

REACH Club meeting at EH on 18 April 2010 commencing 10:00

Attendance: C Phillips (**CP**), R Woodward (**RW**), J Archer (**JH**), K Tucker (**KT**), M Wild (**MW**), A Zhecheva (**AZ**), D Elliot (**DE**), J Humphries (**JH1**), B Gay (**BG**), T Hart (**TH**), H Skouby (**HS**), W Southall (**WS**), M Olsen (**MO**), K Baker (**KB**), J Swain (**JS**), C Kenward (**CK**), J Masterson (**JM**), R Curtis (**RC**), B Ward (**BW**), R Hoodless (**RH**), N Archer (**NA**), A Hadfield (**AH**), I Griffiths (**IG**), R Keal (**RK**), J Lee (**JL**) and K Hoare (**KH**)

Apologies: Stephen Barker (**SB**), G Armstrong (**GA**), A Phillips(**AP**), David Fenn (**DF**), Alison Atkins(**AA**), J Henshaw (**JH**), J Roberts (**JR**), P Bridger (**PB**), T Hirst (**TH**), C Arnold (**CA**)

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-they should be read in conjunction with attachments

As a result of the meeting held on 17 March with the H&SE enforcement team, this meeting was called specifically to discuss the implications and administration of Article 33 (A). The meeting also discussed SDS's and CLP (B) and the definition of intermediates (C).

A) Article 33 states:-

Intermediates are defined in article 3(15) of REACH as "A substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into another substance (hereinafter referred to as "synthesis"):

(a) non-isolated intermediate: means an intermediate that during synthesis is not intentionally removed (except for sampling) from the equipment in which the synthesis takes place. Such equipment includes the reaction vessel, its ancillary equipment, and any equipment through which the substance(s) pass(es) during a continuous flow or batch process as well as the pipe work for transfer from one vessel to another for the purpose of the next reaction step, but it excludes tanks or other vessels in which the substance(s) are stored after the manufacture;

(b) on-site isolated intermediate: means an intermediate not meeting the criteria of a non-isolated intermediate and where the manufacture of the intermediate and the synthesis of (an)other substance(s) from that intermediate take place on the same site, operated by one or more legal entities;

(c) transported isolated intermediate: means an intermediate not meeting the criteria of a non-isolated intermediate and transported between or supplied to other sites. REACH Article 3 (15).

In the absence of **JH**, **CP** made the presentation.

Points of note or clarification

- 1) manufacturers must try and identify what is an article in the supply chain from a supplier and as a minimum state what the chemicals are.
- 2) they may need to pass on information on how to handle items to conform to HSE legislation.
- 3) consumer can be identified as a passenger on an aircraft, or a maintenance fitter with aircraft refurbishment company.
- 4) Non compliance could lead to legal liability.
- 5) Companies are mainly receiving generic requests not specific against identifiable components.
- 6) Complications surround the design authority who are also the in-house plater.

- 7) Trade platers are treated as service providers and must not become the design authority for the process.
- 8) Although it is not a legal requirement to provide information, it should be a contractual item along the supply chain.
- 9) Long term objective of EU seems to be to produce a complete Bill of Substances for all component parts.
- 10) Ownership of the part in the supply chain needs to be established since it is important to ensure who is the design authority and what their responsibilities are.
- 11) Supply of spares and repairs within the supply chain must be declared making complications for OEM's.
- 11) Beware of so-called "Consultants" and their offerings.
- 12) Design authorities must establish what ISO/BSI standards are.
- 13) Ideally companies should incorporate Article 33 into ISO 14000 quality audits.
- 14) All this will increase workload on many plating/painting companies and hence costs.
- 15) There is a need for data to establish accurate weight gains when plating/painting –who should be responsible for this-the sub contractor or the design authority?

It was agreed that the SEA will produce a model letter to be sent to customers to help in identification of parts treated.

B) Extended SDS's

See attached example

DE warned that companies having Extended SDS's with exposure scenarios will have 12 months to comply. Exposure scenarios are for individual chemicals and not mixtures. **RW** stated that that until advised otherwise they are intending to provide best practice SDS's using the website as a reference point for individual chemicals. This will result in mountains of paperwork since COSSH assessments will also need to be incorporated.

C) Definition of Intermediates

(see attachments)

ECHA have responded to a request to clarify this definition but this has been questioned in law since it appears to be outside their remit. The Nickel Institute specifically have asked for a legal definition which would nullify the ECHA definition.

The reason that this is important to the surface finishing industry is that if plating solutions are not classified as intermediates, then authorisation and all that that implies will have a significant impact on the EU industry sector. Authorisation costs are for substance and each use!

Industry must now conduct a risk analysis at an early stage taking into account the socio-economic impacts as well-again a very expensive exercise which may or may not be taken into consideration by the Political powers.

Industry should be aware of the Scoring System in order to slow down the immediate impact of being added to SVHC list.

It was agreed that a letter produced by **MO** should be circulated to as many interested parties as possible to enable petitions be forwarded to both the address given at the weblink and to MP's to make them aware of the importance of this issue.