Safety Data Sheets (SDS)

- The REACH Regulation places a duty of information on suppliers.
- The suppliers of substances or mixtures must provide their customers with an SDS where the substance or mixture is hazardous or dangerous; persistent, bioaccumulative and toxic; or included in the candidate list for any other reasons.
- An SDS must contain all 16 sections specified in Annex II and the corresponding sub-sections.
- An SDS must be provided on paper or electronically, not merely stored on a website or database.
- SDSs must be supplied in an official language of the Member State where the substance or mixture is placed on the market.
- Keep in mind – suppliers retain ultimate responsibility for accuracy.
- Suppliers must update and re-issue SDSs without delay when:
  - New information that may affect risk management becomes available.
  - An authorisation is granted or refused.
  - A restriction is imposed.
- A revised SDS must be provided to all recipients who received the substance or mixture within the preceding 12 months.
- All SDS versions, including the information used to compile them, must be stored for a minimum of 10 years to comply with REACH.

REACH Enforcement

- Member States are responsible for enforcement of REACH
- The Commission monitors enforcement in Member States
- Types of enforcement may vary from country to country, in the UK:
  - Exhaustive listing of cases constituting an infringement of REACH.
  - REACH enforced through enforcement notices and criminal law.
  - No distinction between natural and legal persons in terms of financial penalty.
  - Main criminal sanctions: fine and imprisonment.
  - Fines can be unlimited.

Further Help & Information

The Composites UK Material Suppliers Sub-Group meets on a quarterly basis. For more information on how to get involved, visit:
www.compositesuk.co.uk/industry-support/sub-groups

Should you have any other queries please contact the main office:

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REACH Responsibilities:
Current Status and what the Future Holds

The Basics

- REACH has been in force since June 2007.
- REACH applies to substances, mixtures and products ('articles'), but only substances are registered.
- The law requires the involvement of manufacturers, distributors and downstream users of each of the above.
- UK REACH helpdesk:
  Website: www.hse.gov.uk/reach | Email: ukreachca@hse.gsi.gov.uk

Registration

- One substance = one registration.
- Any manufacturer or importer of a substance, either on its own or in a mixture, in quantities of 1 tonne or more per year has to register the substance with ECHA (European Chemicals Agency).
- The third and final deadline for registration is 31 May 2018.
- Only EU manufacturers and importers can be registrants.
- Joint submissions are mandatory. In 2016 ECHA will block individual duplicate registrations so find your co-registrants – check the pre-registrants for your substance, look for the lead registrant.
- ECHA gives advice on registration and has specific advice to help SMEs.
- The principle is that if a substance is not registered then it cannot be used in the EU.
- For already-registered substances you will very likely need a letter of access from earlier co-registrants to make use of their registered data as part of your registration.
- For 1-10 tonnes pa the data requirements are less onerous. Over 10 tonnes pa requires a chemical safety report – data quality is essential.
- Bear in mind that registration dossier preparation can take years not months.

Evaluation

- The registration of substances is subject to two types of evaluation: dossier and substance.
- Dossier evaluation including compliance checks of registrations is carried out by ECHA.
  - Focus is on substances that are of most concern.
  - You have 30 days to reply on a draft decision.
- Substance evaluation is carried out by ECHA in cooperation with Member States' authorities.
  - CoRAP (Community Rolling Action Plan) is an annually published list of the substances to be evaluated by Member States in the coming 3 years.
  - ECHA published the CoRAP list for 2015-17.

Appeals

- An appeal can be made against an ECHA decision; commonly appeals are received with regard to evaluations.
- Three months deadline is applicable to make an appeal, and a fee is payable.
- Once an appeal is lodged the process has a suspensive effect on the decision.

Authorisation

- The aim is to control the risks from dangerous substances, or that substances are replaced.
- A manufacturer, importer or downstream user must not place a substance on the market for use or use it himself if that substance is included in Annex XIV of the REACH Regulation.
- Companies will have to lodge applications for authorisation unless there is a specific exemption for a particular use.
- Best route is to try to find an alternative substance.

Restrictions

- The restrictions procedure is a safety net to address unacceptable risks arising from the manufacture, use or placing on the market of substances.
- Any substance on its own, in a mixture or in a product may be subject to restrictions.
- Restrictions are included in Annex XVII of the REACH Regulation.

SVHCs and the Candidate List

- The candidate list has 163 substances on it. It is updated, generally, in June and December each year.
- Obligations are linked to substances on their own, in mixtures or in articles.
  - EU suppliers have to provide their customers with a Safety Data Sheet.
  - For articles, EU producers or importers have to notify ECHA if their product contains a substance on the Candidate List.
    - If the substance is present in quantities totalling over one tonne per producer or importer per annum.
    - If the substance is present in those products above a concentration of 0.1%.
    - Limited exemptions from the notification obligation apply.
  - Information obligation.
    - For SVHCs present in products in a concentration above 0.1%, the recipient must be given sufficient information for safe handling, including as a minimum the name of the substance.
    - Consumers are not deemed 'recipients'. Therefore, it is not obligatory to provide such information to consumers, unless they explicitly request it.
    - Such information should consider the entire life cycle of the product.
    - In the UK and most EEA Member States, 0.1% applies to the product as produced or imported, not to the homogeneous materials or parts of the product.