



Keven Harlow's Biography

Dr Harlow was appointed to head the International Manganese Institute's (IMnI) REACH Mn Consortium in 2007; a consortium of 43 member companies covering the global Mn and Fe(Si)Mn industries. Dr Harlow first became involved with REACH in 2006 and has initiated REACH activities in several European organisations. He is currently the IMnI's Regulatory Affairs Manager.

Prior to this, Dr Harlow worked in various roles for over 20 years in the international non-ferrous and ferrous industries, as a senior executive with a widespread experience; notably in sales, marketing and manufacturing.

Dr Harlow holds a PhD in metallurgy from the University of Nottingham, UK.



Regulatory Developments - a global overview

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Overview:

Our industry is facing a dynamic, rapidly changing and more demanding system of chemicals' regulation.

The global regulatory burden will grow

Why are regulations growing?

1. Established authorities cannot cope with the number of chemicals: $\geq 100,000$
2. Developing economies desire to keep-up
3. Easy copy/paste of proven regulations
4. New technologies (eg nano particles)
5. Politically motivated (the 'green' agenda)
6. Growing NGO* and consumer rights pressure – a new era for the metals industry

*NGO: non-governmental organisations

Consumer concerns:

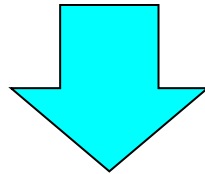


A few regulatory facts:

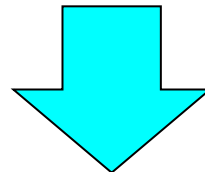
- **Everything is toxic:** it just depends on the dose
- **Metals are 'chemicals'** for most Regulators
- High tonnage + widely used = **higher risk (?)**
- **Burden of proof** pushed to industry: this is new
- **Precautionary Principle** is the driver.

Precautionary Principle:

“Guilty until proven innocent”



**Highest quality, state-of-the-art
scientific data is needed**



Begin to defend our industry

Metal-specific challenges:

- Metals are often included as an afterthought into chemical regulation (specific tools are needed)
- Special characteristics of alloys are overlooked
- Implications on activities such as scrap (waste) and recycling (recovery)
- Metals/alloys are HPV* with wide dispersive use
- Most metals are essential elements (human health)

*HPV: high production volume chemicals

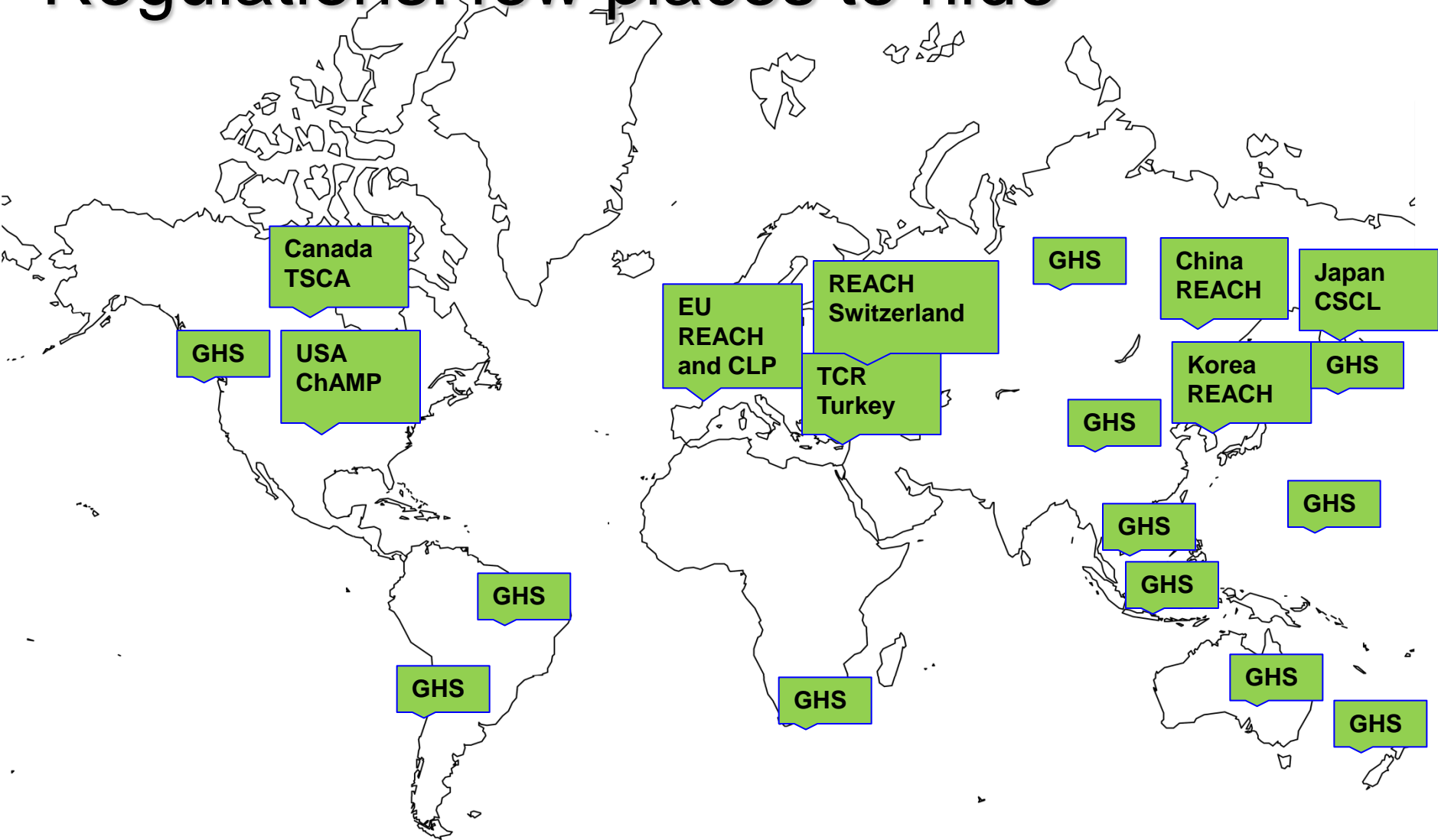
Regulations: a permit to trade: eg REACH

- Regulations are a business continuity issue
EU REACH: “No Data No Market”
- REACH enforcement = supply chain disruption
 - containers stopped at EU border
 - EU’s enforce I and II major campaigns
- Dissuasive penalties for non-compliance
 - unlimited in the UK, including imprisonment
 - Dutch ‘mailbox’ OR fined €100,000 per day

Where next?

- Speed – the global regulatory process is accelerating by copying established regulations
- Long-term harmonisation / convergence of regulations, with REACH (if it works) as a model
- Chemical regulation is not only a European challenge; preparations are underway worldwide

Regulations: few places to hide



Korean REACH:



- Ministry of Environment announcement 25 Feb 2011
- Draft Act to amend existing TCCA*
- Introduces many EU REACH concepts:-
 - . pre-registration / registration
 - . evaluation / authorisation
 - . joint-submission of data
 - . use of local (Korean) rep. for foreign exporters.
- Some key differences to REACH that need to be monitored closely (eg "potentially harmful")
- Spill-over to other Asian trading partners as they organise/re-organise their chemical legislation.

Help is available:

Don't underestimate the complexity of these updated and new regulations:

- Trade Associations, like the IMnI, can provide invaluable help
- Industry experience gained from REACH
- Collaboration = sharing the burden (eg consortia)
- IMnI, using its significant expertise, is now tracking regulatory creep and supporting its members in compliance activities.

IMnI's Regulatory Committee:

New initiative from 2011:

- Monitor and report on new laws and participate in “embryonic” regulations whenever possible
- Support your compliance with regulations
- Build defence case: socio-economic analysis (SEA)
- Monitor relevant legal action (eg welding fumes, air monitoring, children's health effects etc.)
- Network with regulators and other trade associations

Summary:

- Industry regulations are increasing in both scope and complexity
- Regulations are harmonising globally
- A permit to trade in regulated regions!
- Pushes responsibility to industry - a growing burden (cost) to us all
- Ongoing investment in high quality data
- Your IMnI is a strong, supporting partner



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Thank you...