

ENES 8
Helsinki
20 – 21 May 2015

Enforcement authorities' look at exposure scenarios at single company level

**Eugen Anwander
Chemicals Inspectorate
Institute for Environment and Food Safety
Vorarlberg State Service / Austria**

eugen.anwander@vorarlberg.at

Enforcement authorities' look at exposure scenarios

- General issues
- Context of environmental safety
- Context of workplace safety
- Conclusions

General Issues

Typical context for inspections on ES:

- 95 % inspection of ESs in SDSs (in depth cases might also switch to ESs in CSRs)
- Availability of ESs in SDSs is still low
- Inspections are mostly on ESs for substances, in rare cases only on safe use information for mixtures
- Early observation: a trend that importers (ORs) do not have information developed by sector organisations (“bottom up information”) in use in their ESs in SDSs
- Early observation: manufacturers stick to ESs of substances for their supplied mixtures (seen as an obligation ?)

General Issues

Most frequent settings for today's inspections:

- Most inspections focus on compliance checks targeting the content of ESs of suppliers
- Even for ESs in accordance with guidance the content is difficult to read / understand
- Reliability of the information in ESs remains often uncertain
- Even the manufacturers / importers are often unaware of the information in their ESs (i.e. SIEF members)

→ Using ESs for compliance checks targeting safe use (e.g. at DUs) can be already challenging in terms of the ES's contents

Safe Use Compliance: Environment

Example: cross check of RMMs – PNECs for water emissions:

- A straight forward cross check could be the monitoring of emissions in environmental samples
- Use data from the ESs (e.g. ERCs)
- Use data from the site (e.g. annual tonnages, RMMs/OCs in place)
- Use the available guidance (ECHA, Cefic's guide on SPERCs) to calculate the on-site discharges and emission concentrations
- Carefully (!) compare emission concentrations with PNECs

Safe Use Compliance: Environment

Example: consistency check of RMMs/OCs with statutory obligations for VOCs:

- Emissions for chlorinated hydrocarbons are strictly regulated by Union legislation on VOCs
- ESs in the SDS give “standard” safe use instructions without any reference clarifying the consistency with existing statutory obligations (e.g. limit values at Union level)
- Consultation of ES in the CSR reveals:
RMMs and OCs used in the CSA deliberately have been selected in line with statutory obligations. However, this fact is not communicated to DUs in the ESs of SDSs

Safe Use Compliance: Environment

Example: consistency check of implemented RMMs / OCs (REACH) with Best Available Techniques (IED):

- The Industrial Emission Directive requires the implementation of RMM at the level of Best Available Techniques (BAT)
- RMMs / OCs applied by the DU in line with the ESs are checked against the BAT requirements for the specific industrial site
- Cross checks depend very much on the content of the formal BAT-document available under the IED-regime
- Additional IED aspect: Data from an ES (PNECs) can be useful for setting up / assessing the IED base line report

Safe Use Compliance: Health

Example: consistency check of implemented RMMs / OCs (REACH) with workplace safety requirements:

- Article 37(5) REACH – Article 6 of the Chemicals Agents Directive (CAD)
- REACH's substance approach and CAD's process approach do not necessarily match (e.g. exposure to welding fumes)
- Substances exempted from REACH: CAD still applies
- Hierarchy of measures according to CAD and Carcinogen/Mutagen Directive (e.g. substitution): an important priority not covered in a substance's ES

Safe Use Compliance: Health

Example: consistency check of implemented RMMs/OCs (REACH) with workplace safety requirements:

- RMMs (REACH) effective under CAD/CMD ?
- CAD/CMD OELVs observed ? RMMs still meet the DNEL ?
- Differing DNELs and OELVs: is exposure lowered according to hierarchy of CAD/CMD ?
- REACH: is DU's use within the intended use ?
- REACH: is communication up the supply chain in place ?

Conclusions

- Both, compliance checks targeting the content of ESs and the implementation of safe use requirements at DUs are today possible and are taking place
- Quality of the ESs can make the implementation of RMMs/OCs difficult (e.g. missing PNECs)
- ESs often lack consistency and RMMs are often too general
- Scaling often could be an option, but the information is missing in the ESs
- Risk Characterisation Ratios are often too low (resulting in challenging RMMs)

Conclusions

- Extended Safety Data Sheets are not yet available at industrial sites (actuality problem of SDSs !)
- Guidance needs to address the interfaces REACH-other legislation (CAD/CMD, relevant environmental legislation)
- Worked examples on how the interface works in practice are most helpful (SMEs !)

**Enforcement authorities' look at
exposure scenarios at single company
level**

Thank you for your attention !