Companies Look to Attain REACH Compliance Goal

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With REACH now fully in force, companies are obliged to declare which Substances of Very High Concern (SVHC) exceed 0,1% within their products. Such information has to be passed along the supply chain and, if upon request, to consumers. However, Non Governmental Organizations (NGO) in various European Member States have repeatedly found that a substantial number of consumer product suppliers were not well prepared for REACH, and were not able to communicate information on SVHC in their products to consumers within the legal time limit of 45 days.

In June 2007, the European Chemicals Agency (ECHA) was established. Its mission is to ensure the effective management of the technical, scientific and administrative aspects of the Registration, Evaluation, Authorisation and Restriction of Chemicals, known as the REACH Regulation (EC No 1907/2006). At EU level, REACH is applicable across a wide range of industries, giving consumers the right to ascertain from manufacturers whether certain dangerous chemicals, called Substances of Very High Concern (SVHC), exceed a set concentration in the products they buy. The aim of REACH is to ensure the protection of human health and the environment through a more effective and earlier identification of chemical substances and the identification of their intrinsic properties.

REACH does not limit the methods by which SVHC in consumer products can be identified. Different sectors may have different approaches in achieving REACH compliance. For instance, the electronic products industry may prefer to control dangerous substances in products by reviewing substances and materials declared by the corresponding manufacturers.

Recognizing the cost and difficulties that manufacturers and suppliers would have in managing requests for material declaration according to REACH, various industry groups in Europe (EICTA), Japan (JGPSSI) and the US (EIA & JEDEC) realized the need for some form of standardisation. Currently, however, there exists no official

format for the collection of relevant data and information, although there are some useful guidelines created by industry associations that are on occasion used for reference.

The global EE industry has incorporated measures for compliance with EU REACH regulation within the Joint Industry Guide known as JIG-101, an industry material composition declaration guide that facilitates the reporting of material content information across the global supply chain of the electrotechnical industry. The JIG guide represents industry-wide and global (US, EU, Japan) consensus on materials and substances that are relevant for disclosure when present in electronic products. JIG-101 applies to chemicals and substances that are supplied to original equipment manufacturers (OEMs) of electrotechnical products for incorporation into their products.

JIG-101 sets the minimum requirements for the declaration of chemical materials. Since not all SVHC are used in the electronic products industry, the association has designed a screening methodology to identify certain substances among the SVHC candidate list relevant to the electrotechnical industry. This guide may assist electronic products suppliers to comply with the communication of SVHC, known as Article 33, and other notification requirements (Article 7(2)) of the REACH regulation.

REACH is of relevance to manufacturers who already adhere to the EU RoHS Directive (Restrictions on Hazardous Substances). The current version of RoHS restricted a short list of hazardous substances with prescribed threshold limits. The European Parliament explicitly stated that the development of the RoHS Directive has to be in line with REACH. Future revisions of the RoHS restriction list may take into account Annex XIV (authorization list) and Annex XVII (restriction list) of the REACH regulation.

In the United States, the Toxic Chemical Safety Act (TCSA) 2010 (House Bill H.R. 5820) will reform the 1976 Toxic Substance Control Act (TSCA). On July 29, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 5820 but as yet no final decision regarding the adoption of this Bill has been declared. TCSA aims to establish a framework to ensure all chemical substances will be reviewed for safety, and restricted where necessary to protect public health and the environment. Similar to REACH, a priority list of chemical substances and mixtures will be developed under TCSA. The initial priority list consists of 19 chemicals and will be expanded to 300 within a year of enactment. For consumer products that contain the listed chemical substance or mixture, producers are required to develop a risk reduction management plan to achieve the risk reduction specified by the Administrator.

In 2008, the California Legislature empowered the Green Chemistry Initiative by enacting AB 1879, which requires the Department of Toxic Substances Control (DTSC) to enact the Safer Consumer Products Regulation. The second draft of the so-called “California REACH” regulation was published for public comment in November 2010 but no conclusion has as yet been made public. The draft regulation specifies the processes for DTSC to scientifically and systematically

identify and prioritize a list of chemicals with reference to REACH, TSCA and the Canadian Environmental Protection Act. The manufacturer of a consumer product that contains a substance of concern > 0.1% or a specified limit may have to perform an alternative assessment for the product or component. The proposal suggested that this regulation may not apply to all consumer products initially but will be extended progressively.

Despite the fact that REACH regulation is already in force, Non Governmental Organizations (NGO) in various European Member States have uncovered that a substantial portion of consumer product suppliers were not well prepared for REACH compliance, and could not communicate SVHC information upon request to consumers within the legal time limit of 45 days.
In October 2010, for instance, the European Environmental Bureau (EEB) report revealed that certain large European retailers are not adequately protecting citizens from harmful chemicals in everyday products. In view of the findings, European consumer councils will continue to educate consumers regarding their rights to ask for SVHC information in shops and more importantly consumer councils are set to both alert the national Environmental Protection Agencies regarding cases that break the threshold concentration limits for SVHC and urge the relevant agencies to take appropriate follow up action.

For many manufacturers within the global supply chain structure, an environmental strategy with the control of toxic substances forming a core element is now vital in order to navigate the legislations that continue to evolve, both within the US and worldwide. To that end, manufacturers require a third party independent inspection and verification that will enable them to identify, declare and manage the use of chemicals and substances that fall under the scope of REACH and RoHS.

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