



Chemical distributors have a key part to play in the transmission of information required by Reach, but delays, uncertainty and confusion are not making it easy for them to fulfil their role, explains Anna Jagger

CHEMICAL DISTRIBUTORS have a key role to play in the implementation of Europe's new chemicals legislation - supplying information up and down the supply chain between manufacturers and suppliers. The task has been complicated by delays in the provision of technical guidance and the misinterpretation of the legal text.

Understanding the legal text of the new Reach (registration, evaluation, authorization and restriction of chemicals) legislation has caused huge problems, says Peter Cooper, Reach technical support officer at global chemical distributor Univar. "Sometimes people misquote and interpret the legislation in the way they want to."

In many instances, technical guidance was not available at the right time or was not

detailed enough, say distributors. As a result, the process of supplying information on substance end-uses from end users to suppliers, for example, became hugely complicated.

"We need more technical guidance because Reach tackles so many issues," says Patrice Rollet, managing director of Inventec Performance Chemicals and chairman of the FECC's safety, health and environment (SHE) committee. "Even in 100-plus legal texts, you cannot give enough clear descriptions so people know what they have to do."

For example, more precise guidance is urgently required on the compilation of exposure scenarios for mixtures of substances, he says. "The technical guidance is not completed yet. We need the final technical guidance so we all know our

technical responsibilities."

Reach is estimated to cover some 30,000 substances. "That means perhaps millions of mixes of these substances and perhaps billions of uses. It's very complicated," Rollet adds.

While the main role of distributors is as an information conduit, distributors do have to register substances that they import into the EU. In addition, many distributors are also formulators, which means they are counted as a downstream user under Reach. For example, Inventec, which formulates and distributes specialty chemicals, is classified as a distributor, downstream user and importer under Reach.

The main task for distributors so far has been to pass information about the substance end-uses from their customers, the

end users, to the respective suppliers. The initial deadline for the end users to supply this information, for high volume substances, was 30 November 2009 - one year before the deadline for registrants to submit their registration dossiers.

Under Reach, substances manufactured or imported into the EU in quantities over 1,000 tonnes/year and those that are the most hazardous to the environment (100 tonnes) and to humans (above 1 tonne) must be registered by 30 November 2010. After that date, it will be illegal to manufacture or sell such a substance within the EU that has not been registered, says the European Chemicals Agency (ECHA), the body implementing Reach.

The process of supplying the end-use descriptors to suppliers was complicated, says Cooper, by disagreement about how to interpret the legal text. According to the Reach legislation, downstream users have the right to inform the registrants of their uses,



but some manufacturers misinterpreted the text to mean that the onus was on the downstream to inform registrants of their uses, he explains. "That caused a lot of confusion in some European countries," he

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says. "Our Reach teams in Univar France, for example, were inundated with demands for uses from manufacturers."

The process was further complicated by the failure of the plan for aligning the use descriptors, notes Fabrice Delhaise, Reach coordinator at Brenntag Europe. The plan was for suppliers to start the process by providing end users with a list of the uses they planned to include in the registration dossiers and then to ask downstream users for additional uses.

"This did not happen in time, so we had to reverse the process and had to ask our customers to provide their uses. As a result, we had to forward more than 1m uses to the suppliers," he says. "There was large-scale duplication. Instead of receiving two or three

uses per customer, we were receiving 50 or 100 or more."

Some manufacturers "were so busy preparing their dossiers that they could not prioritize the use alignment process," Delhaise adds.

The resulting administrative burden was huge, remarks Kevin Parker, Reach leader for Europe, the Middle East and Africa (EMEA) at Univar. "For some products we have hundreds, if not thousands, of customers across Europe and getting a response back from all of them just overwhelmed the data channels," he says. "There was a flurry of activity in October and November 2009 ahead of the 30 November 2009 deadline. That took a lot of people by surprise."

ECHA says it has identified just over 4,400 substances that need to be registered by 30 November 2010. Registrants are expected to submit the bulk of their registration dossiers during the summer.

While the registrants are busy preparing the dossiers and chemical safety reports, distributors are experiencing a lull in Reach activity, says Parker. "People are sighing with relief because one of the deadlines has passed. Now we're in this quiet period. In the meantime, Univar is continuing its dialogue with suppliers and customers, to ensure that customers are informed of any progress."

The next key responsibility for distributors will be to pass safety data sheets for registered substances to their customers for those substances. Under Reach, safety data sheets are required for dangerous substances or preparations or when substances are persistent, bioaccumulative and toxic (PBT) or very persistent and very bioaccumulative (vPvB). They contain the crucial exposure scenario document, which contains information for end users about the recommended risk management measures.

Particularly challenging will be the compiling of exposure scenarios for preparations of substances. "We cannot just staple together the five exposure scenarios for the five substances we put in our formulation. That would be maybe 250 pages long," remarks Rollet.

Brenntag agrees that creating a summary of the individual exposure scenarios is a more appropriate solution. "Officially you don't have to mix exposure scenarios," says Delhaise. "You are allowed, according to Reach, to forward all these individual exposure scenarios in one go, which would not be very helpful to customers. We are working to find a way to provide one document which collates everything."

Distributors cannot charge for forwarding information up and down the supply chain, as that is a Reach obligation, Delhaise says.

"However, preparing compiled exposure scenarios requires knowledge and additional resources and goes beyond Reach obligation."

The FECC is also urging ECHA to take further action to speed up the functioning of substance information exchange forums (SIEFs). Through the SIEFs, manufacturers and importers are expected to share substance toxicity and other data required for a designated lead registrant to prepare a joint registration dossier. But for SIEFs that do not contain an EU manufacturer, there is often no lead registrant and that is delaying progress.

ECHA should inform the SIEF members that if there is no lead registrant, then one of the importers or an EU-based representative of the manufacturer (known as the "only representative") should take the lead, suggests Rollet.

The FECC has already successfully lobbied for formulators to be able to omit from the safety data sheet the last four digits of a substance's Reach registration number. Providing the full number is commercially sensitive because it would



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reveal the origin of supply. "Finally, the EU's Reach Committee decided that for risk management purposes they could drop the last four digits from the safety data sheet," says Rollet.

Responding to widespread request for more information, ECHA is continuing to issue additional technical guidance on Reach implementation. But the agency must accept registration dossiers that companies have prepared using older guidance, Rollet says. "We don't want people who have been working early to be penalized."

It is widely accepted that pushing back the registration deadline for registration is not going to be acceptable politically. Therefore, the Reach authorities and member states must be flexible, he stresses. ■