Guidance on the communication of information on the risks and safe use of chemicals (draft)

LEGAL NOTICE

This document contains guidance on REACH explaining the REACH obligations and how to fulfil them. However, users are reminded that the text of the REACH regulation is the only authentic legal reference and that the information in this document does not constitute legal advice. The European Chemicals Agency does not accept any liability with regard to the contents of this document.

Please note: the version of the draft guidance subject to consultation is based on a document prepared by Entec UK Ltd., an external service provider commissioned by ECHA.

ISBN-13:

ISSN:

Reference: ECHA-2010-G-xx-EN

Date: xx/xx/2010

Language: EN

If you have questions or comments in relation to this document please submit them using the information request form (quote the reference and issue date). The information request form can be accessed via the Contact ECHA page at:

http://echa.europa.eu/about/contact-form_en.asp

Contents

1. Purpose and scope of this guidance

1.1 Purpose of this guidance document

This guidance document is intended to be used mainly by Member State Competent Authorities (MSCAs) in communicating about the risks of chemicals, specifically in the context of Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). MSCAs are required under Article 123 of REACH to inform the general public about the risks arising from substances where this is considered necessary for the protection of human health or the environment.

Most, if not all, Member States will have some existing systems in place for communicating about the risks of chemicals. Therefore, this guidance is intended to be a manual of practical relevance for those with less experience to enable them to carry out necessary risk communication effectively and a starting-point for further reference for others. It is not intended to *prescribe* to all MSCAs how to carry out risk communications.

The theory around what makes effective risk communication is covered extensively elsewhere. The focus of this guidance, therefore, is on what risks MSCAs should communicate about, when they need to communicate about them and in particular how they should communicate in practice.

The focus is on carrying out risk communication in foreseeable real-life scenarios relevant to REACH.

1.2 What is risk communication and why is it important?

There are various definitions of what risk communication is (see Appendix B). Essentially, it entails providing information on risks and their management. It may take many forms (such as written, verbal or pictorial), may include a wide range of different sources of information and may involve many different types of organisations.

Risk communication under REACH is important for a variety of reasons, amongst which are (after UK Resilience (2006)):

- helping to build trust among organisations that risks are being adequately assessed and managed;
- assisting with making better decisions on how to address risks;
- helping to ensure smoother implementation of risk management policies;
- helping to empower and reassure the general public;
- helping to bridge the gap between real risks and perceived risks; and
- helping to prevent crises from developing and managing them when they do occur.

1.3 Requirements under REACH for risk communication

This document is designed to fulfil the duty on the Agency (ECHA) under Article 123 of the REACH Regulation to "provide guidance for the communication of information on the risks and safe use of chemical substances, on their own, in preparations or in articles, with a view to coordinating Member States in these activities", in order to assist them in fulfilling the duty on the MSCAs under the same Article to "inform the general public about the risks arising from substances *where this is considered necessary for the protection of human health or the environment*".

Article 77(2)(i) of the REACH Regulation also requires the ECHA secretariat to provide guidance to stakeholders including MSCAs on communication to the public of information on the risks and safe use of substances, on their own, in preparations or in articles.

This document contains elements which can be considered as generally useful to MSCAs and other stakeholders in communications with the general public in situations other than those specified by Article 123. Some of the principles outlined in the guidance may be of value to other stakeholders in their own risk communications and other stakeholders should be aware of the guidance because they may have a role in working with MSCAs on risk communications. However this document on its own does not aim to provide guidance to Member States or to other stakeholders in the broader context of Article 77(2)(i). (Examples of guidance on communication on risks under Article 77(2)(i) are included in Appendix A.)

Specifically, this guidance is intended to provide assistance "with a view to coordinating Member States in" communicating about the risks arising from substances in situations outside the normal communication activities required of MSCAs, industry, ECHA and others under other parts of REACH and outside their normal communications with the general public. This guidance is therefore focusing on communication from MSCAs.

1.4 The role of Member State Competent Authorities

The role of MSCAs in this context is defined in Article 123 of the REACH Regulation. However, a number of points merit further elaboration:

- **What is the general public?** The general public is interpreted herein to include final consumers of substances, preparations and articles, as well as other people who may be exposed to, or cause releases of, chemicals. It covers people who are not necessarily members of a specific organisation or who do not have any special type of knowledge. However, it is also important to recognise the role that other organisations, such as Government departments/agencies, industry associations, consumer organisations or other non-governmental organisations, may have in engaging with the general public about the risks of chemicals and their safe use.

- **What are the risks arising from substances?** There are already many communication mechanisms operating under REACH. Communicating about the risks arising from substances is primarily taken herein to be about making interventions to inform the public about specific risks associated with specific chemicals. Nonetheless, there are other areas where MSCAs will want to communicate in general terms about the risks and safe use of chemicals, not least to build up trust in the information that is conveyed by those authorities on the

risks of chemicals.

- **When is communication necessary for the protection of human health or the environment?** Ultimately, it will be up to the MSCAs to decide this. However, engagement with other organisations, such as through the Risk Communication Network, will assist Member States in taking a coordinated approach in cases where this is important. Determining when communication is necessary is the subject of the next section.

1.5 Proposed approach to risk communication

Existing guidance on risk communication in a broader context suggests that risk communication can be approached in a four step process. This has been adapted for the present document as follows:

1. **Understand the issue**. For example, is the risk situation one where there is significant uncertainty regarding the risks of a chemical or chemicals? Is there (or is there likely to be) controversy associated with the issue? Does the situation have the potential to develop into a crisis? It will be important to consider factors such as which chemicals are involved and which other stakeholders will have an interest.

2. **Determine the communication needs**. Before actually communicating, there is a need for some focused preparation. What types of communication are going to be most effective for this issue? Is there a need to coordinate the communication with other stakeholders (and therefore a need to communicate with them to agree what will be said and by whom)? Preparation of presentation material needs to be considered, such as audio-visual material, text and press-statements.

3. **Implement risk communications**. Actually doing it! The preparation should lead to a targeted and well managed communication.

4. **Evaluate and review**. It is essential to learn from the experience to make sure that good points are taken forward and bad points eliminated.

It is important to recognise the role that the public's perception of risks may play in all of these stages, as this will affect not only their potential fear of the risks of chemicals but may also affect their behaviour.

The remainder of this document is structured around these four main stages. The next section provides guidance to help MSCAs decide when risk communication in the context of Article 123 is required and the following four sections provide guidance on undertaking each of the stages above. The final section provides guidance on how these stages could be implemented in different risk situations.

The guidance presented in this document is not prescriptive and many Member States already have existing systems for risk communication on chemicals. Ultimately, it will be up to the MSCAs to decide when and how to communicate according to their own national circumstances.

2. When is risk communication needed?

Article 123 of REACH requires MSCAs to communicate with the general public where it is considered necessary for the protection of human health or the environment. It will ultimately be up to each MSCA to decide when and how to undertake risk communication in this context.

In practice risk communication could be needed in any situation where the MSCA considers that the general public should be informed about the risks of chemical substances in order to protect human health or the environment.

Examples of the types of situations where MSCAs may decide that there is a need to communicate with the general public on the risks arising from substances in order to help protect human health or the environment are provided in the box below. This is not an exhaustive list.

Box 2.1 Examples of situations where risk communication may be required

New knowledge on the risks of substances

Where new information emerges on the risks of substances, it may take some time before appropriate risk management measures and communications with the general public are implemented under other parts of REACH. MSCAs may see a need to communicate with the public on this new knowledge in order to protect human health or the environment in the short term.

Existing communication mechanisms are not being implemented effectively

There are already existing communications mechanisms under REACH that are intended to provide consumers with sufficient information to handle chemicals and articles containing the most hazardous substances safely. However, if there is evidence that these are not achieving the desired effect, MSCAs may decide that there is a need to intervene by communicating with the general public themselves, at least in the short term before those issues can be resolved under other REACH mechanisms.

Uncertainty on risks of substances leading to potential risks for health or the environment

Where there is uncertainty on the risks of substances and where this may influence the general public's behaviour (such as how specific substances or articles are used), MSCAs may decide to intervene to help to reduce the risks.

Controversy over the risks of substances

Increased public and media awareness on certain chemicals may trigger controversy and emotional responses leading to choices amongst the general public that may actually increase risks (such as choosing to use a higher risk substance as an alternative where there is controversy over the use and effects of a substance).

Crisis situations

Situations where there is the potential for significant harm to be caused, such as where a large-scale accident has occurred, will require effective communications from MSCAs, as well as other stakeholders.

Routine situations

Routine communications with the general public about the risks of chemicals controlled under REACH (as well as wider communications with the public on other issues) are often vital in building trust in the information provided by MSCAs and giving the public confidence in the information provided. Communication in such routine situations – even where there is not a specific need to intervene to protect health or the environment – can be essential to making sure that communications in other situations are effective.

3. Understanding the issue

3.1 Why this is important

MSCAs may become aware of specific issues with the risks of substances through a variety of routes, such as: public concerns raised by interest groups, the media, experts or by the general public directly; new scientific information on the risks of chemicals or on how they are being managed; new legal requirements under REACH or under other regimes; or previous government policy decisions on related issues.

It is important to understand the characteristics of the specific risk situation at hand in order to be able to decide how best to communicate to address potential risks for human health and the environment. These could include:

- What are the specific substances and/or articles concerned?
- How are they used by the general public or how else could the general public be affected by the risks?
- How widely are the substances or articles used and how widespread is exposure likely to be?
- Are any groups within the general public likely to be particularly affected?
- What is the scientific evidence regarding the risks and what is the *perception* of those risks amongst the public?
- How widespread is the awareness of the risks, amongst the public, media and other stakeholders?
- How imminent is the need for communications on the issue?

One means of classifying risk situations is suggested by the OECD in its guidance document on risk communication. Risk situations can be classified as being:

- **routine** risk situations where the risks are well known to scientists; risk managers are aware of the potential consequences and few uncertainties remain;
- risks with high **uncertainty** where the risks are less known and may lead to consequences that are not fully understood;
- risks with high potential for **controversy** where the risks may or may not be uncertain, but they trigger highly controversial or emotional responses;
- **crisis** situations.

Not all risk situations will fall neatly into one of the above categories. Any particular situation may show characteristics of two or more of these. There may be other characteristics that are important. However, it is useful to consider these types of situations because different types of communications will be appropriate under the different situations.

Obviously, MSCAs are free to choose alternative means of categorising and understanding specific risk situations. The above categories have been used as an example from relevant best practice in a closely related field in order to help understand specific risk situations and help

determine what sort of communications are necessary, as well as how and when they should be implemented.

3.2 Types of risk situation and implications for risk communications

3.2.1 Routine aspects of REACH – building trust

By communicating with the public about their ongoing, routine activities under REACH, MSCAs can help to build up trust over time. This trust can help to make the responses to risk communication much more effective in non-routine situations.

In routine situations, the risks in question are generally those that are well understood by scientists and risk managers. Communicating in these situations can help to provide assurance that risks are being managed.

Routine communication leads to a better informed public, able to make better decisions in relation to the risks from substances and hence to increased protection of health and the environment.

Moreover, research has shown that the public is often sceptical of information provided by institutions, including government. By communicating on routine aspects of REACH, MSCAs have an opportunity to demonstrate that they are working to identify and manage the risks of chemicals and to keep the public informed on a continuous basis. This can help to build **trust** in the information provided and to give the public **confidence** so that, when an unusual or crisis situation occurs, it is more likely that information from the MSCA will be believed and that appropriate action will be taken.

Within REACH, MSCAs have key roles in Evaluation, Restriction, Authorisation and Enforcement and it will be communication on these parts of REACH that MSCAs will generally focus on from a routine perspective.

There may also be examples of situations where the risks of chemicals are manifested in a way that is entirely expected, given the level of scientific understanding or where exposure is above levels that would be reasonably expected, leading to effects on health or the environment. MSCAs may want to communicate with the general public on these issues.

Furthermore, there may be aspects of REACH that, whilst considered routine (such as new information on the risks of substances being acted upon to require a restriction on use of a substance), may require MSCAs to communicate to protect the public or the environment in the short term. An example would be where new information becomes available on the risks of a substance but some time is required before regulatory action will be taken under REACH.

As part of routine communications with the general public and other stakeholders, potential public concerns with the risks of specific substances or chemicals in general may be identified. This may act as a prompt for more targeted risk communications by MSCAs.

Appendix C provides some examples of the types of routine situations that might occur under REACH where communication with the general public, in addition to that already foreseen under other parts of REACH, could be useful.

3.2.2 Where there is uncertainty on risks and their management

Uncertainties or perceived uncertainties on risks and on how to manage them have historically been, and will still be in the future, a major trigger for risk communication. As REACH

introduces new rules on identification and management of chemical risks, it is unavoidable that some provisions or situations related to its implementation will have associated uncertainties.

Within REACH (and under other regimes), a key feature of such situations will be whether and how the precautionary principle is being applied[1]. Communications on risk may also be required as a demonstration that action is being taken to monitor impacts and reassess regulatory decisions on the basis of improved knowledge and better information likely to reduce the scientific uncertainty having resulted in the precautionary measure.

Communication on the risks of substances can help to increase awareness by improving the general public's understanding of an issue. However, it may also be important to communicate to explain the scientific uncertainties associated with a particular situation and what is being done to reduce those uncertainties.

Examples of situations that fall into this category and which may occur under REACH include, for instance:

- For substances on the Candidate List (substances meeting the criteria of substances of very high concern, SVHC), the supplier of an article containing an SVHC above 0.1% has to provide the consumer (on request) with information to allow safe use of the article including, as a minimum, the name of the substance (Article 33):
  - MSCAs may be concerned about articles (containing SVHC) that were supplied to consumers before regulatory measures to control these substances or subject them to authorisation have been taken under REACH.
  - The owners of these articles will not necessarily be aware of the presence of the SVHC and the MSCA may be concerned about how the risks will be managed. For example, consumers may have furniture containing substances which are now SVHC but which were not identified as SVHC at the time the furniture was purchased.
  - The consumer would not have received any guidance on safe use of the article and would not know how to dispose of the article to ensure that the substance does not cause a potential risk to the environment (for example, due to PBT properties of the substance).
  - Similarly, in cases where consumers have not requested information but where there may still be a risk, MSCAs may wish to communicate with the general public, at least until the authorisation process has been completed.
- A substance with known hazardous properties may be used with appropriate risk reduction measures. Given that the public and/or the media often focus on the hazards of the substance rather than the risks, consumers may consider that alternatives exist to this substance and pressure may be exerted by the public, NGOs or the media to substitute this substance. However, although alternatives may seem less hazardous than the substance to be replaced, their risks in use might not necessarily be less than those of the substance in question. In this case, replacing the substance with an alternative may not lead to a reduction of the risks, and MSCAs may wish to communicate on these risks and their management, including highlighting the importance of distinguishing between hazard and risk.

[1] REACH recitals 9 and 69 and Article 1(3).

- There are often uncertainties regarding the level of risk associated with specific substances, even after detailed risk assessments have been carried out. This has the potential to cause uncertainties about how the risks of chemicals should best be managed (such as in defining how to achieve adequate control or in reaching a decision on whether or not a use of a substance should be authorised or restricted). Members of the general public may be aware of these types of uncertainties and MSCAs might decide that there is a need to ensure that the public is kept informed, for example, prior to substances being registered.

3.2.3 Where there is potential for controversy

Types of situations

These are situations where the risks may or may not be well understood, but where there are already opposing views on the risks and potential impacts. This is especially the case if potential exposure is widespread and the public have little or no choice in whether they are exposed or not.

An example of this is polyvinyl chloride. PVC in itself is a polymer and exposure can more or less be excluded because of the molecular size (though there are of course concerns in relation to exposure to the vinyl chloride monomer). Nevertheless, PVC has been the subject of a targeted and successful campaign by NGOs to remove it from a large number of consumer products, often on the basis of additives used in PVC, such as phthalates. On the other hand, the actual risks from exposure to this polymer *per se* are known to be very low and EU risk assessments for some of the additives targeted have not identified a need to limit the risks.

Other examples include the fluoridation of potable water in some Member States and the widespread use of parabens in cosmetics and body care products (due to possible health risks). Although REACH applies to the manufacture, import and use of the relevant substances, in both cases consumer exposure is addressed by other specific legislation.

In such situations, MSCAs will need to communicate on what is known on risks and what the evidence base for decision making is.

The importance of risk perception

These types of risks may trigger highly controversial or emotional responses and have the potential to be associated with public outrage (OECD, 2002). An important factor in such situations is how risks are perceived by the general public. Perceptions are affected by peoples' values, lifestyles and world views (all factors which vary amongst individuals and which may also cause different interpretations in different Member States).

Perceptions may or may not be a good reflection of the actual risks but a widespread perception that a chemical is of high risk – or conversely of negligible risk – may trigger the need for communication on those risks by an MSCA or other organisations.

Box 3.1 Examples where perception of risks may be important

'Natural' substances

An example of chemicals perceived to be of low risk might be where naturally occurring substances are used in consumer products, such as fragrances in air fresheners (e.g. muscones). This 'natural' aspect to the substances and products may lead to a less diligent approach to controlling exposure amongst the general public and MSCAs may want to communicate to help ensure an awareness of appropriate risk management measures.

Substances of very high concern contained in articles

An example of a potentially controversial situation could potentially arise where articles containing SVHC are made available to the general public.

The public may be aware of a potential concern (for example where the name of the substance has been given to a consumer having requested SVHC information as required under Article 33). There could potentially be significant controversy on why articles containing such hazardous substances are being made available to the public and an MSCA may wish to communicate regarding the approach taken to demonstrating that under reasonably foreseeable conditions of use exposure does not result in risk (in order to reassure the public on the safety of the article).

Likewise, evidence may become available that indicates that there is a risk that the MSCA may wish to communicate on in order to protect human health and the environment in relation to such substances. Whilst REACH requires information to be provided to consumers on request, the information may not necessarily be sufficient in practice. The MSCA may need to warn the public and this could also help to inform the MSCA's enforcement activities (e.g. if the public informs an MSCA that information being provided is insufficient to allow safe use). This is an example of where MSCAs could take a 'stopgap' approach to address risks that might still occur even with REACH in place.

These situations may also lead to questions on the enforcement of the Regulation by MSCAs in relation to the decision to exclude exposure for this article. As the decision may not be validated by an independent body (although it should be properly documented by the article supplier), MSCAs may be asked for clarification on the basis for the decision or on how they are enforcing this aspect of REACH.

3.2.4 Risk communication in crisis situations

In a crisis, the communication on risk is in a situation which was unexpected and where there is great potential for impacts upon human health or the environment. Such situations are often associated with accidents, incidents or disasters and there will often be very limited time to communicate, so timing is critical.

Within chemical risk management, these might be situations where there have been uncontrolled releases of substances to the environment. For MSCAs within REACH, these situations are likely to be associated with enforcement responsibilities, for example where significant non-compliance with the regulation has been revealed (for instance widespread use of substances for unregistered or restricted uses that are known to cause unacceptable risks to human health or the environment; the illegal import of restricted substances; or use of banned substances in articles, such as lead paints in children's toys).

3.2.5 What does this mean for risk communication?

The types of approaches that are likely to be most relevant under each of the four types of situations covered above are as follows:

Routine risks – general proactive. The communication is general because the MSCA is communicating with the public on a number of on-going activities or issues where the risks are well understood (although communications may relate to specific substances, such as those being placed on the SVHC candidate list).

Through its active management of communication with the public, the MSCA will help to engender trust and confidence. However, since the issues are not specifically of great public interest or controversy, the MSCA will need to seek to proactively communicate with the public (and they will not generally expect the general public or media to be contacting them on these issues).

Uncertain risks – specific proactive. As with routine risk communication**,** the MSCA will still have to actively seek to communicate with the public on these issues. This is because they are likely to be part of the ongoing work of the MSCA or others. These issues, however, are associated with specific substances or groups of substances and, as a result, may promote more general interest than routine work

Controversial risks – specific responsive. For risks that are controversial, the public (or certain sections of the public) will already have some information and opinions because, by definition, there are quite differing opinions on the risk that make the issue controversial. The issue will generally be specific to a particular substance or group of substances (grouping being based on chemical or biological activity relationship) and the communication will be responsive

because this will generally include issues that are prompted by the wide difference in understanding of risk. These situations can often be high profile as a result.

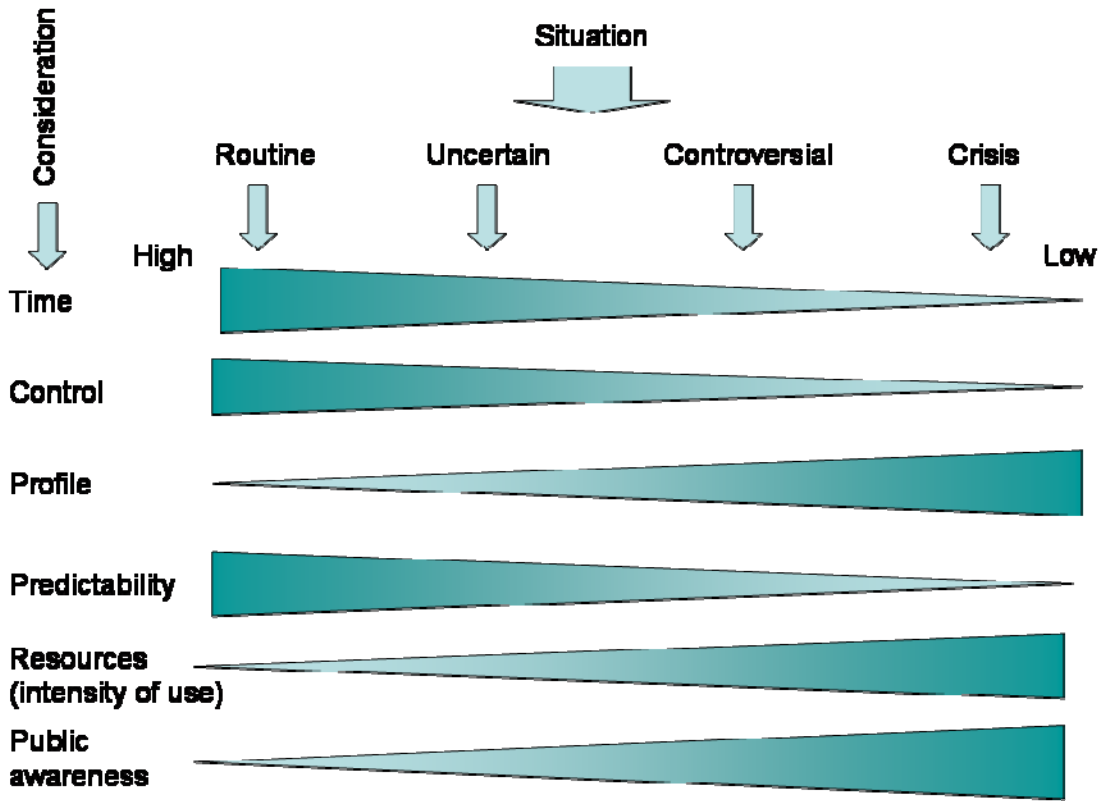
Crisis – specific responsive. These are specific issues or situations in which the MSCA is required to respond. The response will often need to be targeted and rapid.

The different issues will have different implications in terms of factors such as:

- The **time** in which the MSCA has to prepare and deliver communications).
- The amount of **control** the MSCA can exert on the issues as they develop (e.g. for crisis situations there is the potential for the MSCA to have very much less control as compared to routine situations).
- The expenditure of **resources** (crisis situations tend to be intense but short whereas routine communication will usually require a far lower level of input but over a longer period and one which is not time-limited).
- **Public awareness** and the **profile** of the issue (in terms of reporting of issues by the media for example) will be different for different situations.

The figure below illustrates these different considerations for the four risk communication situations. They can be thought of in this context as a continuum from routine though uncertain and controversial to crisis, with increases or decreases in the levels of the factors above in each case.

Figure 3.1 Illustration of relative considerations for different risk communication situations



The above is of course a simplification and is intended to aid thinking on the relative importance of different considerations in different risk communication situations.

4. Determining communication needs

4.1 What is the objective of the communications?

In any situation requiring risk communications, there will be a primary reason why you have decided that communication with the general public is required. For example, it may be that you want to:

- Better inform the public that a high risk substance needs to be handled in a certain way, such as where certain target groups could be particularly exposed.
- Allay public concerns where there are conflicting messages in the media regarding the hazards and risks of a particular chemical; for example where a registration dossier suggests that risks can be adequately controlled but media reports point to potential adverse effects.
- Take action by communicating where normal risk management measures have failed and there is an urgent need to protect public health (i.e. a crisis situation).

It is vital that you have a clear objective in mind as to what message you want to communicate and what action or response you are hoping to achieve as a result[2]. These should form the central part of your risk communication activities, with other information and evidence provided to support this as required.

4.2 Who should be involved?

It is unlikely that, in any of the types of situations likely to occur in relation to REACH, effective communication on the risks of chemicals will be possible by simply involving MSCAs and the general public.

Once you have an idea of what it is you want to communicate, it is important to consider who else should be involved in the risk communication activities. It will often be important to draw on the knowledge and experience of others with different expertise in the area of interest. In some situations, it will also be important to bring in others to help you make the communication efforts as effective as possible.

Stakeholder analysis is a useful tool that can help with understanding who should be involved in the communication activities. It covers issues such as:

- Who will be affected by the risks of concern and any actions taken to further manage them?
- Who has the necessary knowledge and expertise to help make sure that the message can be communicated accurately and effectively?
- Who is likely to have an interest in the risks of interest?

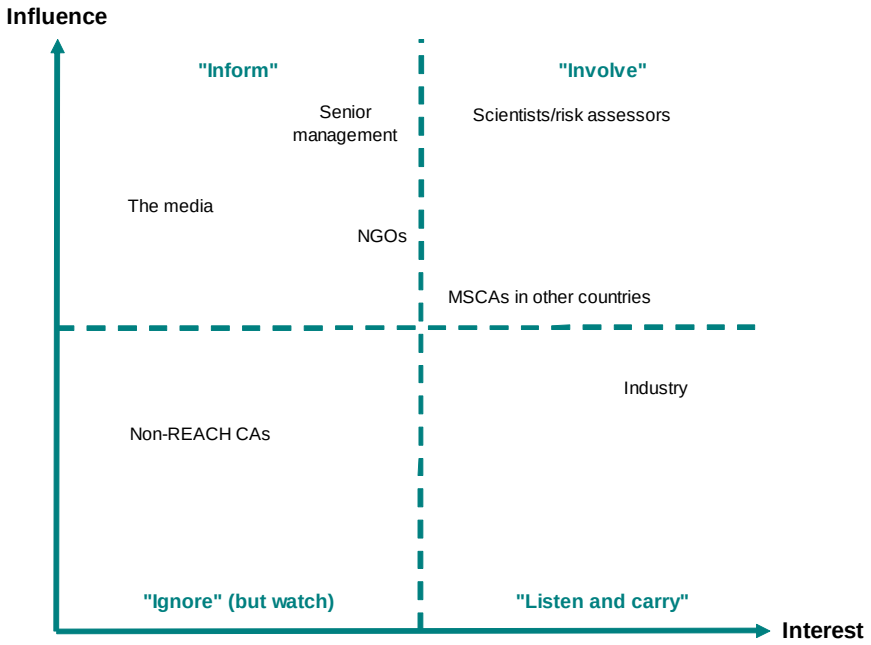
[2] It will obviously be up to the public to decide how to respond to the risk situation. However, by providing clear information on what can be done to reduce risks, they will be able to make informed choices.

- Who else could help to influence the outcome and effectiveness of the risk communication?

A useful means of presenting such an analysis is by mapping different stakeholders on a matrix according to their likely **interest** in the situation in question and the level of **influence** they can exert on ensuring that the risk communication is effective. A hypothetical example is shown below for a situation where there is scientific uncertainty regarding the risks of a chemical (e.g. as a result of lack of information identified during the risk assessment process) where an MSCA may need to communicate with the public. It includes suggestions on how these different organisations should be involved, according to their location on the matrix (after UK Resilience (2006)).

Each situation will be different and deciding upon the stakeholders that should be involved will vary on a case-by-case basis. Some may not be relevant in some situations and others not listed here may also be relevant. The example below is hypothetical – different stakeholders will be relevant in different situations and in any situation, they may have more or less interest and influence than in other situations.

Figure 4.1 Hypothetical example of a stakeholder matrix



In addition to risk managers within MSCAs, it may be important to include other stakeholders, depending on the situation in question. Such stakeholders might include:

- Senior management within MSCAs. Gaining senior-level support within the MSCA and within other organisations may be vital to ensuring a clear focus and consistent approach within organisations and to allow as many relevant people to be reached as possible.

- Risk assessors and other scientific experts. Risk communication should be based on an accurate and robust understanding of the risks involved, as well as uncertainties, and these people may be able to help in your communications. They

may include research organisations, academics or experts within authorities or companies.

- Industry. Suppliers and downstream users of substances already have various communication requirements under REACH and may also be involved in communicating about the risks of chemicals in non-normal situations. Having good linkages with relevant industry organisations – including both trade associations and companies – can help in risk communication activities. This may include both general issues as well as site-specific issues related to chemical risks.

- Other competent authorities, government departments and agencies. The issue at hand may be one that affects several areas of policy (such as food safety, industrial pollution control, agriculture or others) and it will often be important to work closely with other such organisations, both to ensure a consistent and appropriate approach, as well as to draw on organisations with existing means of accessing and communicating with the general public in their policy area.

- Non-governmental organisations. Organisations such as consumer groups and environmental groups may have an interest in the issue. It may be important to work with them to help in communicating with the general public.

- Authorities outside a specific Member State. Other Member States may be facing similar issues and ensuring consistency of messages or learning from the experiences and approaches of others may help to make your communication efforts more effective. Working with other MSCAs is considered more explicitly below but a MSCA may also want to consider authorities outside the European Union as well.

- The media. The electronic, print, visual and audio media will often have much more effective means of rapidly reaching the general public, as well as having an interest in investigating issues surrounding chemical risks. This is considered in the next section.

- Communications and stakeholder engagement experts. MSCAs may wish to draw on organisations or individuals with specialist skills in these areas to help improve the effectiveness of communications.

It is important to ensure that there are clear roles and responsibilities for risk communications, both within the MSCA and amongst the other stakeholders involved.

4.3 Co-ordination of risk communication activities

4.3.1 Use of networks for effective risk communication

Given the wide range of organisations that may have an interest in risk communications and/or may influence their effectiveness, it is important that effective working relationships be built up with people that will need to be involved in the future. Particularly if a crisis occurs, if a MSCA have not planned how it will work with others in advance, it may not have enough time to deal with the issue in the time available.

Making sure that MSCAs develop formal or informal networks can be important for a variety of reasons, such as:

- Being made aware in a timely manner of forthcoming issues that may require communication with the general public (for example, if a particular issue has significant media attention in another Member State).
- Understanding how other organisations have acted to communicate with the general public. In this context, it is important to recognise that the best approach in one Member State may not be the best in another Member State. People from different cultures may react differently to different types of communications and the approach taken will ultimately need to be decided at a Member State level[3].
- Sharing information on the risks of substances, uncertainties, effectiveness of risk management measures and ongoing work on a particular topic.
- Developing a co-ordinated approach – where appropriate – between different organisations within a Member State, as well as achieving co-ordination with the communications of other MSCAs, ECHA and industry.
- Developing a shared ownership of the issue to make overall communications more effective (whilst ensuring that there is leadership on the issue).

It is for the MSCAs to decide what networks are likely to be most appropriate and what their remit should be. However, involvement in the Risk Communication Network established by ECHA and the Member States may be a highly useful means of achieving co-ordination with other Member States. A reminder of the remit of the Risk Communication Network is provided in Appendix B

4.3.2 Exchange of information between partners

Examples of the ways in which MSCAs and other partners might effectively exchange information related to communication on risks with the general public include:

- Providing examples of and joint-working on development of written information (such as brochures, leaflets and press releases).
- Rapidly sharing information on likely upcoming issues (such as through file-sharing websites or e-mail distribution lists).
- Providing examples of best practice or technical guidance issued for use by the public, for potential use by other Member States.
- Sharing information on the results of enforcement issues that may have the potential to affect the general public (such as issues related to the risks associated with SVHC in articles that may also be relevant to other partners).
- Undertaking pre-testing of communications approaches and/or materials so as to improve their effectiveness before rolling out to the general public.

All of the different types of stakeholders may be involved in these activities, depending on the specifics of the issue at hand.

[3] The OECD's guidance on risk communication for chemical risk management gives advice (Annex VI) on how to address different sub-cultures in society.

4.3.3 Communication on cross-cutting issues

It is important to recognise that the general public will not necessarily know whether or not a particular substance or article is relevant to REACH. Furthermore, in many cases, there will be one or more other legislative regimes that affect the management of risks associated with a substance. Examples of this might include:

- Accidental releases of substances from industrial installations. These may also be covered by legislation such as the IPPC Directive, Seveso II Directive or Water Framework Directive and these may be within the remit of different competent authorities. These other authorities should obviously be involved in the risk communication process.

- Controls on exposure in the workplace may affect release (or prevention of release) to the environment and hence potential exposure of the general public. Various worker protection regimes may also be of relevance. For example, controls introduced as a result of the carcinogens directive may also affect the way that the public is potentially protected from being exposed to carcinogenic, mutagenic or reprotoxic (CMRs) that are on the Candidate List.

In communicating with the general public on such issues, it will therefore be important for MSCAs to consider the other legislative regimes that apply and to ensure that the risk communication activities – including the people involved – take into account the different roles and responsibilities.

The information that is ultimately communicated may relate as much, or more, to these other regimes. It is therefore important for people and organisations to be set up for effective risk communication in advance of any urgent situation which may arise.

5. Implementing risk communications

5.1 Introduction

This section of the guidance provides suggestions on practical ways for MSCAs to carry out communication to the public on risks. It includes considerations of both real and perceived risks, as both can be important in how risks are ultimately managed.

This section is structured as follows:

- Section 5.2 highlights the importance of making communication a two-way process.
- Section 5.3 provides guidance on appropriate means for communicating with different audiences.
- Section 5.4 covers a range of different communication methods.
- Section 5.5 highlights what can be done to ensure delivery of timely, accurate and relevant information.

Section 7 of this guidance provides suggestions for the types of approaches that are likely to be most appropriate under different risk situations, as well as examples.

5.2 Communication should be a two-way process

In some cases, it may be necessary to communicate information to the public in order to help ensure appropriate levels of protection of health and/or the environment. This would be an example of one-way communication. However, the majority of risk communication situations under REACH should involve two-way communication with the public.

At various stages during the process (planning, implementation, seeking feedback, etc.), the best means of risk communication may be through seeking input and feedback from the general public. MSCAs should consider how best to involve the public themselves in their risk communication activities. This typically takes one of two forms:

1. Consultation, in which the public has the opportunity to provide feedback on risk communications approaches. Examples of this approach include consultation papers, public meetings and deliberative polling.

2. Participation, involving active participation of the general public in helping to define how risks are managed and how risk communication is undertaken. In general, this is likely to be less widespread than direct communications or consultation, but examples could include representatives from consumer groups or selected members of the public working with MSCAs to help devise the best means of communicating with the wider public (for example, through citizens' juries or citizens' panels (see the OECD's guidance on risk communication for chemical risk management for more details).

5.3 Communicating with different audiences

5.3.1 Overview

The focus of this document is on communicating on risks with the general public. However, in many cases, it will be necessary to involve other organisations, particularly those in the media and other institutional stakeholders in order to make communications most effective. Indirect communication through the media or other organisations may be more effective in some cases than attempting to communicate directly with members of the public.

5.3.2 The general public

It is important to take into account public perception regarding the risks of chemicals in deciding how best to communicate. Appendix C provides some examples of the types of risks that the public will tend perceive as more frightening.

The general public is not homogeneous. It includes people ranging from those with relatively good knowledge of chemical risks and their management to those with little or no knowledge (or indeed interest) in this area. However, it may be equally important to engage with both types of people, particularly given that the general public may not have sufficient information to control risks to themselves, others and the environment.

People are also diverse in terms of their values, so that a form of risk communication which is effective with some people may not be effective for others. It is therefore important to pay attention to the level of knowledge, attitudes, perceptions and actions of the public.

Section 5.4 provides suggestions regarding different types of approaches that can be used in risk communication activities. Examples of those that are likely to be most appropriate for communicating with the general public include:

- Printed information;
- Websites and other electronic communications (such as e-mail distribution lists, internet chat-rooms and blogs);
- Questionnaires, surveys and focus groups;
- Public presentations; and
- Education and training.

Where materials are provided to inform the public, such as printed information and websites, there should be an appropriate means for the public to respond.

5.3.3 The media

The media (such as television, radio, newspapers and online news) are highly influential in providing information to the general public and much public perception regarding the risks of chemicals will be based on information received from the media.

There are a number of contexts in which the media may be involved in communicating with the general public about the risks of chemicals, such as:

- As a vehicle for reaching a large number of people in a short time. Given that most people regularly receive information through newspapers, television, radio and other forms, collaborating with the media can be an effective way of getting a message across.

- Investigating and publicising the risks associated with chemicals. Effective treatment of issues that are subject to significant media attention may require specialist inputs from risk assessors and managers in order to ensure that information reported is factually correct.

Working with the media is less likely to be appropriate for routine risk situations than for those where there is uncertainty, potential for controversy or which relate to a crisis situation. This is because there is likely to be less interest in publicising information on the normal activities under REACH.

Examples of the types of approaches that are likely to be of most relevance in communicating with and via the media are press releases, interviews and press conferences. These are considered in Section 5.4, below.

In situations where there is particular media interest, it will also be important to know how to deal with questions on the risks of chemicals from the media. An example of a strategy for dealing with the media is provided in Appendix D.

5.3.4 Other stakeholders

Depending upon the situation in question, there are a number of other institutional stakeholders that MSCAs should involve in risk communication activities. These include:

- Industry, potentially including some or all aspects of relevant supply chains, as well as trade associations. In dealing with local issues, it will be vital to involve relevant local actors in the chemicals industry.
- Non-governmental organisations (NGOs). There are many types of NGOs that may have an interest in the risks and substances in question. These may include organisations representing the general public (such as consumer groups), as well as environmental groups, trade unions and social organisations.
- As mentioned previously, there are various others that may be able to assist with making your risk communication activities more effective, such as:
  - authorities responsible for other regulatory regimes;
  - REACH MSCAs in other Member States; and
  - scientific bodies and research organisations.

5.4 Choosing an appropriate risk communication method

5.4.1 Overview

The sections below include information on different methods that may be appropriate for communicating on the risks of substances. The order in which the methods are presented is not intended to be hierarchical as the type or types of method that will be appropriate will depend on the characteristics of the issue at hand.

5.4.2 Printed information

Printed information such as leaflets, brochures and reports can be useful in all of the types of risk situations considered in this guidance document. Examples of when it might be appropriate to produce printed information for the public on the risks of chemicals include:

- Alerting the public to the potential risks associated with certain substances or articles. For example, where new evidence emerges regarding the risks associated with a substance in a widely used article, leaflets could be disseminated through retailers of those articles indicating what actions the public should take to manage those risks.

- In situations where there is controversy regarding releases of substances to the environment from industrial installations. Printed information could be an effective means of communicating with local communities regarding how the risks associated with releases are being managed. This could also be a useful means of seeking feedback from the general public (e.g. through questionnaires).

This form of communication allows information to be presented in a form that can be readily retained and digested at a later time. It provides a lasting record of the message that is being conveyed and allows information and evidence to be presented in a clear and unambiguous way.

In communicating via printed materials you should:

- Make sure that the level of detail provided is adequate for the issue to be sufficiently well understood.

- Presented the information as simply as possible without losing meaning or accuracy.

- Present the communications in plain language that is understandable by the layman.

- Target the information towards the intended audience, which may be a sub-set of the general public.

- Consider testing the materials on smaller groups prior to wider dissemination to check that the information presented is clear and that the message being communicated will have the desired effect.

5.4.3 Websites and other electronic communications

The internet provides a highly versatile means of communicating with large numbers of people and of providing large quantities of information. The types of information that can be disseminated are hugely varied but examples of where electronic communications might be most appropriate in communicating on the risks of chemicals include:

- E-mail distribution lists. These can be an effective means of providing interested members of the public and other stakeholders with information on routine activities as well as specific issues. For example, the UK competent authority provides an e-bulletin on activities and news related to REACH.

- Websites may be used to present many types of information related to the risks of chemicals, such as:

  - information on enforcement activities of the competent authority;

  - clarifications of scientific information on the risks of chemicals (as well as access to detailed information such as risk assessments) and what this means for the general public; and

  - advice on risk management measures for consumers related to substances and articles.

- Internet-based fora to allow the public to respond to government actions on managing the risks of chemicals.
- Online discussion events with key experts to allow public queries on chemicals to be aired.

Examples of e-mail distribution lists and websites are included in Appendix D.

It is important to recognise that not all of the general public has access to electronic means of communication.

Factors to take into account in use of websites and other electronic communications include:

- Make sure that the general public is made aware of where the information can be found.
- Keep the information regularly updated so that it remains relevant.
- Make the key elements of your message the primary focus, with links to other sources of information (e.g. supporting reports) or other organisations to provide further detail for those who may be interested.
- Provide the opportunity for users to respond and indicate how their feedback will be used.

The principles above relating to printed materials also apply to websites and other electronic communications.

5.4.4 Surveys and focus groups

These can be very valuable in understanding the public's perceptions of the risks of chemicals and in identifying areas where further actions need to be taken or further information provided.

They could be used, for example, to determine how effective information provided to the public on the risks of chemicals in articles (e.g. safety warnings) is in affecting how consumers use potentially hazardous substances and articles.

These are relatively expensive approaches given the need for expert input (e.g. survey organisations or facilitators).

5.4.5 Public presentations and discussions

These can be much more effective than written communications in convincing an audience of the risk information being presented. They also provide an opportunity to obtain responses to questions from the public which could not necessarily be anticipated in using written communications.

A situation where these could be most appropriate is where there is a need to provide information to local communities on sensitive issues relating to the management of chemical risks at industrial installations.

5.4.6 Education and training

In cases where there is a need to inform the public about a specific risk issue, it may be appropriate to consider the need for providing training on how to manage the risks in order to protect human health or the environment (for example, training of relevant clubs/groups of members of the public, such as on the risks of lead fishing weights or lead shot). In such cases, MSCAs should:

- Develop any necessary training materials in order to inform the public about the risks associated with the substance and how these should be managed.
- Co-operate with relevant organisations that can assist with providing the training or education. This may include specialist trainers but could also include relevant organisations representing particular groups (e.g. users of particular types of articles).

5.4.7 Press releases

Press releases may take different forms according to the intended audience as well as the means of transmission. For example, different information and styles will be relevant for a daily newspaper compared to a specialist journal.

The press will often have strict selection criteria for determining whether information in press releases will be reported. Examples of the types of areas where you should consider using press releases include:

- Reporting on planned or recent events relating to managing the risks of substances in specific situations;
- New regulatory decisions controlling the risks of substances or articles;
- New knowledge on chemicals, describing potential risks for the public and actions that should be taken to avoid the risks;
- Reporting on accidents involving chemicals, including potential risks for the public and actions being taken to manage the risks;
- Responses to issues that already have a high profile and media attention.

5.4.8 Media interviews and press conferences

As with press releases, the types of issues which are likely to be of interest to the media will generally be limited to those that are of high profile. MSCAs should consider these forms of communication in the same types of situations as for press releases.

They are likely to be most relevant for situations that are high profile, such as those involving crisis situations or where there is controversy and significant media and public interest. Mass media such as television and radio remain one of the most-used and most powerful methods of communication and will often allow information to be distributed much more effectively than other methods.

These situations should generally be handled by involving relevant press officers or public relations officials within your organisation.

5.5 Delivering timely, accurate and relevant information

The best approach in any situation is to be proactive in risk communication activities. This means that the activities should be initiated early in the period when MSCAs need to communicate with the public. It also means that MSCAs – and those working with them – will need to devote sufficient time and resources to making sure that the information you communicate is accurate in relation to the chemical risks of concern and their management and that it is targeted so that appropriate action can be taken to protect health or the environment.

In order to achieve the aims of delivering timely, accurate and relevant information, MSCAs should consider the following:

- Make sure that they have established procedures for responding to different types of risk situations. For example, there may be a need to share information within networks (see Section 4.3) to ensure that they and others have all of the necessary information to hand.
- Ensure that you involve the necessary experts in the field in question so that all of the information to be presented is accurate and not misleading. It may be necessary to simplify information so that it can be understood by non-experts but experts such as risk assessors should check the information to ensure that it remains valid.
- Reflect on what information is necessary for communications to have the desired effect. Whilst it may be tempting to provide extensive technical information on a subject, the information that will actually be relevant for the public will generally include:
  - the consequences for the general public of the risks in question;
  - how and why the risks arise;
  - what steps they can take as individuals to reduce or eliminate the risks;
  - actions that are being taken by organisations to address the risks;
  - where they can obtain further information.

6. Evaluation and review

Given the potentially significant effects of certain substances on health and the environment, it will be important to review and evaluate the effectiveness of your risk communication activities. This may include:

- Reviewing whether the content of your communications was appropriate given the risks in question and the actions needed to manage them.
- Evaluating whether the approaches adopted were the most appropriate for the situation in question and/or
- Determining whether the risk communication activities actually led to the desired outcome (such as a change in the way the public manages the risks of a certain substance).

As highlighted in the previous section, risk communication should – in many cases – be a two way process and there will be various opportunities for you to seek feedback from the general public and the organisations/networks with which you work in risk communication.

Depending on the degree of sophistication required and the magnitude of the risks in question, it may be appropriate to involve professional external organisations with experience in this area.

Evaluating the effectiveness of your risk communication activities should be a fundamental part of the whole risk communication process. It should allow you to demonstrate that the communications have had the desired effect and allow you and others to make improvements when similar situations occur in the future.

7. Applying the approach in different situations

7.1 Routine aspects of REACH – building trust

Communications on the routine aspects of risks covered by REACH (those risks that are expected and well understood) is considered first in this document, not because it is more important than other situations but because routine communications (which are likely to already be undertaken by MSCAs under REACH and other regimes) are important in improving the effectiveness of communications in other situations, where the need to intervene may be more acute.

MSCAs may of course decide that their existing communications with the general public are already sufficient to build trust and confidence amongst the public and that no additional communications are required.

This section includes examples of the approaches that could be applied in reasonably foreseeable situations that would occur related to the routine aspects of REACH.

Where the communication is related to routine aspects of REACH, the main aim of communicating will be to achieve on-going provision of clear and accurate information that serves to inform and educate as well as to build trust in the MSCA.

The key features of communication on such issues are:

- Selecting the routine activities to report and provide updates on.
- Determining the frequency of communication and what methods of communication will be used (ensuring that the MSCA is suitably organised to provide accurate and relevant information, in a timely manner).
- How the activities of the MSCA are contributing to a high level of protection of human health and the environment.
- What future activities the MSCA and others will be involved in that continue to ensure this high level of protection.

Suggested main actions under the four phases of risk communication for routine issues are set out in the table below.

Table 7.1 Approaches for risk communication under routine situations

Actions	Examples/notes
Understand the issue	

Actions	Examples/notes
Determine who should be involved and build a team for regular/routine communication.	• Team should include REACH specialists and scientists who are familiar with explaining the risks to human health (toxicologists) and the environment (ecotoxicologists), as well as the control of these risks. • Include experts to advise on the key issues under REACH that the MSCA should expect to communicate on now and in the future (this is especially the case as REACH has key dates for phase in under Registration and also planned updates, such as proposals for the candidate list).
Understand which issues merit communication and the information that different groups are likely to be interested in.	• These will generally be issues that the MSCA has a specific role in influencing. For example, relevant issues may include proposals for candidate list substances, proposals for restrictions and proposals for harmonised classification and labelling (submission of Annex XV dossiers).
Determine communication needs	
Determine significance for the general public	• Determine whether there is particular interest amongst specific parts of the general public. • Is there specific information that needs to be communicated to the general public in order to manage the risks? (Beyond that already required under other parts of REACH.) • Is information needed from the general public in order to understand whether and how certain risks are being managed? This may help to identify issues that have the potential to develop into more of a problem.
Determine significance for other interest groups	• Liaise with other relevant MSCAs, industry and NGOs in order to understand importance for these organisations and potential involvement in risk communication activities. • For example the understanding of information on alternatives for certain substances may add weight to arguments to either restrict use or for the need to authorise such substances, the first stage being the addition of substances onto the candidate list (subject to them meeting specific criteria including SVHC in the latter case). This may promote specific communication with industry on alternatives.
Implement risk communications	
Use websites and other electronic communications	• Web-based material will be of specific use here as it can easily be updated. • The MSCA could consider setting up blogs for some of their experts who attend MSCA meetings and are considering specific issues associated with the implementation of risk. Without relaying confidential information, it would specifically add to the immediacy and the personal level of communication to understand the thoughts and activities of specific experts involved in the REACH process from the MSCA's point of view. Blogs are particularly suited to this (e.g. REACH diary?).
Evaluate and review	
Determine effectiveness of communications	• Take advantage of opportunities to seek feedback from the public and others. (Include a means of contacting the MSCA on websites.)
Follow up on developments and actions	• Keep the risk communication information regularly updated and ensure that you follow-up on any promises made previously.
Identify options for improvement	• Are the communications having the desired effect of building trust in your organisation amongst the public?

Example

Taking an example referred to in Section 2.2.3, MSCAs may decide that there is a need to inform the public about a substance that they or others have proposed to be included on the candidate list for authorisation. This can help to demonstrate that the MSCA is working to identify SVHCs with a view to replacing them in use with substances of lesser concern for the general public. It also gives the opportunity to explain this important process of REACH (a

process that is likely to be of interest to the general public because it deals with the most hazardous substances).

The following could form parts of the approach:

- Understanding the issue:
  - A clear understanding of the process is essential: from selecting the substance on the basis of properties (and explaining other reasons why an MSCA thinks it would be important to demonstrate that the substance meets the SVHC criteria), submission of an Annex XV dossier to ECHA and how it is decided that the substance meets or does not meet the SVHC criteria. In addition understanding of the consequence of a substance being on the candidate list and the process of determining which SVHCs will require authorisation as a result of selection for Annex XIV, will be relevant.
  - Gather experts who are involved in the process to advise on the key phases and timings for the process as well as on the properties and uses that lead to concern for the substance. It may however be sufficient to consult the Annex XV dossier of the substance and the Risk Management Options Analysis provided by the dossier-submitting Member State. As regards timing schedules, these are for routine processes agreed between CARACAL[4], MSCAs and ECHA.
- Determining communication needs:
  - Ensure that it is clear why additional communication beyond that already required under other parts of REACH is necessary (such as due to particular public interest in a substance and calls for it to be controlled at an EU-level).
  - Explanation of the process of selection of the proposed substance and also what happens if the substance is selected for inclusion in the candidate list as well as the process for selection of substances for listing in Annex XIV.
  - There will be a need to make clear which parts an MSCA has control over and which parts of the process are in the hands of others (such as ECHA and the Commission).
  - Make clear which parts of the process the public will be consulted on (and if relevant, which parts an MSCA will be consulting on).
- Implement risk communications:
  - A web-based campaign lends itself to this process because it enables relevant material to be easily presented and updated, without expending excessive resources.
  - Updated information on the progress of the selection of the substance and its possible inclusion in the candidate list can be provided.
  - It will be important to communicate about any consequences of selection that have specific implications for the public. For example, listing on the candidate list may lead to obligations for REACH (such as the requirement to provide information on the safe use of the substance in articles (Article 33)); the

[4] Competent Authorities for REACH and CLP expert group.

authorisation process may lead to substances or products no longer being available to the public.

- Evaluate and review the effectiveness of communications:
  - This could be followed up by investigating the level of awareness of the implications of the substance having been included – or not included – on the candidate list, in terms of how consumers specifically are affected.

7.2 Where there is uncertainty on risks and their management

In situations where there is uncertainty regarding the risks of substances and how they are being managed, the main aims of MSCAs' risk communication activities are likely to focus on understanding and communicating on:

- what the scientific uncertainties are;
- what is being done to reduce the scientific uncertainties;
- what the potential risks for health and the environment are; and
- what actions are currently being taken and what should be done, by the public and others, to manage the potential risks given the current state of knowledge.

The *precautionary principle* may also be relevant in this context. According to the Commission Communication on the Precautionary Principle (COM(2000) 1 final), "*there is a whole range of actions available to decision-makers under the head of the precautionary principle. The decision to fund a research programme or even the decision to inform the public about the possible adverse effects of a product or procedure may themselves be inspired by the precautionary principle*"(section 5.2.2. Nature of the action ultimately taken). In any case, it is for the Court of Justice of the European Communities to pronounce on the legality of any measures taken**.**

Suggested approaches for dealing with situations where there is scientific uncertainty are outlined below.

Table 7.2 Approaches for risk communication in situations where there is uncertainty

Actions	Examples/notes
Understand the issue	
Convene experts who understand the uncertainties	• Identify current understanding on (eco)toxicological properties, exposure. • Identify key areas of uncertainty. • Understand what is required to reduce scientific uncertainties.

Actions	Examples/notes
Determine the significance for the general public	• Identify reporting of the issue in the media (local, national, etc.). • Consider using public presentations/discussions or citizens advisory committees (e.g. for local issues related to industrial installations). • Consider surveys and focus groups to gauge public understanding of the issue and identify implications of scientific uncertainty.
Determine significance for others and actions being taken by others	• Contact other REACH MSCAs through existing networks (e.g. the RCN) to identify work being undertaken to reduce scientific uncertainties and manage risks in other Member States. • Liaise with other authorities that have an interest in the issue.
Determine communication needs	
Explain the uncertainties involved	• Explain why scientific uncertainties exist (e.g. due to lack of information, timing of testing required). • Consider the required level of detail (e.g. the public will generally not want detailed descriptions of test methods and their constraints).
Explain actions being taken to reduce uncertainties	• Involve relevant organisations (e.g. scientific research/testing) and communicate regularly to allow updates to be provided. • Consider the need for communicating on potentially sensitive approaches to reduce uncertainties (e.g. testing on vertebrate animals).
Explain the potential risks	• Consider the potential hazardous effects and their likelihood of occurrence based on current knowledge (drawing on expert opinions). • Consider the risks of potential alternatives and scientific uncertainties with these.
Explain what risk management actions are necessary	• Clearly explain risk management actions to be taken and by whom. • Determine if a precautionary approach is required (e.g. further instructions on use, emergency restrictions on marketing and use of substances and potentially recommendations for EU restrictions).
Determine the most appropriate risk communication methods	• Consider the scale of the audience (e.g. approaches should differ if the issue concerns the public as a whole as compared to specific interest groups or those using substances/articles in a specific application). • Liaise with the media to determine interest in assisting with communications. • Pre-test proposed communications methods with smaller groups.
Implement risk communications	
Use printed materials	• Likely to be suitable for targeted issues (e.g. local communities, users of specific substances, as such, in preparation, or in articles). • Good for explaining a point of view and presenting but less good for obtaining responses and feedback.
Use websites and other electronic communications	• Allows greater level of information to be accessed (e.g. links to more detailed information for those with an interest). • Allows feedback to be sought rapidly from target audience. • Requires more active involvement of the public.
Organise public presentations/ discussions	• Important to prepare with key organisations involved in advance (e.g. industry supplying a preparation or an article containing a substance entailing uncertain risks, relevant consumer groups). • Provide an opportunity for participative discussion on potential risks compared to alternatives.
Provide press-releases to the media	• Explain clearly the areas of scientific uncertainty and potential risks. • Provide details of evidence and organisations working to reduce uncertainties.
Evaluate and review	

Actions	Examples/notes
Determine effectiveness of communications	• Survey target audiences to determine if communications had the desired effect. • Provide opportunities for ongoing feedback.
Follow up on developments and actions	• Provide updates based on improvements in knowledge (e.g. due to results of testing). • Ensure that any actions promised are implemented and that the public is informed.
Identify options for improvement	• Learn from what went well and not so well for the next occasion. • Share findings with others in your networks.

Example

A relevant example of where there is uncertainty regarding the risks of chemicals and a likely need to communicate with the general public could arise in relation to the restriction process under REACH.

For example, consider a substance that is used extensively by the general public, such as a DIY (do-it-yourself / home improvement) product, with public interest regarding suggestions that the substance has the potential to cause significant risks to health or the environment at an EU level. An MSCA may decide that there is sufficient information to propose an EU-wide restriction on the substance, even if the scientific evidence available does not clearly show that the substance has PBT properties (i.e. on a precautionary basis). Given the public interest in the substance, it would be appropriate to communicate with the public on the issue.

A possible communication approach could be summarised as follows:

- Understanding the issue:
  - Convene experts who have an understanding of the (potential) PBT properties of the substance to ensure that the available evidence is well understood. Ensure that the reasons for the uncertainties are well understood, what the barriers are to addressing those uncertainties and what could be done to reduce them.
  - Determine how significant an issue this is for the general public. Identify any feedback or queries received from national helpdesks, for example, or from other MSCAs. Identify the extent of use amongst the public and any particular groups that would be affected.
  - Have a clear understanding of why the substance is being put forward for EU-wide restriction (i.e. the arguments behind adopting a precautionary approach).
- Determining communication needs:
  - It may be necessary to explain the uncertainties and the approach being adopted to different sections of the public. Some may advocate a restriction on environmental grounds whilst others may be against a restriction because of the withdrawal of a well known and useful product.
  - Determine how best to communicate potentially complex scientific issues to members of the public who are unlikely to have an interest in the scientific basis behind the uncertainties.

- Explain the potential risks that may occur through environmental releases of this substance. Explain why a restriction is considered appropriate, despite the lack of clear scientific evidence.

• Implementing the risk communication:

- There may be a need to communicate with specific interest groups. For example, if the substance is widely used in DIY products, distributing leaflets to retailers could be a useful means of explaining why a restriction is being proposed/implemented. These could also be a means of demonstrating that suitable alternatives are available.

- For members of the public who take an active interest (as opposed to being handed leaflets which is more passive), use of websites and e-mail bulletins would be a good way of keeping the public informed.

- Press releases to the media would also be of value in such situations, helping to ensure that the main reasoning behind the restriction is made clear (and that the restriction is not portrayed as unnecessary interference in consumer products by the media).

• Evaluate and review:

- Obtaining feedback on the success of the communications and uptake of alternatives will be important as a learning point for future similar issues (e.g. on any significant dissatisfaction expressed by the public to retailers).

- Information on 'blogs' can also provide useful insights into public reaction to EU-wide restrictions on chemicals used by consumers (e.g. recent restrictions on methylene chloride paint strippers[5]).

7.3 Where there is potential for controversy

By definition, controversial issues will be those on which there are widely differing opinions on the risks and their severity. The communication will need to focus on:

• What the differing views on the risks are;

• What MSCAs and other experts understand the risks to be;

• What actions are being taken by MSCAs and others to manage risks and to form a common understanding of risks; and

• What further actions MSCAs and others will take to manage the risks in the future.

Possible main actions under the four phases of risk communication for a controversial issue are set out in the table below.

[5] http://curly15.wordpress.com/2008/11/18/nitromors-to-be-banned/.

Table 7.3 Approaches for risk communication on controversial issues

Actions	Examples/notes
Understand the issue	
Determine what makes the issue controversial	Communicate directly with interested parties to understand their views and the basis for those views (note that deeply held views linked to cultural or religious beliefs will need to be handled sensitively). • Identify key (scientific) experts to get a good understanding of risks. • Identify views on risks and their basis. • Identify who holds particular views. • Clarify views and 'view holders'. This may be possible though view-holder communications (e.g. websites and leaflet campaigns). It may require targeted direct contact – for example telephone calls to key technical individuals or press officers of NGOs, industry and others. • Define your need for communication (which will be dictated by the public's need for information) and what you want to say. In most cases it will be setting out the understanding of the risks. • It will be less easy to understand the views of the general public directly. However issues that become highly controversial often become the subject of media attention such as radio 'phone-in' programmes and television consumer programmes (e.g. 'on-street interviews' in which selected 'general public' views are broadcast). In that case co-ordination with the MSCA's press office (if possible) to request gathering of relevant citing of the issue in the media may help to understand the different views on risk.
Invite views on the issue	• Consider inviting views directly from the public by having an online questionnaire on the MSCA website or monitoring online sources of information such as open 'chat rooms' or 'blogs' that deal with chemical issues (see Appendix B for a definition and examples). • It should be borne in mind, however, that the views obtained by self-selecting processes such as these will not necessarily be representative (since those with the most concerns will tend to have greatest interest and hence be more vocal).
Determine communication needs	
Prepare and plan delivery method	• How will the communication be delivered? This could be a combination of methods or one main method with supplementary methods (for example a main advertisement in a national newspaper setting out the issue which also gives direction to a website and helpline number).
Determine who should be involved	• The issue may include key stakeholders that should be engaged with very closely in order to promote better understanding and/or a consistent presentation of information. • For example, this may be joint information from the MSCA and another government department or Agency. Alternatively, the MSCA may believe that the issue is best communicated by a co-ordinated response from the MSCA and an NGO or industry (or both). In any of these cases, it is essential that there is clear understanding between organisations of the issue and agreement on what each wants to say.
Provide clear division of responsibilities	• Who says what? This will depend on the method of communication, but key roles will need to be agreed upon in advance. If the communication is in the form of text then that can be agreed in advance; however should the communication be in the form of direct contact with the public then agreement on how to handle specific questions should be sought in advance so that there is not argument, embarrassment or – more importantly – confusion for the general public. • The decision as to who in the organisation presents material will be of importance. For direct contact with the public on controversial issues it is strongly suggested that someone with good understanding of the risks but also with presentation and public engagement training be involved.
Prepare communication materials	• All material, including text and audio-visual material, should be prepared and reviewed well in advance of delivery. It may be possible to check how material is received with a test audience (for example a focus group) but this is a considerable added expense.

Actions	Examples/notes
Implement risk communications	
Follow a clear plan for communications	• It will be important to closely manage the various forms of communication to make sure that communication is delivered. • It will be important to understand the inter-dependencies of the different forms of communication so that, should there be problems with one part of the communication, steps can be taken to mitigate these. For example, if a key part of the communication is a newspaper or television advertisement that also gives links to a website, helpline or event and – for some reason – the advertisement does not go out, the public will not be informed of the issue and neither will they be informed of the linked information sources. • Plan for possible delays and alternative sources of information.
Use communications methods targeted at affected sections of the public	• Direct, active communication methods are likely to be most relevant (e.g. press conferences, press releases, public presentations). • It could be possible to set up a 'webinar' such that particular parties could participate in 'live' debate on the issue or hear and see issues explained online (varying levels of access could be determined to such events as appropriate)
Evaluate and review	
Determine the effectiveness of communications	• It is important to understand if the communication was successful. Did the information reach a sufficient number of the target audience? Was it understood? As part of the communication, routes for feedback that are built in can be monitored. • Sources of information that were reviewed initially to understand what views are held on the issue and who holds them can also be monitored to understand if views have changed and information understood.
Review should be part of an iterative process in communication	• Plan the methods of review as part of the communication plan. • Decide in advance what will be done with feedback. • Decide whether further communication/updates, etc. are required. • Understand key learning points to take forward to future communications.

Example

An example of a situation on which an MSCA may decide to communicate on a controversial issue could be the polyvinyl chloride (PVC) example mentioned in Section 3.2.3. The effective voluntary 'banning' of PVC promoted by certain NGOs and taken up by a number of article suppliers wishing to promote their green credentials is a high profile campaign.

Public perception may therefore be that any manufacture, import and use of PVC should be restricted through legally binding obligations under appropriate provisions of REACH. The issue may be viewed as controversial because of the widely differing views between NGOs and sections of the public and the scientific understanding of exposure to polymers. There may also be different views espoused by these parties with regard to the additives, such as phthalates, used in PVC products (indeed these may the primary cause for concern amongst some stakeholders).

A possible communication approach could be summarised as follows:

- Understanding the issue:
  - Understanding what the views are on PVC, whether concerns are for PVC *per se* or are concerns resulting from the additives to PVC or from the monomer. Do different sections of the public, NGOs and industry have different views on this?

- Understanding the actual risks and forming a coherent view on the issue from the MSCA's perspective and in relation to REACH. Relevant experts from with the organisation will be needed to do this.

- Possible liaison with ECHA and other MSCAs on their positions (such as through the Risk Communication Network).

- Formulating a clear position on the environmental and human health risks from PVC, taking into account the known conflicting views and explaining the situation from the MSCA's perspective.

• Determining communication needs:

- It will be important to explain the basis on which authorisation or restriction of polymers is not adopted under REACH. This could include some general explanation of why polymers are not considered a risk to the environment or to human health (i.e. due to molecular size) but should also take into account why there is potential concern for monomers and additives.

- The arguments will need to be set out simply and clearly, with further sources of information cited. As the group to be communicated with is broad, from the closely involved (e.g. those article manufacturers and suppliers making decisions about use of PVC in their products) to final consumers amongst the general public, web-based sources would lend themselves to the explanation of such an issue.

- Select who will be involved. Since the issue requires scientific understanding, the inclusion of scientists, risk assessment and REACH specialists will probably need to be a feature of the preparation of material for the communication. In addition, if helpline contact on this issue is offered then helpline operatives should be clearly briefed on the PVC issue and should have sufficient knowledge to answer queries or know to pass on the query to experts (who have been briefed and can expect to be contacted).

- This issue and controversial issues in general divide the public into conflicting camps. Forming partnerships on communication on the issue has the potential to further divide views, putting the MSCA in one camp or another (which would not be good for trust and credibility). Therefore it may not be a good idea to partner with either side in such an issue but, instead, to give straightforward explanations that are based on the science and on the legislative requirements.

• Implementing the risk communication:

- Web-based material should be set up with appropriate links to further information (that have been checked). It would be a good idea to publicise the pages on the home page of the website and through e-mail distribution lists. Advertising of the website could also be done via e-mail footer text that directs recipients towards the website (that way all e-mail correspondents with the MSCA get this information).

- The interdependencies of communicated material will mean that links to other web-based material should be checked and confirmed to be working. Helpline information should be available.

- Feedback from websites and helplines should be logged and compiled.

- Evaluation and review:
  - The success of the communication on risk could be evaluated by assessment of the feedback and queries to the helpline.
  - It may be helpful to evaluate if further information is required to supplement or further explain what has been done.
  - It would be relevant to update web-based material to reflect progress with the issue.

7.4 Risk communication in crisis situations

Essentially by definition, crisis situations are unpredictable. The two most important things that MSCA should do in relation to these situations are:

1. Try to avoid reaching a crisis situation in the first place. Situations which turn out to be crises may often have initially fallen into one of the other three categories (described in Section 2). Effective communication about the risks at that stage could potentially prevent the situation ever becoming a crisis.
2. Ensure that MSCAs prepare effectively for potential crisis situations by establishing relationships and networks with other relevant organisations and preparing any materials that may be needed in the case of a foreseeable crisis.

In these situations, the main aims of MSCAs' risk communication activities are likely to focus on:

- Communications necessary to ensure the protection of the general public. This should be the primary focus.
- Communicating with other interested parties (the media, industry, politicians, local communities, consumers, NGOs and others).

Obviously in these situations communication on the risks is only one part of effective management of the crisis. Other practical steps taken to protect the general public or the environment from the risks of substances will of course be the main priority.

Suggested approaches for dealing with communication during crisis situations are outlined below.

Table 7.4 Approaches for risk communication in crisis situations

Actions	Examples/notes
Understand the issue	
Prepare in advance	• It will not generally be possible to predict crises but considering possible crisis scenarios could help. • Establish mechanisms for communication in advance (e.g. with other MSCAs, other authorities, the media) • Prepare relevant materials for potentially foreseeable crises (e.g. industrial accidents, releases from consumer products, contamination of consumer articles) • Undertake rehearsals to check that approaches will function adequately • Ensure good existing communications mechanisms with industry where there may be the potential for crises to develop,
Rapidly seek any advice needed from existing networks	• Time will be limited so you will need to move quickly • Have rapid communications mechanisms already established with others likely to be able to assist
Determine the significance for the general public and others	• Identify if there is a need to immediately act to protect the public through communication on risks (e.g. in relation to uncontrolled release from an installation or a consumer product)
Identify significance for others and actions being taken by others	• Determine actions being taken by other authorities under other regulatory regimes (e.g. Seveso II, food safety)
Determine communication needs	
Identify specific actions to protect the public	• Identify specific actions to be taken by the general public to address the risks (e.g. avoiding use of a particular product containing the substance, disposing of that product safely) • Identify specific actions to be taken by other bodies (e.g. temporary withdrawal of products from the market)
Determine the best communication methods	• Identify the approaches necessary to reach as many of the affected public as quickly as possible (e.g. television, radio) • Be aware of interest from the media and use this to assist in your risk communications
Provide clear division of responsibilities	• Separate communications to protect the general public and others from communications to inform interested parties • Keep other authorities informed of your actions and understand theirs
Implement risk communications	
Prioritise protection of health and/or the environment	• Being seen to take action is one of the best forms of risk communication
Use press conferences	• Good for responding to specific questions from the media and others • Allows significant numbers of people to be reached at one time
Be on-hand to address questions from the media and others	• Consider setting up a hotline to respond to queries and concerns from the public (publicise this through press conferences and media interviews) • Nominate appropriately experienced people to deal with the media

Actions	Examples/notes
Provide clear messages	Explain key elements of the crisis such as: • What has occurred, where, when and what was the cause? • The scale of the issue • The (possible) consequences for human health or the environment • Measures that the MSCA and others are taking to address the issue. • What measures the public can take. • When further information will be provided. Use simple language and stick to the facts.
Evaluate and review	
Determine effectiveness of communications	• Survey target audiences to determine if communications had the desired effect. • Provide opportunities for ongoing feedback. • Use measureable values to assess effectiveness against objectives.
Follow up on developments and actions	• Provide updates based on improvements in knowledge (e.g. extent to which exposure has been controlled). • Ensure that any actions promised are implemented and the public is informed.
Identify options for improvement	• Learn from what went well and not so well for the next occasion. • Share findings with others in relevant networks.

Example

An example of a crisis situation could be where there has been a major accident, for example the explosion of flammable liquids at a fuel storage facility (a site that comes under the provisions of the Seveso II Directive). There has been extensive use of fire foams by the emergency services to bring the fires under control using large amounts of stock-piled fire foams. The fire foams contain a surfactant that is very persistent and bioaccumulative and, as a consequence of use, the surfactant has caused (or has the potential to cause) significant contamination of an aquifer and surface water courses. There is the possibility of harm both to human health (via drinking water extraction from the aquifer) and to the environment (by soil and surface water contamination). In both cases it is likely – owing to the persistence and bioaccumulative nature of the substance – that the risks will persist for some time.

A possible communication approach could be summarised as follows:

- Understanding the issue:
  - Clear communication is essential, initially with other Agencies and services involved. Clearly the use of fire foams is for immediate safety; however the amount used and points of drainage and disposal would be important to understand.
  - Gain a rapid understanding of the substances involved, the hazards and risks of the substances both to the environment and to human health
  - Formulating a clear position on the environmental and human health risks from the substance.
  - Select who will be involved. The issue requires scientific understanding. The inclusion of scientists and risk assessment specialists will be a feature of the

preparation of material for the communications. In addition, if helpline contact on this issue is offered then helpline operatives should be clearly briefed on the issue and should have sufficient knowledge to answer queries or know to pass on the query to experts (who have been briefed and can expect to be contacted).

- Determining communication needs:
  - There are short term and longer term needs to consider. In the short term it will not be possible to formulate lengthy material for web-based communication. However, preparation of a statement for the website and links to key sources of information (such as a helpline and other services) will be important.
  - It will be important to separate communication that is essential to protect human health and the environment and information that is of interest to for example the media or a wider audience.
  - Immediate statements should be co-ordinated with your press office. The media will want to understand in simple terms the consequences of the situation.
  - Setting up a helpline allows the public to readily access information. All staff should be properly briefed and sympathetic to callers' concerns. (See also Appendix D for an example of an approach for dealing with the media.)
- Implementing the risk communications:
  - Rapid communications are often required, even if it is not possible to provide complete information at an early stage.
  - It might also be appropriate to organise meetings with relevant members of those organisations (those representing sections of the public) in order to answer questions on what the risks and uncertainties mean for them.
  - Feedback from web-sites and helplines should be logged and compiled.
- Evaluation and review:
  - The success of the communication on risk could be evaluated by assessment of the feedback and queries to the helpline and also of media coverage.
  - It may be helpful to evaluate if further information is required to supplement or further explain what has been done.
  - Update of update web-based material is essential to reflect progress with the issue.

Appendix A
Further reading

Useful references on risk communication

EFSA (2009): Pages on risk communication, European Food Safety Authority (http://www.efsa.europa.eu/en/efsawhat/riskcommunication.htm).

HERA (2004): Talking about chemicals with consumers – confidence through communication? Proceedings of stakeholder workshop, Human and Environmental Risk Assessment on Ingredients of Household Cleaning Products, 9 November 2004.

HPA (2009): Health risk perception and environmental problems – findings from ten case studies in the North West of England, Health Protection Agency and Centre for Public Health.

Klinke A and Renn O (2006): Systemic risks as challenge for policy making in risk governance, Forum Qualitative Social Research, Volume 7, No. 1, Art. 33, January 2006.

OECD (2002): OECD guidance document on risk communication for chemical risk management, Organisation for Economic Co-operation and Development, July 2002 (http://www.olis.oecd.org/olis/2002doc.nsf/LinkTo/NT00002D5A/$FILE/JT00129938.PDF).

POST (2004): Handling uncertainty in scientific advice, Postnote 220, Parliamentary Office of Science and Technology, June 2004.

STARC (n.d.): STAkeholders in Risk Communications project website (http://starc.jrc.it/index.html).

UK Resilience (2006): Communicating Risk, UK Resilience internet site (http://www.cabinetoffice.gov.uk/media/132679/communicatingrisk.pdf), accessed 7 December 2009.

Guidance on communication under Article 77(2)(i)

Guidance already exists on all the aspects of communication on risks to be addressed by other stakeholders than Member States competent authorities in the context of Article 77(2)(i). This includes:

- Communication on intrinsic risks of substances and mixtures, which is covered by labelling obligations under Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regulation) and corresponding guidance. This guidance document can be found on ECHA's website.
- Risks of substances, mixtures and articles requiring safety actions are dealt with under the General Product Safety Directive 2001/95/EC.
- Communication on SVHC in articles is covered by the guidance on requirement for substances in articles. This guidance document can be found on ECHA's website.

Appendix B
Glossary

Blog

Example (from the UK) online edition of 'The Guardian' newspaper's comment pages http://www.guardian.co.uk/commentisfree.

A blog (a contraction of the term "web log") is a type of website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. Examples:

Chemical industry sponsored blog http://www.icis.com/blogs/green-chemicals/; Royal Society of Chemistry blog: http://prospect.rsc.org/blogs/rsc/tag/100-chemical-free/; UK Food Standards Agency blog http://blogs.food.gov.uk/roller/science/entry/chemical_confusion.

Crisis

Any incident(s), human-caused or natural, that requires urgent attention and action to protect life, property, or environment (ISO).

Hazard

A possible source of danger, or conditions physical or operational, that have a capacity to produce a particular type of adverse effects (ISO).

Risk

The combination of the probability of an event and its consequences (ISO).

MSCA

Member State competent authority for REACH

Risk communication

OECD: Any purposeful exchange of information about health or environmental risks between interested parties. More specifically, risk communication is the act of conveying or transmitting information between parties about (a) levels of health or environmental risks; (b) the significance or meaning of health or environmental risks; or (c) decisions, actions, or policies aimed at managing or controlling health or environmental risks. Interested parties include government agencies, corporations and industry groups, unions, the media, scientists, professional organizations, public interest groups, and individual citizens.

[Covello, von Winterfeldt, and Slovic 1986, p. 172 cited in OECD, Risk Communication – Chemical Product Risks – An OECD Background Paper, Berlin, 2000.].

ISO: Exchange or sharing of information about risk between the decision-maker and other stakeholders.

[ISO/IEC: Risk Management – Vocabulary – Guidelines for Use in Standards, Guide 73, 2002.]

US NRC: An interactive process of exchange of information and opinion among individuals, groups, and institutions. It involves multiple messages about the nature of risk and other messages, not strictly about risk, that express concerns, opinions, or reactions to risk messages or to legal and institutional arrangements for risk management.

[National Research Council: Improving Risk Communication, Committee on Risk Perception and Communications, 1989.]

Risk communication network

The Risk Communication Network (RCN) is a voluntary network of nominated staff members from the REACH MSCAs, or their delegates, with responsibilities for communication to the general public on risks from chemical substances covered by REACH and their use, including the specific tasks covered by Article 123 of Regulation (EC) No 1907/2006 ("the REACH Regulation"). It has been established by the ECHA Secretariat with a view to providing a platform for exchange of experience and best practice on communication of information to the general public about the risks and safe use of chemical substances, on their own, in preparations or in articles.

These are the two main roles of the RCN:

i) Assist MSCAs in meeting their Article 123 obligations through exchanging timely and comprehensive information and draft communications on upcoming risk communication issues (ECHA Secretariat's role: facilitator).

ii) Closely follow and contribute to the development of the Risk Communication Guidance in particular with a view to ensuring its workability (ECHA Secretariat's role: provider of Guidance in line with Article 123).

Potentially the RCN can also:

iii) In exceptional cases assist MSCAs, ECHA and the European Commission in dealing with sensitive issues, including the means of communicating about them. Sensitive issues are understood here to be those related to perceived risks of public concern relating to chemical substances, i.e. those which have received or may receive high public or media attention (ECHA Secretariat's role: facilitator).

The scope of the network does not include day-to-day communication by ECHA or by the Member States on regular REACH activities. Neither does it include crisis communication required as a result of acute health and/or environmental threats that may inter alia be caused by accidents with chemicals and for which other networks exist.

SVHC

Substance of very high concern as defined in Article 57 of the REACH Regulation.

Appendix C
Routine risk communications

Introduction

By communicating with the public about their ongoing, routine activities under REACH MSCAs can help to build up trust over time. This trust can help to make the responses to risk communication in non-normal situations much more effective.

In routine situations, the risks in question are generally those that are well understood by scientists and risk managers. Communicating in these situations can help to provide assurance that risks are being managed.

Routine communication leads to a better informed public, able to make better decisions in relation to the risks from substances and hence to increased protection of health and the environment.

Moreover, research has shown that the public is often sceptical of information provided by institutions, including government. By communicating on routine aspects of REACH, MSCAs have an opportunity to demonstrate that they are working to identify and manage the risks of chemicals and to keep the public informed on a continuous basis. This can help to build **trust** in the information provided and to give the public **confidence** so that, when an unusual or crisis situation occurs, it is more likely that information from the MSCA will be believed and that appropriate action will be taken.

Within REACH, MSCAs have key roles in Evaluation, Restriction, Authorisation and Enforcement and it will be communication on these parts of REACH that MSCAs will generally focus on from a routine perspective. There may also be situations where communication is required on substances whose manufacture, import and use is covered by REACH, but for which consumer exposure is addressed by other legislation (for example on pesticides, biocides, food contact materials, cosmetics and others).

This guidance is not intended to create any new responsibilities upon the Member States as regards communication on these routine aspects of REACH. Instead, it is intended to highlight areas where MSCAs may wish to provide additional information, taking into account their specific national circumstances, to supplement the existing communications activities, when and if they conclude that there is a need to do so to protect human health or the environment.

Within REACH, routine situations may arise when specific substances have been through the risk assessment process (within registration) and adequate control has been demonstrated but where there are still public concerns on the risks and impacts that such substances have. This could lead to the inappropriate use of alternative substances which may have less well controlled risks.

Much information on routine activities under REACH will be put into the public domain via the European Chemicals Agency (ECHA) website in line with ECHA's responsibilities. As this site may not be consulted by a large part of the general public, it is possible that the Member States may wish to add value through translation for a lay audience and dissemination through other

relevant routes that would be possible for them (due to existing relationships) but not feasible at an EU-wide level.

This can apply whether or not an individual Member State is directly involved in the specific issue, although there may be more reason for a Member State to communicate on an activity instigated by or directly involving its own authorities.

The four sections below cover more specific parts of REACH and comment on the needs and opportunities for routine communication with the general public on the risks of substances. Note that the activities commented upon below would have to fit in with the formal timetables (where appropriate).

Evaluation

Member States select substances from the rolling action plan, or may propose substances to be added to it. As part of creating trust, MSCAs may want to explain to the general public exactly why they have chosen individual substances. In that case, they could give an indication of the areas of uncertainty behind the choice and explain that this does not necessarily mean that there are unacceptable risks from the substance. This could be followed up when the results of any requested testing are available.

Authorisation

There are several places in the authorisation process where MSCAs could inform the public to help build and maintain trust:

- They may want to inform the public about substances they (or others) have proposed to be included on the candidate list for authorisation by linking their work to the registry of intentions on ECHA's website. This would give them the opportunity to show how they are working to identify SVHC with a view to replacing them in use with substances of lesser concern. This could be followed up by reporting on whether the substance has been included or not, and, if not, by explaining why.

- When substances are added to Annex XIV, MSCAs may wish to complement the information published on ECHA's and Commission's websites (such as intrinsic properties, sunset dates and uses exempted, if any, as well as specific implications for the general public) concerning this inclusion in cases of consumer use of the substance – or consumer use of articles containing it – is widespread and dispersive.

- Where authorisations are granted, MSCAs could complement the information provided by the Commission and ECHA with additional information to further explain the implications of the decision.

In any case, the MSCAs' communication should not depart from the legal and scientific argumentation provided in the decisions on inclusion of substances in annex XIV or decisions on authorisation.

Restrictions

MSCAs may want to disseminate the decisions made by the European Commission on restrictions by e.g. translating selected information that has been provided as part of decision making. This could be relevant, in particular when the decisions affect consumer products.

MSCAs could also publicise information available early on in the restrictions process, such as information on the registry of intentions to submit Annex XV dossiers. This could be done by linking ECHA's registry of intention web-page to that of MSCA.

They could also try to raise public awareness of requests for information which arise under the restriction process, as well as the authorisation process by linking to ECHA's public consultation websites Although this might be focused on substances in which a specific Member State has a particular interest, it could also be beneficial to publicise all such requests to help ensure that all potentially interested parties are informed, and by that increase the likelihood of relevant information being provided (a downside to this could be that it could encourage irrelevant submissions).

In any case, the MSCAs' communication should not depart from the legal and scientific argumentation provided in the decisions on restrictions.

Enforcement

MSCAs may want to provide information on their Member State's enforcement activities to the public as part of building trust amongst the general public. For example, they could provide an overview of the inspections/examination carried out, reporting on compliance with the regulation as well as any non-compliance. This would help to demonstrate to the public (and to actors within REACH) that the system is being enforced effectively. (Note that issues might arise if only low levels of compliance were found, or only limited numbers of inspections were carried out.)

Member States have to provide a report to the Commission every five years, which has to include a section on enforcement, and this could form the basis for communication to the public. (Alternatively, more frequent communications to the public over the five year period could be used to help compile the report to the Commission.)

Another example relates to the approach to risk communication and its link with enforcement communication in the Netherlands (Food and Consumer Product Safety Authority). This involves communicating about the consequences of non compliance for businesses and at the same time communicating about the consequences (the risks involved) of non compliance for the public, helping to stress companies' responsibilities for public safety.

Appendix D
Examples of tools to aid risk communication

Dealing with the media

The Swedish Chemicals Agency has a list of key points to pay attention to when dealing with the media. These considerations can help in ensuring that information provided is accurate, timely and appropriate.

Points to pay attention to in contact with journalists

- *Find out what the journalist wants to know. Is it a policy issue? Is an expert needed? Who should answer: a director, an expert or another competent officer?*
- *Take your time to consider and find facts. Say that you will call back in 20 minutes.*
- *Make a quick analysis: What has happened? Why has it happened?*
- *Be prepared for very difficult questions and adequate answers.*
- *Decide what you would like to say, i.e. your message, and say it early. Repeat it, if necessary.*
- *To avoid misunderstandings, say that you would like to read the text.*
- *Show respect and set aside enough time for the journalist.*
- *Talk and listen: do not lecture, avoid technical language, use easy words, be honest.*
- *Keep your promise to call back.*
- *Always tell the truth.*

The OECD's guidance document on risk communication for chemical risk management also provides a range of other information that may be useful to MSCAs in communicating with the media. It includes information on press releases and press conferences in particular.

Examples of websites and other electronic communications

Italy: The Italian Ministry of Health publishes 'chemical safety' information on its website, aimed at informing the general public on the most relevant issues regarding risks for human health arising from chemical substances. For example, it includes relevant issues for asbestos, methanol and alkyl nitrites. For Methanol cases of intoxication to methanol in Sicily due to misuse of the substance as a surrogate for ethanol (alcohol) prompted the Italian authorities to adopt measures to inform the most exposed sub-populations (generally non-native people). As a first approach, risk communication fact-sheets on methanol were distributed among the potentially exposed workers, including in languages other than Italian. During the emergency, the main page of the website reported alerts and emergency information on the substance.

Netherlands: Interested members of the public, stakeholders and the press can have a subscription to news and updates on the website of several relevant governmental organisations,

such as the Food and Consumer Product Safety Authority. They automatically receive an e-mail with updates.

UK: The UK competent authority provides an e-bulletin on activities and news related to REACH. Details can be found at: http://www.hse.gov.uk/news/subscribe/reach.htm.

Appendix E
Public perceptions of risk

The public will tend to be more frightened of risks which are perceived:

- *To be involuntary (e.g. exposure to pollution) rather than voluntary (e.g. dangerous sports or smoking).*
- *As inequitably distributed (some benefit while others suffer the consequences).*
- *As inescapable by taking personal precautions.*
- *To arise from an unfamiliar or novel source.*
- *To result from man-made, rather than natural sources.*
- *To cause hidden and irreversible damage, e.g. through onset of illness many years after exposure.*
- *To pose some particular danger to small children or pregnant women or more generally to future generations.*
- *To threaten a form of death (or illness/injury) arousing particular dread.*
- *To damage identifiable rather than anonymous victims.*
- *To be poorly understood by science.*
- *As subject to contradictory statements from responsible sources (or, even worse, from the same source) (DOH, 1998).*

All of these factors can be of relevance when communicating about the risks of chemicals and risk communications should take these into account.

It is important to note, however, that more information and knowledge will not necessarily have much influence on the perception of risk. Therefore it is also important to identify why people are or are not afraid and to address those issues.

European Chemicals Agency
P.O. Box 400, FI-00121 Helsinki
http://echa.europa.eu
1

2

3

4