

# The implementation of REACH: stakeholders' initial perspectives

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# Stakeholders

- Government (44)
  - European Commission
  - European Parliament
  - EU Member States
  - Non-EU country
- Civil society (13)
  - Academic researchers
  - Environmental and/or health NGOs
  - Trade unions
- Industry (17)
  - Chemical manufacturers/importers
  - Downstream users
  - Industry association secretariats
  - Consultants



# Overall perspective

- REACH has good intentions and we accept that it exists (regardless of how we criticized it while it was in development) and:
  - We want to make sure we can comply with it (industry)
  - We want to make sure we can implement and enforce it (government)
  - We want to make sure that it accomplishes its ambitious goals (civil society)

# ECHA

- Centralization works
  - Centralized regulation implemented by central agency is good (all)
- Technology has made the implementation of REACH possible (even if REACH-IT is flawed)
- Language barriers exist
  - Best practice: ECHA and national help desks prioritize translation
- Guidance documents
  - Lengthy but necessary process (government)
    - But industry gets impatient
  - Guidance documents must be more user-friendly (industry)
    - ECHA developed guidance in a nutshell
- Timeline is feasible (even with CLP) (government)
- Strong stakeholder engagement policy (all)

# Registration

- No data, no market principle is good and is working (all)
  - Increased information about chemicals is good (all)
    - But not always enough information for risk management (government, civil society)
  - Low-volume chemicals
    - Lower information requirements practical (government)
    - But inadequate health and safety information (civil society)
- Pre-registration successful but uncertainties led to unnecessary pre-registrations that complicated SIEF formation
- SIEFs are not working smoothly so far
  - Consortia are the most functional unit within SIEFs to work
    - But cooperation between consortia and non-consortia members (especially SMEs) must improve
  - Not enough lead registrants
    - Responsibility and incentives are unclear
- Joint submission good in theory but difficult to achieve in practice
- Compliance is costly
  - Data sharing/access costs within SIEFs are high (especially for SMEs)
  - Registration fees are a relatively small cost
- Supply chain communication has improved, but still difficult

# Evaluation

- Emerging issue: what will the quality of the information in the registration dossiers be like?

# Authorization

- The candidate list exists (government, civil society) and:
  - The pace of the candidate list is satisfactory given government capacity (government, industry)
  - There are too few chemicals on the candidate list (civil society, government)
- The candidate list creates market-based pressure for substitution from consumers and retailers (civil society, government, industry)
  - The candidate list is a de facto black list (industry)
- Outstanding question: what is the role of the candidate list? Is it to get more information about chemicals and/or to serve as the first step before authorization? (government)

# Restriction

- Emerging issue: when should authorization vs. restriction be used?

# Data dissemination

- Registration dossiers will inform:
  - The creation of SVHC dossiers for authorization and restriction proposals (government)
  - Business efficiency and innovation: companies will have increased knowledge about what they manufacture/import and the supply chain in which they operate, which could spur greater efficiency and innovation (industry, government)
  - Consumer choice of products (civil society)
    - But consumer right-to-know not always realized: requests unanswered or inadequately answered (civil society)
  - Risk assessments and risk management (civil society, government)
- Confidential business information:
  - Confidentiality fees work (government)
  - Confidentiality criteria must still be determined and clarified (all)
    - Confident that confidential information will be maintained (industry, government)
    - Want to maximize the amount of publicly available information (civil society, government)

# Enforcement

- Harmonizing enforcement across MSs
  - Forum is doing well, but there are still challenges (including with substances in articles)
- Harmonizing enforcement within MSs
  - MSs are doing well, but there are still challenges (including with customs)
    - Forum is helping
  - Best practices:
    - Centralized chemicals agency
    - Proactive national help desks
    - Building upon pre-existing enforcement networks
- Dissuasive, proportionate, and effective penalties
  - Penalties for non-compliance must be higher than costs of compliance (which are already high)
    - Not always possible under MS laws

# Conclusion

- Looking to history
  - US: TSCA had good intentions, but implementation failed (government, civil society, industry)
- Looking to the future
  - EU: REACH had good intentions, and implementation was successful (all)
    - Make SIEFs work
    - Continue to work towards harmonized enforcement (EU and MS levels)
    - Clarify policies where legal interpretations are contested (confidentiality, substances in articles, etc.)
    - Continue to be responsive to each other