

Changes to the regulatory framework for chemicals

A number of significant changes have taken place or are planned to the regulations governing chemicals. These will affect all businesses that manufacture, store or use chemicals.

Additional complexity arises from the potential interactions between the different regulations so it is essential that businesses are aware of the changes to minimise the effect on their operations.

REACH

The REACH regulations (Registration, Evaluation, Authorisation and restriction of Chemicals) require the registration and authorisation of chemicals according to timescales determined by the annual quantities manufactured or imported into the EU. Chemical manufacturers have undertaken additional testing as part of the approvals process and these tests have in some cases led to changes in the classification of the chemical and restrictions on its permitted use.

REACH DEADLINE FOR SUBMISSION			
	NOVEMBER 2010	MAY 2013	NOVEMBER 2018
	Defined high hazard chemicals and chemicals	Chemicals	Chemicals
Tonnage Bands	> 1000 tes / yr	> 100 tes / yr.	> 1 te/yr.



REACH also requires manufacturers to state the end uses of the chemicals and the appropriate handling methods for the chemicals. This information and any new hazards or classifications will be communicated to users within updated material safety data sheets (MSDSs). Within the EU, users of the chemicals will be expected to comply with any restrictions on use or handling contained in the MSDS.

CLP

The old UK classification system for chemical use was known as CHIP, which stood for Chemicals (Hazard Information and Packaging for Supply) Regulations. This contained the framework for establishing the classification and labelling of chemicals with categories such as toxic, flammable and hazardous.

CHIP is being progressively replaced by a system known as CLP (Classification, Labelling and Packaging of substances and mixtures), which is based on a globally harmonised system of chemical classification. The changes are significant:

- New hazard symbols
- Different terminology: CHIP's risk or R-phrase is replaced with a hazard statement
- There is no 1:1 equivalence between CHIP and CLP categories. As an example, this could mean that, even though the inherent hazard has not changed, a chemical that was harmful under CHIP, may now be classified as toxic under CLP.

TIMESCALES FOR INTRODUCTION OF CLP SYSTEM		
	NOW TO 1ST JUNE 2015	FROM 1ST JUNE 2015
Pure Substances	Label must be CLP. MSDS must reflect CHIP and CLP	CLP only on label and MSDS.
Mixtures	CHIP mandatory. Additional labelling to CLP optional.	CLP only on label and MSDS.



COMAH

The Control of Major Accident Hazards (COMAH) Regulations 2015 will come into force on the 1st June 2015. All COMAH sites will be required to make information publicly available on a web based platform that will be established by the HSE. This information will include the occupancy, details of the hazardous chemicals handled and the emergency arrangements. In addition, upper tier COMAH sites will have to include information on major accident scenarios.

As the COMAH limits contained in schedule 1 of the legislation will be expressed in terms of CLP classifications and not CHIP, and because there is no 1:1 equivalence between the CLP and CHIP classifications, this may mean that some sites' COMAH status will change. This could affect their reporting requirements.

COSHH

Control of Substances Hazardous to Health (COSHH) assessments will also require updating to reflect the new chemical classification system.

A more urgent review will be required if an MSDS changes significantly due to new information on toxicity arising from REACH, or if restrictions are placed on the handling of the chemical.

Recommended actions

The changing regulatory framework for chemicals is complex and there are likely to be unforeseen complications due to the combined effects of the changes. Chemical users should be prepared to:

- Ensure they have up to date MSDSs from their suppliers
- Review updated MSDSs and understand the implications of any changes for their business. The changes may affect COSHH assessments, handling techniques and COMAH status
- Check their chemical supplier has registered the chemical under REACH and for the end use to which it is being used
- Operating staff who handle hazardous chemicals will require training in the new classification system and updated COSHH assessments to ensure they can interpret the new labels and select the correct protective measures
- For existing COMAH sites and locations where inventories were close to the lower tier COMAH limit, ensure that the classification of the hazardous chemicals on site is understood according to CLP and review against the limits proposed in the new COMAH regulations.

For further guidance and general enquiries contact: **RS@uk.qbe.com**