

REACH for end products a summary

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BASE RULE: WRITE ALL YOUR DECISIONS DOWN AND MAKE A WELL DOCUMENTED FILE.

If you can show you have done or not done certain steps for a reason that is 90% of the questions answered!

A) What should be tested?

Several EU countries have different views on this. In short this has to do with the question what is an assembly. Although there is no final conclusion, we use the German standpoint, since this is one of the most strict in the market at this moment.

The tests should go as deep as it is possible to dismantle the product with simple tools. Like eg a screwdriver.

A cordset or a PCB can be seen as assembly and therefore can be done in a mix test. An appliance switch could be opened with simple tools, but regarding its size it is open for discussion and a mix test would be acceptable. So very similar to the RoHS standpoint

B) Test each product or reference tests?

REACH says as much as possible should be done without testing. But how to proof then? The conclusion is that it is allowed to calculate based on reference products, materials and estimates. This is underlined since in article 33 of the directive there is no need for exact quantities. The estimates must however be realistic.

So it is possible to test materials of several items and use these results to calculate the REACH quantities for your whole range.

It is allowed to exempt substances based on logic (certain substances cannot be in certain products), but again well documented.

PLEASE NOTE: raw materials like granulates CANNOT be used, because during processing the chemical structures may change!

WARNING: if you are importing a certain substance in such quantities that they will come close to 1000KG per year, it is obviously even more important to have accurate estimates.

C) What do we tell our clients?

B2B has an **ACTIVE information duty**. So if you sell to professional channels that sell to other clients, you must actively inform them about the REACH status of your products.

B2C has a **PASSIVE information duty**. If a consumer inquires about the REACH status of a product, you must provide the information free of charge. If required this should be a hard copy.

Information required (art 33):

1. Is a SVHC substance over 0.1% ww in the product
2. What is the name of the substance
3. How can the product be used safely if it contains SVHC substances > 0.1%ww

Ad 1. Based on the estimates you make, you are allowed to say it is very likely that a substance is > 0.1%ww in the product.

Ad 2. Names can be found in the SVHC list

Ad 3. Risks of these substances can be found on the ECHA site:

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

PLEASE NOTE: it is not allowed to only give the link to the consumer. They should be able to choose a hard copy (eg if they do not have internet or do not want to make cost of printing).

D) What if my estimates deviate from the values found in my products in the market?

This is new, so there is again no real answer. However we expect that, like with CE documentation, if the procedure and conclusions of how estimates were made are well documented, the authorities are likely to accept the results. This is supported by the philosophy in REACH that everything should be done with as little as testing as possible.

References:

- Directive 1907/2006
- ECHA, Guidance on requirements for substances in articles, May 2008
- ECHA, Frequently Asked Questions on REACH by Industry, Nov 2008
- ECHA, Dissenting views on the Guidance on requirements for substances in articles
- Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA) – official body in Germany who deals with REACH
- Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Referat IG II 4 Chemikalien - Risikobewertung und Risikomanagement
- Several independent REACH experts and test houses.