



ECP

MODULE 2: REACH

**Registration, Evaluation and Authorisation of
Chemicals**

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1. INTRODUCTION

1.1 What is REACH?

REACH is EU chemical legislation that was introduced in July 2007 that applies to chemicals that are manufactured within the EU or imported into the EU from other territories - the legislation will be implemented in stages over a period of over a decade.

REACH replaces about 40 pieces of chemical legislation but some specific existing legislation remains in place (e.g. on cosmetics, detergents, the health and safety of workers handling chemicals, product safety, construction products).

In some instances both REACH and existing legislation will work together (e.g. the *registration* of ingredients in a cosmetic preparation will be covered by REACH and the risk assessment and specific safety aspects will be covered by existing cosmetics legislation).

REACH is designed to cover all chemicals, whether industrial or household, and also those contained within articles such as textiles or electrical items.

There is a particular focus on chemicals that are used in large volumes or that are recognised as being particularly harmful - and this is reflected in the timeline for the introduction of legislation where there is a requirement to act sooner for harmful and/or large volume chemicals (focusing on Substances of Very High Concern known as SVHCs).

There are some exemptions to REACH, some of which are applicable to M+S products. For example foods, polymers, medicines and naturally occurring substances do not come under the scope of REACH.

1.2 What EU authority manages REACH?

The European Chemicals Agency (ECHA) has been set up to manage all aspects of REACH, and this is based in Finland.

REACH is being implemented in stages. The first stage, (current), is the REGISTRATION stage, where manufacturers and importers register the chemicals they are manufacturing or importing. REACH is now gathering information on what chemicals are being used within the EU and by whom.

The registration phase has been subdivided into PRE-REGISTRATION and REGISTRATION. Pre-registration requires the manufacturer or importer of a chemical to tell ECHA what they are using and for what purpose, whereas full registration requires the manufacturer or importer to provide a TECHNICAL DOSSIER, and in some circumstances a detailed SAFETY REPORT, to ECHA for evaluation by their experts.

After evaluating the technical dossier ECHA may decide that a chemical needs authorisation for use.

2. SUPPLIER AND M&S MAIN CONCERNS

HEADLINE	KEY CONCERN(S)	ACTIONS REQUIRED
CHEMICAL SUPPLIERS' REGISTRATION OF THEIR PRODUCT	Proof it is done – otherwise products in our Stores containing those substances may be illegal and risk later product withdrawal or recall	Suppliers of chemicals and dyes must confirm they have registered their products with ECHA, or that that exact product is already registered on ECHA listing
SVHC'S (SUBSTANCES OF VERY HIGH CONCERN) see ECHA website for current list. A summary list is shown at the end of this document.	These are substances where any quantity over 1 tonne per annum must be reported to ECHA Key issue for a retailer is that a customer can demand to know if a product contains a SVHC- and the retailer <u>must</u> respond with an answer within 45 days.	Suppliers check all raw materials to confirm no presence of SVHCs If there is a risk of presence of SVHCs supplier to notify Department technologist and create an action plan to substitute that chemical with one not on the SVHC list where technically viable
45 DAY REQUIREMENT TO RESPOND TO CUSTOMER QUERIES	REACH legislation requires a response to a customer within 45 days of request This is an M&S requirement if we receive a request and failure to do this is a <u>legal offence</u>	Suppliers must be completely transparent about what chemicals and dyestuffs they use in their product. No exceptions to this rule are acceptable This information must be right up to raw material detail

Up to date information on compliance with REACH requirements is available at:
http://echa.europa.eu/reach_en.asp

All substances (base chemicals) and ingredients of formulations that are made in, or imported into Europe, have to be registered according to the timetable set out by EU authorities.

Different rules apply for textile and leather articles that are made in or imported into Europe. REACH only applies to substances that are intended to be **released** from an article or substances that are labelled as Substances of Very High Concern (SVHC). Substances that are released or are SVHC's

When viable substitutes to SVHC become available Marks and Spencer intends to move its manufacturing routes away from SVHC to these substitutes.

A list of SVHC is available at:
http://echa.europa.eu/consultations/authorisation/svhc/svhc_cons_en.asp

If you are based in Europe you should get assurances from your dye and chemical suppliers that all their chemicals are registered in accordance with EU requirements and that their products do not contain SVHC's.

If your factory is outside the EU you should get assurances from your dye and chemical suppliers that their products do not contain SVHC's.

You should discuss REACH requirements with Marks & Spencer technologists if you intend to manufacture products where there is intended release of chemicals (for example perfumed textiles, moisturising finishes, etc).

A recent publication from the European Chemicals Agency (ECHA) in June 2009 states that registration of chemicals is required under the following circumstances:

- **“The substance is intended to be released from the produced and/or imported articles during normal or reasonable foreseeable conditions of use”.**
- **“The total amount of the substance present in all articles produced and/or imported, from which the substance is intended to be released, exceeds 1 tonne per year.”**

If the substance being released by an article is a Substance of Very High Concern (SVHC) and is present at over 0.1% and is used in quantities of over 1 tonne then ECHA have to be NOTIFIED.

Notification is essentially an official declaration of the situation and needs to be done so that ECHA can make a decision on whether further information is necessary.

3. SUPPLIER AND M&S OBLIGATIONS

REACH Registration, Evaluation and Authorisation of Chemicals Supplier and M&S obligations

SUPPLIER OBLIGATIONS

- **Chemicals and Dyes** – Suppliers to confirm that their wet processing facilities are using dye and chemical sources which are pre-registered to REACH requirements
- **SVHCs** – in products (refer to current listing on ECHA website). Suppliers must inform Marks & Spencer if any SVHCs are present above 1000ppm (0.1%) W/W
- **Intentional release products** (for example candles, Fragrances, etc.) – suppliers must provide proof of pre-registration if the amount of released chemicals is an SVHC or could exceed 1 tonne per annum
- **Rapid Response** – Suppliers must have the capability to rapidly respond to chemical content requests (including SVHCs in their own and/or 3rd party sourced components) to allow M&S to meet the 45 day response legal requirement

M&S OBLIGATIONS

- **REACH policy** – M&S will create and keep updated a policy that reflects and guides on our, and our suppliers obligations
- **SVHC list** – We will keep updated from the ECHA website and communicate this to M&S teams and our suppliers.
- **Intentional release products** – Data to be available on contracts.com from the suppliers.
- **Customer information** – System operational to respond to customer 'chemical or SVHC in product' enquiries within 45 days or request through Retail Customer Services.
Note – This requires full cooperation and rapid response for information from suppliers and their raw material sources of chemicals and SVHCs in product.

M&S ONGOING STEPS

- **REACH integrated into ECP** and communicated to all M&S teams and suppliers.
- **M&S customer services capability** to respond to customer issues within 45 days of enquiry – and will be tested to ensure capability fully operational.
- **Tracking system set-up** to update REACH (inc. SVHC list) and communication to suppliers.
- **M&S will manage REACH** compliance training and registration, working with external expert companies and consultants

Note: SVHC – Substance of very High Concern