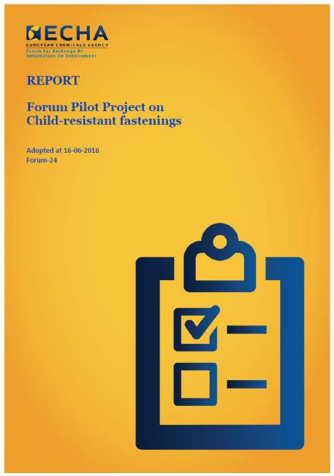
International Association for Soaps,
Detergents and Maintenance Products

Enforcement on REACH and CLP - Opportunities and challenges for the detergents and maintenance products sector



Roberto Scazzola

2nd Conference on REACH, CLP and Biocides Enforcement - 13th November 2018

A.I.S.E. aisbl • Boulevard du Souverain 165 • 1160 Brussels • Belgium
Phone: +32 2 679 62 60 • Email: aise.main@aise.eu • VAT: BE 0538 183 615

©A.I.S.E. 2018 – any reproduction or communication is prohibited

About A.I.S.E.

- A.I.S.E. is the International Association for Soaps, Detergents and Maintenance Products. Based in Brussels, A.I.S.E. has been the voice of the industry to EU regulators for 65 years.
- A.I.S.E. has a long history in leading voluntary industry initiatives that focus on sustainable design, manufacturing and consumption, product safety and safe use of products by consumers and professional customers.

A·I·S·E International Association for Soaps, Detergents and Maintenance Products

©A.I.S.E. 2018

©A.I.S.E. 2018 – any reproduction or communication is prohibited

A.I.S.E. NETWORK

REPRESENTING THE DETERGENTS AND MAINTENANCE PRODUCTS INDUSTRY ACROSS EUROPE

EU & UN PRIORITIES

Jobs, Growth & Investment

8 DECENT WORK AND ECONOMIC GROWTH

17 PARTNERSHIPS FOR THE GOALS

© European Union 2018

The representativeness of the A.I.S.E. network and its unity vis-à-vis our external stakeholders are our key strengths. Partnering, exchange of best practices and fostering capacity building are the DNA of A.I.S.E.'s work. Our role also aims to ensure that our member companies can remain competitive and innovative and continue to be a source of growth and job creation.

29 NATIONAL ASSOCIATIONS

A STRONG NETWORK of over **900** COMPANIES

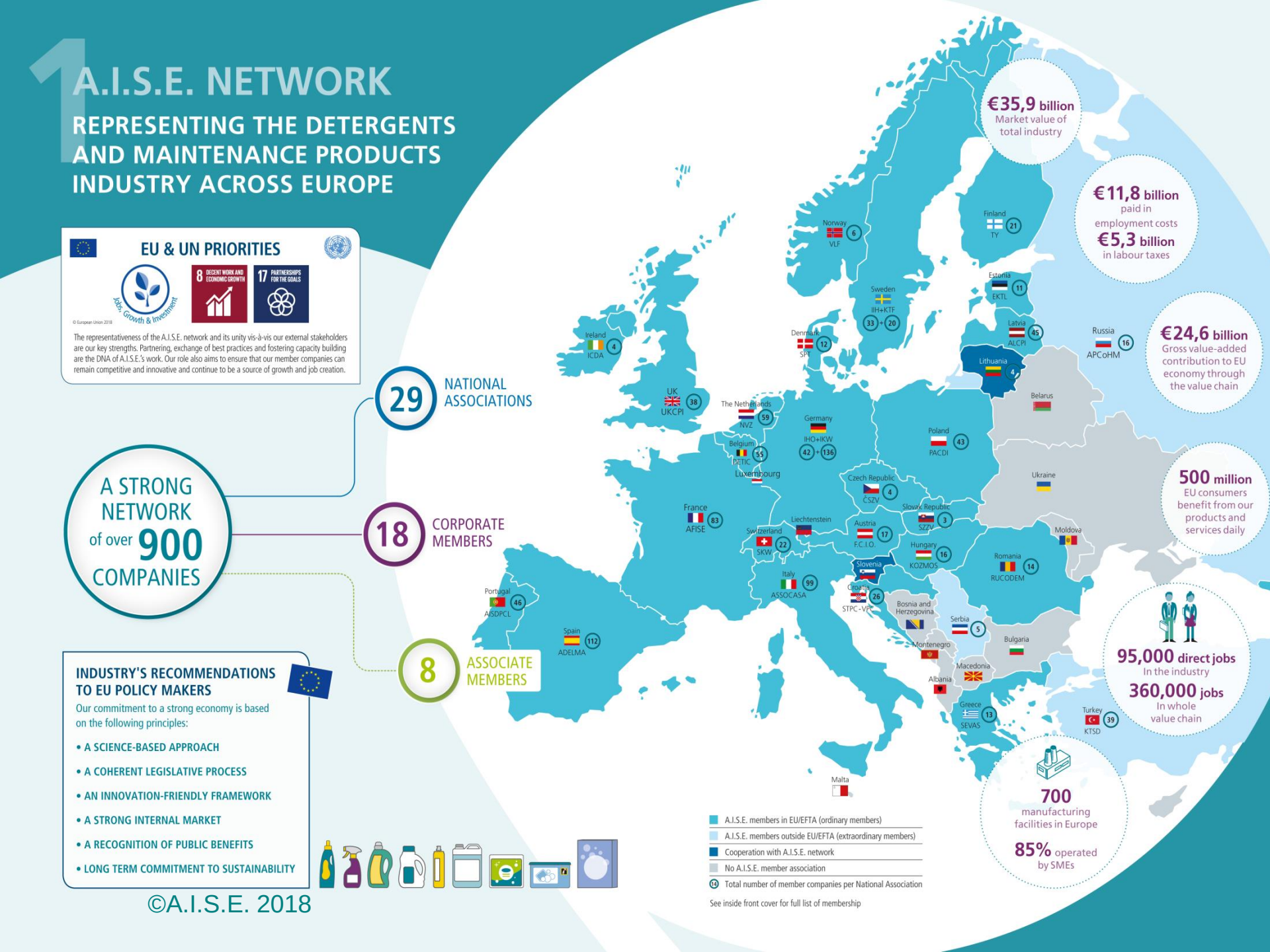
18 CORPORATE MEMBERS

8 ASSOCIATE MEMBERS

INDUSTRY'S RECOMMENDATIONS TO EU POLICY MAKERS

Our commitment to a strong economy is based on the following principles:

- A SCIENCE-BASED APPROACH
- A COHERENT LEGISLATIVE PROCESS
- AN INNOVATION-FRIENDLY FRAMEWORK
- A STRONG INTERNAL MARKET
- A RECOGNITION OF PUBLIC BENEFITS
- LONG TERM COMMITMENT TO SUSTAINABILITY



€35,9 billion Market value of total industry

€11,8 billion paid in employment costs

€5,3 billion in labour taxes

€24,6 billion Gross value-added contribution to EU economy through the value chain

500 million EU consumers benefit from our products and services daily

95,000 direct jobs In the industry

360,000 jobs In whole value chain

700 manufacturing facilities in Europe

85% operated by SMEs

©A.I.S.E. 2018

Is enforcement good?

You might be surprised by the answer.

Enforcement provides a level playing field and discourages unfair competition (free riders).

However, it should be proportionate and support a smooth enforcement of a very complex legislation (e.g. SMEs dimension)

www.aise.eu

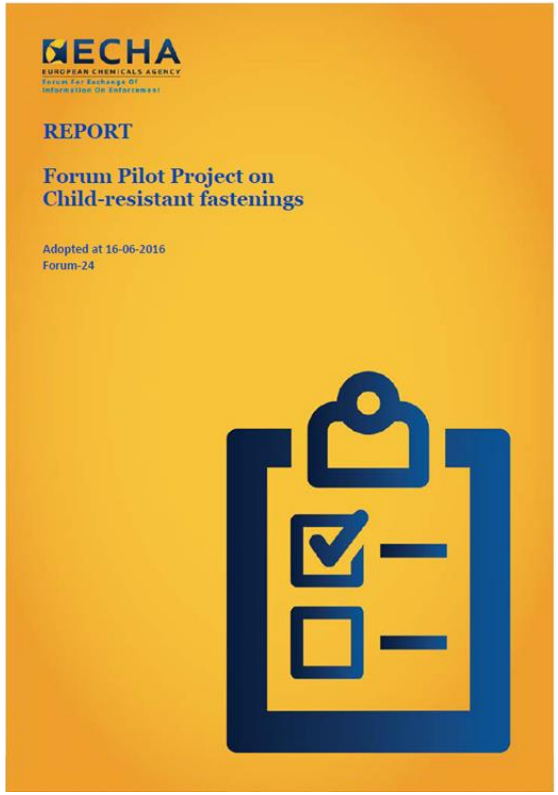
©A.I.S.E. 2018

Complexity doesn't help

CLP is the most extensive EU law ever published:

- 62 articles + 8 Annexes
- 1355 pages,
- 12 amendments since 2008,
- 5 ECHA guidance docs (over 1000 pages)
- over 150 FAQs

A case study on CLP: opportunity for a joint action



©A.I.S.E. 2018

Main findings 2016 Forum project

2016 Forum's Pilot Project on Child Resistant Fastenings (CRFs) identified a "***relatively high non-compliance rate" with on package safety measures***.

Involved actors were mainly non-traditional supply chain actors (e.g. retailers, wholesales, distributors) and SMEs

www.aise.eu

©A.I.S.E. 2018

Examples Of Non-compliances

The nature of non-compliance indicates that non-traditional supply chain actors and SMEs are probably not well aware of CLP obligations related to CRF:

- Difficult to prove that the certificates of conformity corresponded to the packaging inspected
- Ambiguous CRF certificates (without reference to the product);
- Certificates untrustworthy or expired
- Lack of collaboration in the supply chain

©A.I.S.E. 2018

AISE recommendations

Considering the "*relatively high non-compliance rate*" identified by the Forum, AISE provided advise to its members:

- Periodically review product classifications, evaluate packaging obligations (CRF and TWD).
- Ensure that packaging conformity certificates are readily available in the supply chain.
- Ensure packaging is certified by an EN ISO/IEC 17025 accredited laboratory.

©A.I.S.E. 2018

Forum recommendations

Forum recommended that awareness of the requirements of Article 35(2) CLP should be increased amongst retailers and distributors.

Probably a significant proportion of non-compliance can be attributed to ignorance and/or a lack of resources.

Further, the large sample size (797 products from 15 EU/EEA member states were inspected) means that the findings can reasonably be representative of the EU situation.

©A.I.S.E. 2018

AISE proposal for a joint initiative

A.I.S.E. proposes to promote Forum's recommendation to industry, in particular supply chain actors such as retailers, distributors and SMEs.

A.I.S.E. suggests that relevant trade associations, national enforcement authorities, ECHA and Commission (via the European Enterprise Network) work together to develop a framework to support raising awareness on safe use packaging: nutshell guidance, check list, outreach activities.

Thought starter to be discussed tomorrow.

www.aise.eu

©A.I.S.E. 2018

REACH SUMIs (Safe Use of Mixture Information): a success story

SUMI

Safe Use of Mixtures Information

AISE_SUMI_IS_7_2

Version 1.1, August 2018

Industrial spraying; Automated task; Open system; Long term

Risk Management Measures

Measures related to personal protective equipment (PPE), hygiene and health evaluation	Wear suitable gloves. Wear suitable respiratory equipment. See section 8 of the SDS of this product for specifications.
	Training of workers in relation to proper use and maintenance of P must be ensured.
Environmental measures	Prevent that undiluted product reaches surface waters.
	If appropriate AISE SPERC 8a.1.a.v2 may apply: wide dispersive use resulting in release to municipal sewage treatment plant.

www.aise.eu

©A.I.S.E. 2018

A REACH – OSH story

- OSH Directives: Employer responsible for ensuring safe work conditions
- Communication via simple work instructions
- Enforcement by OSH authorities

www.aise.eu

©A.I.S.E. 2018

A REACH – OSH story

REACH Regulation art.31 (7)

- Formulators are required to take into account safe use information received from their suppliers via the ESs and
- to pass relevant information down the supply chain to customers via their product Safety Data Sheets (SDS).

- Enforcement by REACH authorities

www.aise.eu

©A.I.S.E. 2018

Enforcement issues: REACH vs OSH

Encountered problems:

- Enforcement issues
- Lack of expertise to use exposure tools correctly
- Additional information needed: concentration of classified ingredients, vapour pressure, IP info.
- Formulators obliged to provide extra information
- Duplication of efforts for both formulators and cleaning companies

- Bridge needed between REACH and OSH

www.aise.eu

©A.I.S.E. 2018

A REACH – OSH story

- Due to the enforcement on this point and the duplication in requirements, companies (i.e. DU detergent companies) decided to develop a tool to help Downstream Users' (DU) with their duty to communicate safe use information
- This led to the creation of the SUMIs (Safe Use of Mixture Information)

www.aise.eu

©A.I.S.E. 2018

Collaboration

- Collaboration in the Netherlands between NVZ and the National Occupation Health Agency
- Exchange in perspective between industry (REACH) and authorities (OSH):
- How to use REACH info to make OHS obligations for end-users easier to comply with?
- SUMIs
  (Safe Use of Mixture Information)

Schoon Hygiënisch Duurzaam

Inspectie SZW
Ministerie van Sociale Zaken en Werkgelegenheid

www.aise.eu

©A.I.S.E. 2018

The SUMI's publication

- A.I.S.E. & NVZ collaborated with detergent industry & DUCC to publish the SUMIs in June 2018.
- Two pages format: Covering the key Risk Management steps to take for Safe Use.
- One of the first sectors to publish these documents and to support safe use of chemicals.

Downstream Users of Chemicals Co-ordination group

www.aise.eu

©A.I.S.E. 2018

Current Situation – The SUMI

Example: Industrial Spraying

SUMI

Safe Use of Mixtures Information

AISE_SUMI_IS_7_2

Version 1.1, August 2018

Industrial spraying; Automated task; Open system; Long term

Risk Management Measures

Measures related to personal protective equipment (PPE), hygiene and health evaluation	Wear suitable gloves. Wear suitable respiratory equipment. See section 8 of the SDS of this product for specifications.
	Training of workers in relation to proper use and maintenance of PPEs must be ensured.
Environmental measures	Prevent that undiluted product reaches surface waters.
	If appropriate AISE SPERC 8a.1.a.v2 may apply: wide dispersive use resulting in release to municipal sewage treatment plant.

Additional good practice advice

Don't eat or drink. **Don't smoke.** **Don't use in proximity of open flame.**	
Wash hands after use. **Avoid contact with damaged skin.** **Do not mix with other products.**	
Spillage instructions	Dilute with fresh water and mop up.
Hygiene practices	Follow the product instructions as specified on the label or in the product information sheet and use good occupational hygiene practices as specified in Section 7 of the product SDS.

- Recommend use of gloves and respiratory equipment.
- Icons developed by DUCC

- Additional good practice advice

©A.I.S.E. 2018

Next steps – The SUMI

- SUMIs provide information in a simple way to ensure safe use by final users of products.
- Easily understandable pictograms and standard phrases.
- SUMIs for the Detergent Sector translated into EU languages.
- SUMI Webinar being organized by A.I.S.E. to inform how these tools can be implemented.

For more information: https://www.aise.eu/our-activities/regulatory-context/reach/safe-use-information-for-end-users.aspx

www.aise.eu

©A.I.S.E. 2018

Contacts

SMILE please!

Roberto Scazzola

Director, Scientific and Technical Affairs - AISE

Phone: +32 2 679 62 63 •

roberto.scazzola@aise.eu

www.aise.eu

©A.I.S.E. 2018 – any reproduction or communication is prohibited

©A.I.S.E. 2018