

REACH Club meeting at EH on 8 August 2010 commencing 10:00

Attendance: J Archer (JH), K Tucker (KT), A Zhecheva (AZ), Stephen Barker (SB), B Gay (BG), J Humphries (JH1), David Fenn (DF), T Hirst (TH), J Roberts (JR), C Evans (CE), T Imber (TI), M Wild (MW), J Henshaw (JH) and K Hoare (KH)

Apologies: P Lansdell(PL), B Ward (BW)

Please note that these are not minutes as such but a series of notes and observations and represent only a fraction of the extensive dialogue that took place

“It was reported that the meetings of the REACH club must respect individual and company confidentiality to ensure that anti competition laws are not breached and that items recorded are of a generic nature and are not allocated to any individual on behalf of their company”.

A report of a recent meeting at ADS concerning Hexavalent Chromium compounds at which the IMF and SEA were represented was given. Various actions will be completed by those present prior to their next meeting. The objective was to gather data and information on such things as best practice, collaboration to achieve authorisation and funding for research.

ECHA believed that companies would join together to apply for authorisation but due to commercial confidentiality this will be difficult – ECHA have been advised of confidentiality concerns by many industry associations.

A number of hexavalent chrome compounds have been put forward on the 3rd proposal for inclusion on annex 14. A number of these are widely used by manufacturing industry and pose a significant risk to industry as viable, approved alternatives are not yet available in many cases.

Where authorizations are required, these will only be granted if a company can prove that no alternatives exist that meet the technical, regulatory and economic criteria. A socio- economic analysis will be required by any manufacturing company as part of the authorization process if the company needs to continue using the substance beyond the sunset date. Continued engagement with the regulators, members of the European Commission and MEPs will be critical to resist the desire to include these hexavalent chrome compounds from being included on annex 14 and to support applications for authorization should that become necessary. As part of the authorization process, companies must be able to demonstrate a history of safe / controlled use and generic H&S data should be compiled to support this. Obtaining biological data is a problem but will provide important information when it is obtained. Companies need to organise collection of this data without infringing medical confidentiality of their employees.

A discussion on the impact of Design Authorities on the supply chain ensued. Authorisation may be prohibitively expensive for some sub contractors to apply for authorization in their own right. All levels in the supply chain will need to communicate to understand where collaboration can take place taking into account the anti-competition rules.

The definition of intermediates is being challenged and the desire is to get processing such as chrome plating included in the definition as this would mean that the use of the processing

chemicals would be exempt from the annex 14 requirements. It is very unlikely that this action will be successful.

The meeting agreed that Nickel issues are being well coordinated by a single focused organisation –the Nickel Institute. However there is not an equivalent champion for hexavalent chrome.

A major concern for end –users is the withdrawal from the market place of substances critical to them but not commercially viable for the producers.

Introducing alternative substances to new product designs is in progress and easier to implement than applying new substances to existing designs already in production. However there are not yet tested and approved alternatives for all of the substances under threat and therefore authorizations will be required for some new designs as well as for existing products.

As a result of the increasing number of substances being identified for the candidate list and annex 14, suppliers are ceasing production, changing formulations or withdrawing products without consulting or informing their customers in many cases. Downstream Users should pay particular attention to this issue and seek information from their supply chain in order to assess the implications of any change in chemical composition of the products that they rely on. Discussions on the difficulty of achieving this took place.

The group discussed the question of whether the IMF could in the future be recognised as an independent advisory body providing generic technical advice on new technological developments. It was believed that is already the case since seminars, conferences and dissemination are an important function of the IMF. The issue of funding research was discussed with concerns being raised about how this would affect subcontractors and commercial competition.

It was reported that the automotive sector has also experienced issues concerning REACH but that the End of life vehicle directive had impacted earlier than in the aerospace industry so many of the initial substances included on the current candidate list have been considered. As the candidate list grows they will experience similar problems and the impact of changes in supply chain processes will increase.

REACH is highly technical and it was agreed that lack of chemists in the supply chain is causing major problems since designers are not always aware of the chemical composition of some products. Greater awareness is needed throughout the supply chain to improve the knowledge of at risk substances and where they may be used.

Article 33 – 6 states in the EU want to interpret article 33 requirements more arduously than defined in REACH. This means that they want to enforce substance declaration for all subcomponents of a complex article i.e., once an article always an article for the purposes of article 33 declarations. ECHA have issued guidance declaring this to be in excess of REACH but noting that not all member states agree. A letter advising companies about this issue is being drafted and will be circulated by ASD. IMF will circulate this once it is available.

Next meeting 3 October 2011 at 10:00