


REACH and related legislation



REACH shall apply ‘without prejudice’ to
Community workplace and environmental
protection legislation Article 2(4)

although...

Articles 139 & 140 of REACH make various
repeals and amendments to previous
chemicals legislation



REACH and COSHH

- Apply 'without prejudice' to each other
- Similarities in 'philosophy'
- Differences in scope and application
- But should be complementary

Both regimes call for risk assessment...

REACH

- main obligations on manufacturer / importer (though also on supplier & downstream user)
- covers manufacture of a substance and all identified uses across the EU >10 tonnes/year
- substance driven
- risk management measures more likely to be broadly based

COSHH

- all obligations on individual employer
- covers all work activities with all hazardous substances at that site, including process derived substances (dust, fume etc)
- tends to be process driven
- risk management measures more likely to be site specific

Benefits of REACH for worker protection

Improved hazard information:

- many substances are data poor
- this can lead to inadequate risk assessments
- OELs exist only for few substances but under REACH derived no-effect levels (DNELs) achievable for a majority of substances registered



Benefits continued...

- manufacturers / importers now responsible for:
 - carrying out risk assessment
 - determining what is good control practice
 - communicating risk management information to users via SDS
- improved information flow through the supply chain
- greater emphasis on substitution - through authorisation

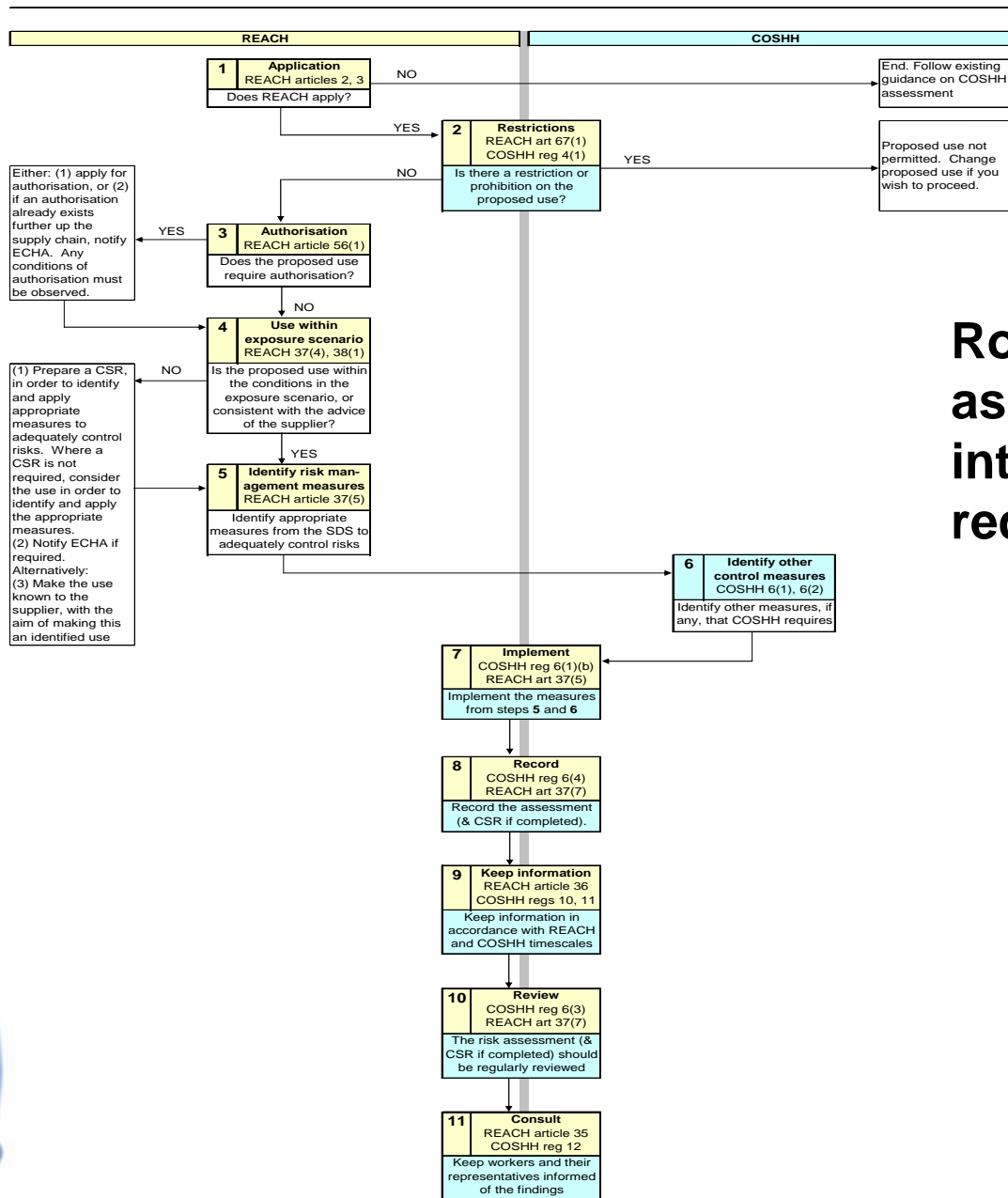
Potential interaction challenges

- conflicting messages
- comprehension issues
- risk management measures (RMMs)
 - where the employer has achieved adequate control under COSHH but has not followed the RMMs as proposed in the SDS
- DNELs/OELs
 - OELs fixed in worker protection legislation
 - role of DNEL in worker protection legislation needs to be defined



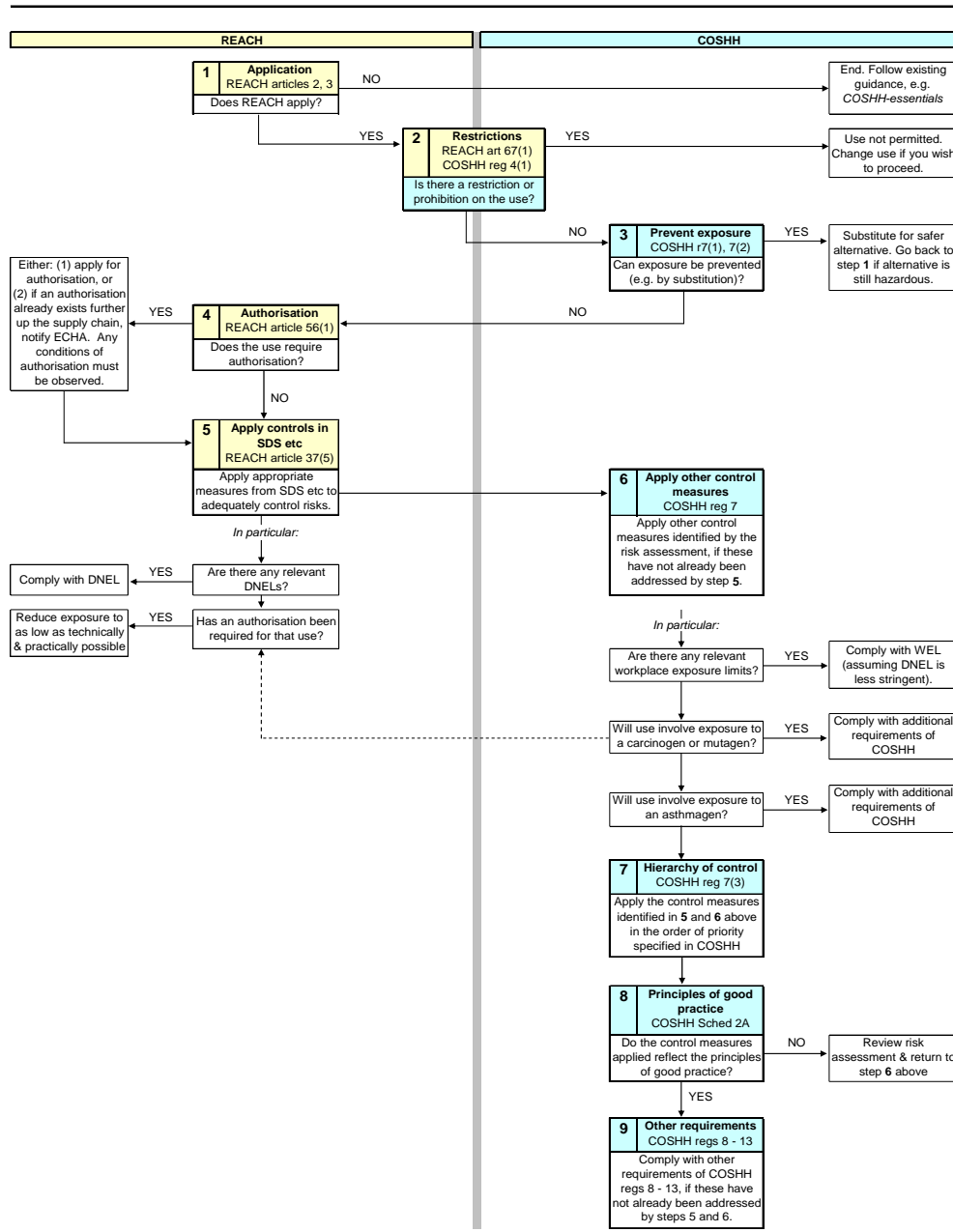
Enforcement where REACH and COSHH (or other legislation governing the *use of chemicals*) applies

- REACH applies ‘without prejudice’ to existing Community workplace and environmental protection legislation
- Therefore where standards differ, compliance must be achieved with the more stringent (not either/or)
- Guidance being developed for inspectors and dutyholders



Routemap for COSHH assessment which takes into account the requirements of REACH

From *draft* internal REACH – COSHH interaction guidance



Routemap for employers to determine how best to adequately control exposure in light of REACH

From *draft* internal REACH – COSHH interaction guidance

REACH repeals and amendments

- Notification of New Substances Regulations & Existing Substances Regulation repealed in full
- CHIP regulation 5 on safety data sheets repealed (note future impact of CLP Regulation)
- Some COSHH prohibitions repealed (regulation 4 & Schedule 2)
- Parts of the Control of Asbestos Regulations repealed / amended (Part 3 on prohibitions)