

REACH REGULATION

UK Bitumen industry update February 2008

Introduction

The REACH regulation came into force in the EU on 1 June 2007. It aims to increase both human and environmental safety. It will extend and harmonise knowledge of chemicals, putting the responsibility on manufacturers and importers to show that a chemical can be used safely and, if necessary, tightening controls on the most hazardous substances. It also hopes to encourage development of safer new products. It affects all chemicals manufactured in or imported into the EU.

Legislation

Regulation EC No 1907/2006 is the central act of the new European chemical policy. It is often referred to as the REACH regulation and deals with the **R**egistration, **E**valuation, **A**uthorisation and **R**estriction of **C**hemicals. The REACH regulation was approved by the European Parliament in 2006 and came into force in the EU on 1 June 2007.

A new European Chemicals Agency (ECHA), based in Helsinki, will receive the basic registration dossier and control the data.

The full text of the legislation can be found at
http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm

Pre-registration

The dates for pre-registration of all chemicals are:

1 June 2008 – 30 November 2008

Pre-registration of chemicals is the responsibility of the manufacturer or importer. This applies to all existing chemicals manufactured or imported in quantities over one tonne per year.

Each manufacturer or importer of a chemical (an estimated 30,000 chemicals will be involved, including bitumen) must pre-register basic information on their substances with ECHA in the period 1 June – 30 November 2008. The information to be provided for the pre-registration is the same for hazardous and non-hazardous products and includes

- Chemical Identity – name, CAS and EINECS number
- Volume - tonnage band and envisaged registration date
- Identification of Manufacturer/Importer (M/I) – name and address of the legal entity responsible for the manufacture / import of the chemical

For further information on pre-registration requirements see Article 28 of REACH

Registration

Chemicals will then need to be registered with ECHA. This will involve provision of data on their hazards, characteristics and uses. Registration of chemicals will be phased into the REACH scheme between 2010 and 2018 depending on the quantity manufactured or imported into the EU. Chemicals not registered cannot be manufactured or marketed in the Community. Article 5: No data, no market.

The dates for registration are:

- 30 November 2010 for quantities >1000 tonnes per year, or >1 tonne per year for so called substances of very high concern (typically very hazardous substances)
- 31 May 2013 for quantities between 100 and 1000 tonnes per year
- 31 May 2018 for quantities >1 tonne per year

Manufacturers and importers of bitumen will therefore need to register by 30 November 2010.

ECHA will establish a Substance Information Exchange Forum (SIEF) for each chemical and identify a lead registrant to coordinate the submission of data.

The information submitted will be evaluated by ECHA and the most hazardous chemicals of "very high concern" will be subjected to authorisation; a process intended to identify risk reduction measures, identify the permitted uses for such chemicals and, eventually, lead to the phase out of such materials and replacement with less hazardous alternatives.

The registration process will require manufacturers to develop an enhanced safety data sheet which will include all the registered uses of the chemical.

Manufacturer / Importer

It is the responsibility of EU based manufacturers or importers to register their chemicals.

Manufacturers and importers will be required to document the safety of their substances in each of its applications.

They will have to secure comprehensive information on uses from their clients in order to produce a dossier detailing:

- the chemical's hazard properties
- information about the nature of various exposures throughout the entire life cycle of the product
- an analysis of the risks to health and the environment
- adequate safety recommendations for transport and handling.

Downstream User

Bitumen users should ensure that their suppliers are preparing for REACH registration and that their use of a product will be registered and covered by the exposure scenarios developed by the supplier. The supplier may require the user to provide additional information, such as exposure data, to support the use.

In some circumstances the user can register the use independently with ECHA. This may apply if the process is proprietary and confidential.

The REACH regulation applies to the vast majority of chemicals, and users should ensure that suppliers of chemicals are preparing to register their application.

The blending of bitumen with other materials does not normally constitute “manufacture” of a chemical and hence would not require registration under REACH.

In some circumstances a chemical reaction may occur and result in the need to register the reaction product. If this is considered likely the bitumen user should discuss this with the supplier of the raw materials to confirm what actions he needs to take or, alternatively, register the chemical independently with ECHA if the process is proprietary.

Summary

The REACH regulation came into force in the EU on 1 June 2007 and all existing chemicals must be pre-registered by 30 November 2008. Bitumen suppliers are preparing to pre-register their products and feedback from bitumen users is essential.

Frequently Asked Questions are answered on the RBA website <http://www.bitumenuk.com>.

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