

REACH:

The pros and cons of chemical control

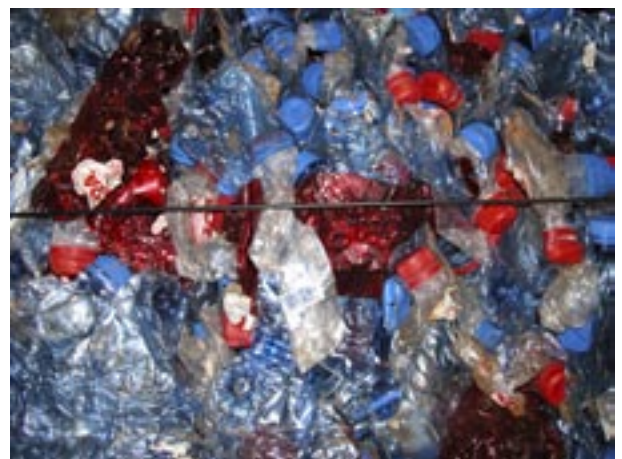
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REACH is an ordinance concerned with the "Registration, Evaluation, Authorisation and Restriction of Chemicals".

The schedule for the project has basically been settled: On June 27th, 2006, the convention of the ministers for environment has passed the common standpoints of REACH. On December 11th, 2006, the second reading in the EU-parliament will take place and REACH will possibly be ratified. In that case, it is reckoned to come into effect in April 2007. During a transition period of 12 months, a European agency for chemicals substances will be set up in Helsinki as well as national information points in every state. It is their job to advise producers, importers and downstream users on their rights and duties according to REACH and above all on the registration of substances.

100000 chemicals – vague information

This is not an easy job. There are about 4000 "new" chemicals, that were produced after 1981 and whose authorization has been subject to tougher controls. But there are also 100,106 "old" substances that had been on the market before 1981, at a time where strict health and security checks of chemicals were not the rule. According to the European Commission, information about the owner, the use and the risks remains vague for 99% of the total volume of chemicals. Although substances with more than 1000 tons of production volume per year have been analysed more closely, there is no information available at all on 21 % and only insufficient information on 65% of the chemicals. According to the website of Euractiv.com, the European Commission and its member states have concentrated on identifying 141 chemical substances since 1993. So far, the analysis of 39 of them has been completed.



The handling of secondary resources has been field-tested for decades

The new goal of REACH is to consider not only the properties, but also the further usage of the substances. Therefore, the whole value creation chain will be taken into account from the moment when the substances are put into circulation for the first time. Producers are urged to pass on the information to the downstream user in the supply chain; it is the user's responsibility to inform the producer of usage that has not been registered so far. REACH is supposed to channel all the information collected along the value creation chain and thus create a self-responsible risk-management of the economy.

Personal responsibility and shifting the burden of proof

REACH is attempting to transfer the responsibility for controlling the security of chemicals from the national authorities to producers and importers according to the principle of shifting the burden of proof. After the ordinance has been put into practice, they will be responsible for obtaining the data necessary for the evaluation. They will also have to prove that their products can be handled safely in material and processed form and will neither be hazardous to the health of further processors and final consumers nor unduly pollute the environment. Producers and importers are supposed to pass on information on the chemical substances to every sub purchaser and downstream user.

Obligatory registration for 30000 substances

In general all chemicals that are produced in annual amounts that exceed a ton per producer or importer have to be registered from 2007 or 2008 on. If the amount exceeds 10 tons a year, chemical security reports have to be made. The European Commission has to decide whether or not and how substances with a high danger potential may be produced or put on the market. 30,000 substances per year are produced in amounts that exceed a ton and are therefore liable to the REACH legislation. 12,000 substances, that are imported in small amounts, do not have to undergo a complete security check. In addition, the remaining 70,000 known chemicals, whose produced or imported volume amounts to less than a ton, are not liable to the ordinance and do not have to be evaluated. In addition, the toxic value of some substances cannot be found out, as their formulation is kept secret.

Difficulties with cost benefit analysis of recycling material

Although the European commission tried to increase public acceptance before entering negotiations, the issue has turned out to be rather polarising. REACH has been met with general acceptance by trade unions, health organisations and environmental groups. Unions hope for healthier working places; doctors appreciate the new legislation in view of less damage caused to people's health, and environmental groups see the reforms as a step in the right direction of environmental and nature conservation.



An obligatory registration for chemical substances wins widespread approval

The industry, however, is less enthusiastic. The European Chemicals Industry Council for instance fears that REACH might lead to the banning of substances despite their positive socio-economic effects, even if there is no possible alternative yet. The Industry Association of Plastic Packaging even believes that REACH stands in the way of the idea of recycling, as it imposes conditions on recycling

that the producers actually cannot fulfil. The plastic processing industry and the recycling of plastics in general would break down, which would endanger the jobs of 10,000 workers in small and medium sized enterprises along with 1.7 million jobs provided by 40,000 enterprises all over Europe.

The cost benefit analysis of REACH is also difficult. In their Environment Fact Sheet of February 2006, the European Commission estimates that total costs, divided over 11 years, lie between 2.8 and 5.2 billion Euros. That is less than 0.1% of the annual turnover of the EU chemical industry.



Do the costs of a REACH-evaluation of recycled material outweigh the benefits?

and the commission. The cost estimations vary strongly depending on scenario they are based upon.

The benefit for the population is estimated to be more than 50 million Euros over a time of 30 years due to the reduction of chemically introduced illnesses. In addition, studies predict a significant cut down on costs in the environmental sector, for instance with the restoration of contaminated sites. About 40 sets of estimated results have been looked over by member states, industry branches, representatives of the member states

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