

# REACH Briefing Document

February 2023: Since this document was written, the UK has left the European Union. The EU REACH Regulation has been brought into UK law and is known as UK REACH. EU REACH and UK REACH operate independently. Where applicable, compliance with both sets of regulations is required. For more information visit the UK's Health and Safety Executive website at [hse.gov.uk](http://hse.gov.uk)

## What is REACH?

REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) is an EU Regulation that seeks to monitor and restrict the use and importation of certain chemicals/substances into the EEA (European Economic Area).

The regulation seeks to ensure that anyone importing or producing more than 1 tonne of a chemical substance per annum registers their activity with the European Chemicals Agency (ECHA).

It has also designated certain substances as 'Substances of Very High Concern' (SVHCs). SVHCs are substances that have a negative impact on people or the environment, Carcinogenic, Mutagenic or Toxic for Reproduction (CMR) and/or Persistent, Bio accumulative and Toxic (PBT) or very Persistent and very Bio accumulative (vPvB). The list of SVHCs, called the Candidate list, is under constant review, and can be found here <http://echa.europa.eu/web/guest/candidate-list-table>

The regulation not only applies to pure chemical substances but to mixtures of chemicals and finished articles too. If an SVHC is present in an article at a concentration of more than 0.1% weight by weight, then the person who imports the article or puts it on the market in the EU must give the user information on how to use it safely. The user in this instance is the next person in the supply chain. E.g., If you supply binding materials to a printer, then you must inform the printer on how to use the material safely.

Where an article has multiple components, (like a book) the ECHA states that the limit applies to the whole article. However, some may consider each element to be a separate article. As the regulation defines the level based on weight, this could mean that an article deemed to be outside the remit of REACH in one country could be within it in another. E.g., If the binding cloth in the previous example is used to make a hardback book, it is unlikely that the SVHC will be more than 0.1% of the entire book.

The regulation requires anyone who meets all of the following criteria to register and submit detailed information to the ECHA:

- The article contains an SVHC
- The substance is present in the article at a concentration above 0.1%
- The total amount of the substance present in all articles produced and/or imported which contain more than 0.1% (weight by weight) of the substance, exceeds 1 tonne per year
- The substance has not been registered for that specific use.

REACH is being phased in and the final deadline is not until 2018. However, the deadlines for registration are passing, the most recent one being May 2013, for those importing between 100-1000 tonnes per year.

So, anyone importing materials or goods or placing them onto the market in the EU is affected by REACH in one way or another. Even if it is simply to ensure that you do not meet the requirements for registration, much greater understanding of the materials used in the supply chain is needed.

## How does it affect the Book Industry?

The legislation will have the biggest impact on manufacturers and publishers but will also affect retailers as they are placing items onto the market. It is unlikely that they would meet the requirements for registration with the ECHA, but it is possible that an article they produce/sell may contain more than 0.1% of an SVHC and many retailers have already asked for declarations from publishers that their products comply with REACH.

To do this we must have a much greater understanding of the materials we use and their chemical composition.

## What do we need to do?

There are a number of things that we need to do:

- We need to understand our role in the supply chain (as defined by the regulation).
- We need to understand whether we handle substances, mixtures or articles.
- We need a much greater understanding of what chemical substances are contained in the materials we use and their concentration.
- We need a way of knowing whether we import more than 1 tonne of a given substance per year.

## Roles

We need to understand our role in the supply chain; the regulation identifies a number of roles. Those in the book industry are most likely to be:

- Producers of articles: Incorporate substances or mixtures into or onto materials to form an article. Examples include textiles, industrial equipment, household appliances and books. E.g., Printers.
- Importer: A company within the EEA that imports articles from countries outside the EEA. E.g., Publishers who import books from Asia.
- Article Suppliers: Those who place goods on the market in the EEA, including publishers and retailers.

If in doubt you can use the Navigator tool on the ECHA website to establish your role and the obligations associated with it. <http://echa.europa.eu/web/guest/support/guidance-on-reach-and-clp-implementation/identify-your-obligations>

## Obligations for importers and producers of articles

- Register with ECHA substances in articles intended to be released.
- Comply with existing restrictions (Annex XVII).
- Notify and communicate in the supply chain.
- Notify the ECHA if the substance in your article is on the Candidate List:
  - Above a concentration of 0.1% weight by weight.
  - Present in quantities over 1 tonne per year.
- Notify the ECHA within 6 months of the inclusion of a new substance on the Candidate List.

It's worth noting that you do not have to register the substance or notify the ECHA if it has already been done by another user or someone further up the supply chain. But you do still need to communicate its use to those below you in the supply chain and to do this you need to know what chemicals are present in your articles.

## Substances and Articles

Most of us do not import substances but manufacture and/or sell articles. However, it is important to understand the official definitions.

- Substances: A single chemical with a unique CAS number or European EINECS number. E.g., Individual pigments, solvents etc.
- Articles: The official definition of an article is 'an object which during production is given special shape, surface or design which determines its function to a greater degree than its chemical composition'. Whilst this seems extremely straightforward there are some strange anomalies. E.g., a crayon is not considered an article but a mixture, as the shape/design is considered less relevant for its function than the chemical compositions.

There is an additional consideration in relation to articles, namely the intended release of substances. E.g., toys that release a scent. This is only relevant when the release of the substance is an additional feature over and above the primary purpose.

For more guidance on the definition of and requirements for substances, mixtures and articles, see the Guidance for Requirements for Substances in Articles on the ECHA website: <http://echa.europa.eu/web/guest/guidance-documents/guidance-on-reach>

### What Chemical Substances are used in my product?

This information can be very difficult to obtain from those further up the supply chain, as it can be commercially sensitive. Many suppliers may offer Declarations of Compliance (DoCs). However, it is worth considering that while their product complies with REACH, your finished article may not, depending on the levels of SVHCs in each element. Nor does it give you the information required to know whether you import 1 tonne of any chemical substance in a year. As the list of SVHCs is regularly updated you will also need to ensure that new DoCs are supplied each time.

Whilst it will be a time consuming and probably painful exercise, in the long run it may be worthwhile getting a complete list of chemicals used in your materials. Persistence may be required and going further up the supply chain may help!

It may also be worth considering a zero-tolerance policy to SVHCs. If none of the elements used in your article contain SVHCs, then you can be sure your article complies and that you do not import more than a tonne of any given substance.

### Who can Help?

The ECHA website has lots of information:

<http://echa.europa.eu/web/guest/regulations/reach/> as does the Health and Safety Executive: <http://www.hse.gov.uk/reach/>

The British Toy and Hobby Association has produced some very useful guidelines ([btha.co.uk](http://btha.co.uk)).

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