



Enforcement of REACH in the UK

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To cover:

- Our enforcement strategy
- UK REACH CA enforcement activities
- Examples of recent enforcement cases/case studies
- REACH and COSHH
- Any questions

CA enforcement responsibilities

- Enforce the registration related duties in REACH (& contribute to enforcement of other areas)
- Provide operational support to HSE and other authorities in their roles as REACH enforcers
- UK enforcement liaison
- Represent UK views at the EU level

Enforcement strategy

- education, help and promotion = increased levels of compliance
- range of interventions (proactive and reactive) backed up by formal enforcement where appropriate
- focus on enforcement of those duties in REACH needed to ensure the Regulation operates effectively

Interventions

Advice, education and promotion

Inspection

Investigation

Enforcement

informal

formal written

notices

(‘improvement’, ‘prohibition’, ‘enforcement’)

prosecution

UK REACH CA enforcement (reactive)

Dedicated 'REACHCompliance' contact point for:

- complaints
- “confessions”
- referrals

From 1 December 2008 to 1 April 2010:

- 140 reactive interventions
- 20 Notices served (registration and restriction)

Proactive work

- Pre-registration enforcement project underway:
 - commenced November 2009
 - targeting pre-registered non phase-in substances
 - around 250 dutyholders identified
- Substance-specific campaigns in preparation:
 - 4 substances selected for inspection in 2010
 - Environment Agency gathering intelligence
 - details to be published on website

Proactive work

- REACH En-Force 1
 - Forum led project focussed on pre-registration and Safety Data Sheets
 - 1,600 Inspections across 25 MSs
 - UK – 102 visits
- Additional Forum led work for 2010 may include:
 - PAHs in tyres
 - E-commerce project

UK REACH CA enforcement (proactive)

1. Select substance

(on defined criteria)

2. Gather intelligence

(uses & supply chain information)

3. Collate & compare with ECHA data

(registration and pre-registration information)

4. Approach target companies

(that appear to be non-compliant)

5. Enforce against non-compliant

(using appropriate powers)



Benefits:

- Targets those we already suspect are in breach, with compliant companies not having to be troubled
- Identifies companies who may be ‘under the radar’
- Much work can be carried out by non-warranted staff
- Effective use of limited resources
- Respects Hampton principles
- Addresses other aspects of compliance, e.g. SDS, articles
- Sits well with approach of other REACH enforcers

Examples of enforcement activity so far

Cases are fairly diverse,
and emphasise the sheer
scope of REACH...



Diamonds!



Lime products



Biodiesel



Ink & toner cartridges
and other office products



**Completely
safe to use!**

REACH and COSHH

Guidance on the interaction between COSHH and REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals)

OC 253/13

Review Date:	
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Author Unit/Section:	UK REACH Competent Authority (Chemicals Regulation Directorate)
Target Audience:	All HSE inspectors

This OC provides advice to inspectors on the interaction of COSHH and REACH (Regulation (EC) no. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals). REACH and COSHH both impose requirements on the use of hazardous chemicals in the workplace, and downstream users will now find themselves faced with two sets of duties. Although REACH and COSHH should ultimately complement one another, their requirements overlap to some extent and this has the potential to give rise to inconsistencies in their application.

This OC aims to identify those areas where COSHH and REACH interact, and to provide guidance for inspectors on how to assess compliance with the requirements of both regimes.

This is the third of three OCs dealing with REACH; other OCs contain general advice and guidance on REACH requirements (OC 253/11), and on the UK enforcement regime for REACH (OC 253/12).

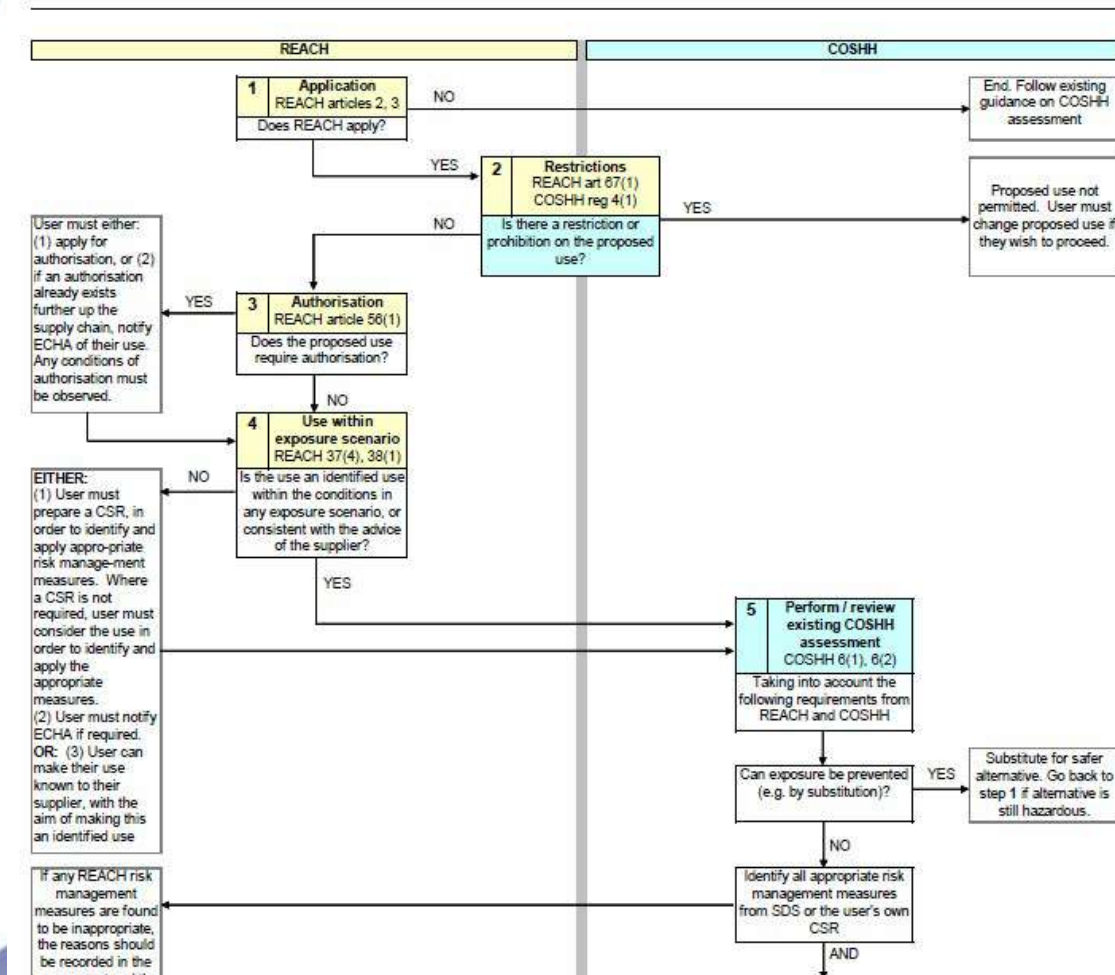
Contents

Background
Risk assessments and exposure scenarios under REACH
Approach
Questions and answers
Further information
References

REACH and COSHH

- Final comments are being collected on the document
- Publication (as an Operational Circular?) in May
- Although aimed at HSE inspectors will be publically available via the HSE internet.

REACH and COSHH



REACH and COSHH

- Flowchart for compliance
 - Designed to ensure compliance with both REACH and COSHH if followed through
- Question and Answer section



Your questions...