back to the basics of REACH and CLP



Aims of EU chemicals policy

Aims:

- Ensuring a high level of protection of human health and the environment for present and future generations
- Ensuring the efficient functioning of the internal market and the competitiveness of the European chemical industry

How in general to achieve the health and environment objective?

- Better knowledge on properties and uses
- Better safety and control measures
- Reducing exposures and hence negative impacts
- Replacing (gradually) hazardous substances with less hazardous ones

- Key legislative drivers; Registration, Supply chain communication, authorisation and restriction

How REACH and CLP processes influence substitution



Registration

- Manufacturers and importers obtain information on their substances and
- Use this knowledge to ensure responsible and well-informed management of the risks these substances may present
- Obligation to systematically collect data and assess and communicate the risks will rationalise the port-folio, in particular where suitable alternatives exist

Supply-chain obligations

- Increased information basis leads to better quality Safety Data Sheets
- Downstream users need to comply with recommended operational conditions and risk management measures
- Increased and improved information on classification and labelling helps companies making better informed choices (e.g. if possible switch to safer alternatives)
- Need for article producers to communicate on the content of substances of very high concern (SVHCs) in articles

Classification and labelling

- First step to define the hazards of chemicals and thus to ensure that the substances are manufactured, used and disposed of safely
- More than 20 EU Regulations and Directives refer to C&L, initiating directly or indirectly further risk management measures
- Typically the more information is generated, the more restrictive the classification becomes

Authorisation

Aim is to ensure that:

- the risks from substances of very high concern are properly controlled and
- that these substances are progressively substituted by alternative substances or technologies
- where these are economically and technically viable whilst
- ensuring the good functioning of the internal market

Authorisation

- Allows companies to apply for an authorisation for a continued (or new) use of an SVHC
- Requires analysis of alternatives
- Public consultation on alternatives
- Subject to time-limited review, providing pressure to continue the search for long-term alternative solutions

Restrictions

- To tackle use(s) that pose unacceptable risks
- In case of a ban, substitution is a must
- Semi-automatically restricts the use of CMRs as such or in mixtures to consumers
- Time needed for implementation significantly reduced
- After the sunset date, restricting the use of SVHCs in (imported) articles must be considered

ECHA's contribution



Make REACH work!

- Disseminate information on registered and notified substances
- Support implementation of effective risk management advice in the supply-chain
- Support authorities in identifying problematic substances that need regulatory action
- Promote active participation of third parties in public consultation on applications for authorisation
- But do not step into the shoes of industry!

And.....improve our communication on what we and others can do!

- Include section in “Chemicals in our life”
- Q&As on what industry and consumers can do (e.g. in relation to article 33)
- Increase general awareness (key messages, speeches, newsletters etc)
- Improve awareness of article producers/importers on their obligations re CL listing and restrictions
- Further discussion with ASOs (this meeting and November ASO workshop). Joint/coordinated activities?

Conclusions

- REACH and CLP promote substitution activities by their very design
- They provide a suite of tools that will directly and indirectly push companies to search for and move to safer alternatives
- Increased accountability of downstream users and better public information will create a strong demand for substitutes
- Developing new and safer chemicals will also stimulate innovation and will hence support the competitiveness of the European industry

Thank you!

jack.de-bruijn@echa.europa.eu

