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White Paper on REACH

On December 18, 2006 the Registration, Evaluation and Authorization of Chemicals, more commonly known as REACH, was adopted by the Council of Environmental Ministers, after the second reading by the European Parliament, as their most recent step towards harmonizing regulations throughout the European Union. Tentatively scheduled to go into affect on June 1, 2007, REACH will require companies that produce more than one ton of chemical substances per year to register with a central database. This regulation is another example of the European Union's idea that the best way to regulate products in its territory, and those being imported, is to place responsibility for compliance on the producer or manufacturer. This recent regulation poses to greatly affect exporters in the United States as it covers more than 30,000 chemical substances.

The basis for producer responsibility reflects the main objectives behind the REACH regulation including the maintenance and enhancement of the competitiveness of the EU chemical industry, prevention of fragmentation of the internal market, increased transparency, integration with international efforts and the obligations established by the WTO and the protection of the environment and human health. Chemical producers are responsible for registering their products in the central database, providing detailed documentation and ensuring that the chemicals placed in the public market are safe and making certain that the chemicals in the market will not pose environmental or health problems.

The REACH regulation requires the producer to file a registration dossier with the European Chemicals Agency. The registration process requires detailed documentation including chemical properties, safety, and proper use, which is based on proper testing of the chemicals. The process continues with the appropriate authorities evaluating the submitted dossier and substances and deciding whether or not to authorize the

importation or use of the product into the EU. The Agency reserves the rights to reject any chemicals from use if the risks and health hazards are shown to be uncontrolled or excessive.

This new regulation has been met with serious opposition from both within the European Union and from foreign countries that import their products into the European market. The opposition stems from the stringent regulations that are placed on the chemicals and the effect the opponents claim the regulation may have on national relationships between both EU and non-EU nations. Although the REACH regulation places rigorous demands on both the substances and the dossier itself, the benefits will far outweigh the costs. By increasing the transparency between producers, manufacturers and, ultimately, end users, more complete information can be generated regarding the apparent risks associated with specific chemicals and their explicit intended uses. Also, it is anticipated that the amount of worker health problems will ultimately decline as more information is collected and safety issues are uncovered concerning long time exposure to chemical substances. In addition to the general health benefits, the effects of such regulations will also increase product quality by the quality standards that are in association with the registration, evaluation and authorization process.