Can We Keep REACH from Exceeding Our Grasp?

Conference: Turning REACH Into An Opportunity
Panel: "Getting Information Through Supply Chains"
Lansing Community College -- September 27, 2007
Overview

- With REACH, an unprecedented level of data sharing is mandated *up and down* the supply chain
  - explicitly down
  - implicitly up
- Let’s consider:
  - Who is responsible for what under REACH?
  - What is the intent?
  - How can companies make their compliance options less burdensome, and maybe even advantageous?
Data flow in US and EU

- **In US**
  - suppliers must provide MSDS; downstream users may request additional data
  - no requirement for suppliers to obtain data from downstream users on further use
  - limited data flow required down the supply chain; no data flow expected up the supply chain

- **Under REACH**
  - suppliers must provide properties and safety data to downstream users
  - downstream users must either:
    - provide “intended use” data to suppliers, or
    - assume the supplier’s responsibility to prepare an exposure scenario and develop the safety data
Data Flow (continued)

- Why must data flow down?: You have to know what substance you’re dealing with, and how to mitigate its impacts.
  - REACH puts that responsibility on the original sources of the substance (“original” from the EU perspective – the manufacturer or importer)
  - Companies up the supply chain must send that data down
- Why must data flow up?: The impact of a chemical depends on the conditions of its use.
  - REACH requires the downstream user to:
    - ascertain that the supplier is actually in the EU (otherwise, the user assumes the responsibility of the importer)
    - tell the supplier about the intended use (otherwise, the user assumes the responsibility of the supplier)
  - Consequently, companies down the supply chain either must send that data up, or must themselves assume the responsibilities of companies higher up the chain
The Response

- A proposed approach:
  - The Oyster Principle
  - Minimize pain, maximize gain
Minimize Pain

- Worst case:
  - Every downstream user has a unique exposure scenario
  - Every supplier must prepare a unique safety data sheet for every customer, for every material
- Minimize duplication if specific industry sectors develop a set of base case exposure scenarios for the sector:
  - each downstream user need only gather data on exceptional uses
  - each supplier need only develop safety data for exceptional uses
Minimize Pain (continued)

- Sector-specific base case exposure scenarios:
  - will significantly ease regulatory compliance burden for both suppliers and downstream users
Maximize Gain

- Sector-specific base case exposure scenarios:
  - will provide framework for introducing risk-based assessment into chemical regulation (in the US and elsewhere)
Paul Chalmer
NCMS
(734) 995-4911
paulc@ncms.org