

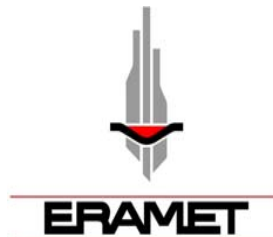
# ***REACH: what is at stake ?***

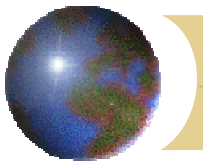
**Catherine TISSOT-COLLE**

**OHES Committee Chair**

**Vice-President Environment & Industrial Risks – ERAMET**

**IMnI Annual Conference – St Andrews – June 2005**



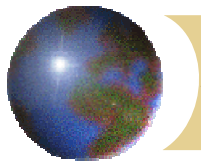


# *What is REACH ?*

## **● The most advanced and ambitious proposal of the European Commission regarding products policy**

- A first step towards the so-called 'Integrated approach': products life cycle
- Initiated in February 2001, at the moment under discussion in both Member States and European Parliament
- Expected to enter into force by 2007
- Based on the idea that the present regulation system is not sufficiently efficient and comprehensive
- Announced as being a simplification of the regulation, the text is 1200 pages long!





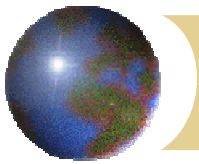
# *REACH: the content*

## ● **REACH is the new EU Chemicals Policy**

- **REACH : Registration, Evaluation, Authorization of Chemicals**
- A huge change in “philosophy”
- The main idea is to reverse the burden of proof of the safe management of “chemicals” from the Authorities to industry
- Industry will have to produce for all substances produced or imported in Europe a comprehensive document presenting:
  - The hazards of the substance : health, toxicological, ecotoxicological data
  - The risks attached to its production and different uses
  - The way it intends to master and limit these risks: risk management
  - Including the downstream uses up to the end of life of the substance

➤ **“No data, no market”**





# *REACH: the political context*

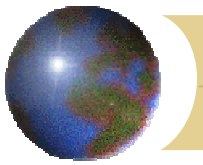
## ❁ **REACH objectives are perceived and presented as unanimous**

- ❑ Cleaner EU environment
- ❑ Better health for EU citizens
- ❑ Polluter pays
- ❑ Supposed to be beneficial for EU industry development
- ❑ Encourage substitution of substances of high concern

## ❁ **A major ambition for the Greens and the NGOs**

- ❑ Top priority issue in EU
- ❑ REACH is at once in a political lifetime opportunity to achieve ambitions of "control"
- ❑ "Today the EU, tomorrow the world"

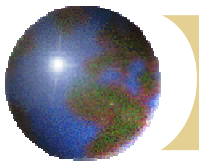




# *REACH & metals*

- For more than 40 years, metals have been trapped into the chemicals EU regulatory system
  - They are treated as « substances »
  - Alloys are considered to be « preparations »
  - Substances are classified according to their intrinsic hazards properties
  - Preparations are classified as well according to the percentage of hazardous substances they contain
    - Ex.: 0,1% for carcinogenic substances
- A dozen other major industries such as cement, glass, paper, ceramics, etc. are also concerned by the project
  - 360 Bn€ of turnover, 1500 million tons of annual production, 2 million jobs





## *REACH: our stakes – the scope*

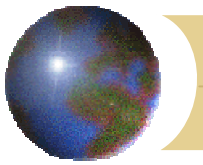
### ✚ **With respect to the scope, almost all our products are at the moment included in REACH**

- Primary raw materials: minerals, ores and concentrates
- Secondary raw materials: waste for recycling
- Metals and their compounds
- Alloys through the “substances” they contain

### ✚ **The industry position**

- ✚ Being positive and pro-active by proposing amendments to the text in the aim of making it “workable”
- ✚ Asking for the exclusion of both primary and secondary raw materials from the scope
  - Given that crude oil, natural gas and coal are excluded !





## *REACH: the prioritisation system*

### ❖ **All substances produced above 1t/y are included in REACH**

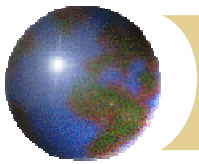
❑ Depending upon the tonnage produced (1t, 100t, 1000t), the requirements

- become increasingly stringent
- have to be fulfilled within a more limited time frame (3 years if >1000t)

### ❖ **Industry position**

- ❑ Asking for a prioritisation system not only based on volumes
- ❑ Taking into account a tiered approach of actual risks





## *REACH: the alloys issue*

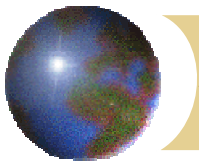
### ⊕ **The proposed system for the classification of alloys is not adapted**

- ⊕ From a scientific point of view, the intrinsic properties of alloys are not the sum of their constituents
- ⊕ This point has been already accepted, in principle, by the European Commission but without any concrete decision

### ⊕ **Industry position**

- ⊕ Asking that alloys be recognized as "special preparations"
  - Definition in legal text
  - Appropriate and proportionate assessment methodologies
- ⊕ More generally, for both metals and alloys, asking for having lighter load for products under massive form

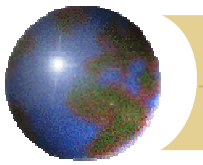




# *REACH: the substitution issue*

- **According to the project, substances classified as being of very high concern (ex : carcinogenic, reprotoxic, mutagenic - proven for animals or human beings)**
  - Require authorizations, use per use
  - Should be substituted as soon as technically and practically possible
  - Many NGOs and some politicians are pushing to
    - Make the substitution mandatory in principle
    - Are explaining that this constraint will promote innovation and industry development
- **Industry position**
  - Promoting a pragmatic and realistic approach to substitution by presenting the reality of the industry's complex chain
    - Ex : up to 200 substances are necessary to produce an electronic component, including some that are CMR in small quantities

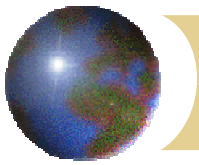




# *REACH : economic aspects*

- **From the beginning, the costs evaluation mentioned by the European Commission are under-estimated**
  - They are only considering the direct costs, not taking into consideration the authorization consequences
  - The figures produced are too low
    - <500 K€ for a >1000 tons substance
    - To be compared to the actual Risk Assessment processes  
ex : Ni – up to 15 M\$ already spent
- **Many impact studies, partial, contradictory and challenged, have been published**
  - Actually, despite political pressure at high level (Blair, Chirac, Schröder), no comprehensive Business Impact Study
  - Both direct and indirect costs will impact industry, especially SMEs

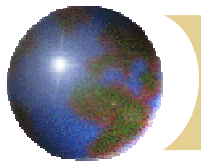




# *How to anticipate REACH ?*

- **One fact is certain : REACH will happen**
  - It is consistent with the way society is moving
  - It is an answer to political pressure
- **European importers, their customers and the producers in the EU will all be concerned**
- **As of today, despite its economic size, the Mn industry is late compared to many other metals : Pb, Zn, Ni, Cu, Co, Cr, W**
  - Mn has never gone through process of Risk Assessment
  - Mn is a “data poor” metal
- **Other regions of the world are interested in the REACH approach**
  - **REACH is not only a regional issue**





# *How to anticipate REACH ?*

## ⊕ **As Mn industry, we must anticipate**

- ⊕ By being involved in the advocacy actions conducted vis-à-vis Authorities and politicians to modify the project
- ⊕ By developing knowledge and data on our products
  - In both professional organisations (IMnI) and at company level, it is of utmost importance to
    - Evaluate the impact of REACH at each level
    - Determine the appropriate budget and means
    - Fill data gaps in the fields of human health, ecotoxicology, etc.

- ⊕ REACH offers industry the possibility of creating “consortia” to meet REACH requirements

## ⊕ **As OHES Chairman, my recommendation would be to strengthen the IMnI staff as soon as possible**

