

REACH simplification should be about more than SMEs

Written by Martin Häusling on 14 June 2016 in Opinion
Opinion

When it comes to fixing the current problems with REACH, SMEs' concerns are addressed, and there are more pressing issues to be dealt with, argues Martin Häusling.



REACH dictates that by May 2018, all companies will need to register their chemical substances with the European chemicals agency (ECHA).

This includes substances produced in Europe, as well as those imported to the continent from a quantity of one tonne per year. Ten years after REACH came into force - or so ECHA promises - European citizens and businesses will, for the very first time, have a complete picture of the safety of the chemicals that they consume on a daily basis.

ECHA also pays merit to companies manufacturing, formulating, importing and using chemicals for taking their responsibilities on board, their resourcefulness and determination. This is all well and good, but this focus on SMEs overshadows the discussions that actually matter. The problems with REACH are elsewhere.

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The quality of many registration dossiers is simply just not good enough, there are hardly any new restrictions on chemicals posing an unacceptable risk and the substitution of substances of very high concern is far too slow. Above all, REACH has not been sufficiently implemented, and suffers from poor enforcement by the member states.

Granted, SMEs need technical support to comply with REACH, which they already receive. At the same time, the requirements for the 2018 registration of low-volume substances - which is particularly relevant for SMEs - are so low that any responsible company should be able to fulfil them.

In fact, within the context of the REACH review, the Commission is explicitly obliged to check whether or not the requirements for low-volume chemicals should be extended.

The Greens argue that there is an urgent need to extend these requirements. This will help identify trouble substances, and even more importantly, substances that could qualify as safer substitutes.

ECHA has just published a 10-year review of REACH. While it states that REACH has delivered on its objectives, it has also adopted 56 recommendations on how to improve it, including 18 commitments. Only one recommendation and one commitment are about simplification, illustrating how the whole debate about 'simplification' is merely a red herring.

Four recommendations and one commitment are about SMEs, essentially about maintaining the current level of support for small business. This shows that the concerns of SMEs - as valid as they are - are already being taken care of. The real problems are elsewhere.

Many recommendations point to important deficiencies: the urgent need to improve the poor quality of many registration dossiers; legislative action to ensure that industry updates its registration dossiers; amending the REACH annexes to provide clarity regarding the requirements for the registration of nanomaterials; reviewing information requirements and testing strategies for endocrine disruptors; increasing the number of suitable candidates for restriction; effective restrictions of substances of very high concern that are not authorised in the EU; addressing exposure of consumers to substances of very high concern in articles - and the list goes on.

These are only some of the examples of the many things that are needed to improve REACH, its implementation, and its enforcement.

Discussions during the legislative process for REACH over 10 years ago were dominated by alleged horror scenarios that might affect the chemical industry. None of these have come true. Instead, it is clear that the benefits of REACH far outweigh its costs.

The 2013 review highlighted a number of issues, but the Commission concluded against revising REACH. It is safe to assume that the same will apply for the 2017 review. First of all, we urgently need to ensure full implementation and enforcement of REACH as it stands, speed up restrictions and effective substitution of substances of very high concern.

Second, there are numerous issues that can be dealt with - and should be dealt with - as highlighted by ECHA in the context of the review without any revision in co-decision, e.g. clarifications and upgrades of the annexes on data requirements.

However, if all of them take forever, such as the modification of the annexes to clarify the requirement on nanomaterials, a modification that is long overdue and urgently called for by ECHA since many years, it will be many years from now until REACH fully delivers.

About the author

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