

Health and Environment issues of concern to citizens' groups

Forum Stakeholders Workshop

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Issues of concern in enforcement of REACH



Issues relating to registration

- Nanomaterials illegally on the market;
- Missing Carcinogens, Mutagens and Reprotoxics;
- Chemicals used in Hydraulic fracturing
- **Substances illegally on the market registered as intermediates without a justification.**

Nanomaterials

- Registration obligations:
 - Date depending on tonnage for phase-in substances;
 - From placing on the market for non phase in.
 - Several substances on the market in high volumes.
- Enforcement questions:
 - How are these obligations verified for nano?
 - Are nanomaterials new or existing substances?
 - Do these dossiers fill the knowledge gap on nano?
 - How is it checked that Article 1(3) (burden of proof) and Article 5 (no-data no-market) of REACH complied with?

Ghost CMRs

- Obligations:
 - By 1 December 2010 all CMRs placed on the market over 1 ton had to be registered
- Problem:
 - Out of 356 CMRs listed in the SIN (Substitute It Now!) List 1.0, approximately 170 were not registered;
 - Out of 1346 non-registered substances ECHA found 551 substances not registered for unknown reasons and 395 registered with a different EC number.
 - Are we still exposed to these substances? Enforcement actions combined to the work of unofficial bodies such as DCG is needed.

Chemicals for hydraulic fracturing

- Current registration obligations:
 - CMRs placed on the market over 1 ton;
 - R50/53 placed on the market over 100 tons;
 - New substances and HPV substances.
- Problems:
 - According to DG Env “of 9-10 substances checked, none seem to have been registered for that use”;
 - 8 EU countries potentially concerned plus Norway;
 - Are the chemicals not registered for that use? Are other chemicals being used? Are those subject to registration?
 - Enforcement authorities have the responsibility to check that Article 5 is applied.

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Intermediates definition and enforcement



ECHA's alarm

- Over 400 dossiers checked
- 86% wrongly registered as intermediates or with a poor justification;
- Hundreds of chemicals may be illegally on the market;
- Diverging interpretation of the definition of intermediate;
- Risk management measures to prove strictly controlled conditions not provided.

Definition of intermediates

- Substances transformed into another substance:
 - Non-isolated (exempted from REACH)
 - Isolated
- **Not**: substances transformed and incorporated in articles;
- Intermediates are exempted from:
 - Full information requirements;
 - Dossier and Substance evaluation;
 - The application of Title VII (Authorisation).

Strictly controlled conditions

- The special treatment for intermediates applies **only**:
 - To substance manufactured and used under strictly controlled conditions.
- The registrant has to detail:
 - The risk management measures applied;
 - The risk management measures recommended to users (for transported ones).
- Emissions and exposure **shall** be minimised.

Enforcement Actions

- Strategy for addressing the illegal use of substances;
- Prioritisation of potential SVHC and/ or chemicals with higher risk of emissions/exposure;
- Methodology to address non-compliance with the registration requirements;
- Are penalties applied? To whom?
Downstream Users or Manufacturer?

Other issues of concern

Article 33

- Obligations:
 - Provide information on SVHC content in the supply chain;
 - Provide information upon request within 45 days.
- Problems:
 - Uncertainty on the quality of information (0.1% issue);
 - EEB report: [The fight to know](#) found a poor response rate and a high level of non-compliance (2010).
 - [Similar results](#) were reported by BEUC (consumers organisation);
 - No penalties reported in Article 117 reports.

Asbestos scandal

- Germany imported 60 tonnes of crude asbestos in 2010;
- Further 25 tonnes of asbestos fibers contained in cathods were imported;
- The 2 companies that obtained asbestos are well identified;
- Importing asbestos fibers is illegal (and unethical)
- Asbestos still causes 31000 death per year in the EU according to OSHA;
- Only diaphragms containing chrysotile for existing electrolysis installations can be placed on the market.
- What are you doing to stop this?

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