

UK REACH COMPETENT AUTHORITY (CA)

NOTE OF FOURTH MEETING OF THE STEERING COMMITTEE FOR THE UK REACH DELEGATED COMPETENT AUTHORITY

Tuesday 20th May 2008 – Brunel House, Cardiff with video-link to Scottish
representatives in Edinburgh

A. FORMAL MATTERS

1. Attendees

John Roberts – Defra; chair
Steve Fairhurst} – representing the two groups (HSE & EA) collaborating to deliver
Steve Robertson} the UK REACH CA function respectively
Tim Harris – HSE Policy Group; contributor to UK REACH CA function
Stavros Georgiou – HSE Economic Analysis Unit; UK REACH CA socioeconomic expert
Richard Bishop – HSE; UK REACH CA enforcement
Susan Scott – Scottish Government
Garth Broomfield – Scottish Environment Protection Agency
Martin McVay – Welsh Assembly Government
Robert JT Williams – Welsh Assembly Government
Glyn Hughes – Welsh Assembly Government
Nick Cartwright – Environment Agency
Isobel Moore – Environment Agency (Wales)
Jim King – representing Northern Ireland Assembly interests
Andrew Scarsbrook – Defra
Angela Rabess – BERR

Sue Hambling – HSE; Secretariat to Steering Committee (SC)

Apologies / non-attendees / substitutes:

- Richard Grant (Scottish Government) represented by Susan Scott
- Anne Conrad (Scottish Environment Protection Agency) represented by Garth Broomfield
- Keith Bailey (Defra) represented by Andrew Scarsbrook
- Chris Barrell (BERR) represented by Angela Rabess
- Rhodri Griffiths (Welsh Assembly Government) represented by Martin McVay and Robert JT Williams
- Simon Dyer (DoH) sent apologies
- Alison Edwards (LACORS) sent apologies

2. Note and actions from last meeting (24th January 2008)

2.1 Minutes

The minutes of the last meeting (paper 1) were agreed with appropriate editorial changes to organisational titles.

It was agreed that future minutes should be written so as to be able to be made publicly available. Any information not suitable for release should be identified either during the meeting, or indicated when the draft minutes are circulated.

Action: UK REACH CA to establish appropriate location for minutes on the UK REACH CA internet site.

2.2 Contact Details

The spreadsheet of contact details for the members of Steering Committee is nearly complete, and the meeting agreed that it could be stored on the REACH Government Internet Community site.

Action: Sue Hambling to complete the spreadsheet and store it on the REACH Government Internet Community site.

2.3 REACH Government Internet Community site

The members of the Steering Committee confirmed that they were all able to use the REACH Internet Community.

2.4 SME and REACH Survey Results

The results of this survey (paper 3) have been shared with ECHA. ECHA is concerned about the low awareness, given that there is usually effective communication of regulatory information within the UK; the inference being that this might indicate a serious problem across the EU. Sweden & France have both asked for sight of the questions used in the survey and are considering doing their own surveys.

Since the survey a mail-out has been done to all UK companies (1.3 million) registered for tax by HMRC. An increase in enquiries to the Helpdesk has occurred in recent months, perhaps associated with information being received by the Helpdesk that more exchanges between companies are occurring up and down supply chains.

2.5 Performance Measures for 2008/09 sign-off

The performance measures proposed for 2008/09 were discussed (paper 4). The key points were:

- as the use of the UK REACH CA website is increasing in importance within our thinking about communication routes it was suggested that relevant benchmarks of the success of this communication channel should be considered
Action: Sue Hambling to make usage of the UK REACH CA website an item for discussion at the next SC meeting
- a measure should be included to reflect successful operation of the joint HSE-EA partnership in delivering the UK REACH CA role. The UK REACH CA 08/09 business plan is currently being updated to reflect fully the EA CAU contribution.
Action: Steve Robertson to provide UK REACH CA SC secretariat with the updated Business Plan, for circulation to UK REACH CA SC members.
- it was noted that there is no measure related to the level of pre-registration, but this may not be an appropriate measure as the UK REACH CA is not in a position to exert control on whether or not UK businesses elect to pre-register
- in relation to the reactive aspect of the Helpdesk, structured qualitative feedback should be sought from industry regarding satisfaction with response time, content, tone etc
Action: UK REACH CA to write to key organisation eg CIA, CBI, Federation of Small Businesses, to seek the views of their members on the UK REACH CA helpdesk and website and their experiences with the ECHA helpdesk.
- there is a need to consider a measure to reflect the effectiveness of the effort and input of REACH CA members to ECHA/EU Committees etc.

It was agreed that:

- with the error in section 4 corrected (Registration should read as Restriction) the performance measures for 2008/09 be accepted as appropriate for the start of the year 08/09. The further points made above should be considered when performance measures for 2009/10 are being developed.

Action: Sue Hambling to annex the performance measures 2008/09 to the minutes.

3. REACH Developments at EU level

3.1 ECHA Management Board (John Roberts)

Two Management Board meetings have been held this year and mainly dealt with procedural issues - about 200 people have now been employed to work at ECHA in Helsinki and nominees have been appointed to the ECHA committees. Key points reflecting Management Board decisions:

- Guidance provided on interpretation of the 0.1% rule in Notification (ie is notification triggered by having 0.1% or more of a Substance of Very High Concern in the whole article or 0.1% or more in any smaller homogenous component of that whole article – eg a car or its steering wheel?). The Management Board position is that where a Member State (MS) does not agree with the rule being 0.1% in the whole article the disagreement must be recorded on the ECHA website and the MS can then take a different approach to enforcement until the EU Court of Justice makes a final decision.
- Board of Appeal is being set up – membership applications have been low as applicants require legal background, deep understanding of REACH and be prepared to live in Helsinki - but enough appear to have been received.
- Rules of Procedure for Committees discussed and endorsed
- Reimbursement of MSs. ECHA to pay MS CA for evaluation work, and if someone on the staff of a MSCA is rapporteur in the RAC or SEAC. ECHA is looking for a simple system to meet EU audit rules and propose to do a pilot over the first couple of years. UK has offered to be part of the pilot and act as a rapporteur so it can help establish the rules and principles involved. ECHA is currently basing assumptions on figures collected earlier that predict that it will take 500 hr to perform a substance evaluation; and 50hr for a rapporteur role on RAC and 80hr on SEAC

3.2 EU MS Committee (Steve Fairhurst)

This Committee has met once and established the rules of procedure, declarations for membership and member status. There are currently two key issues:

- Representatives generally have high responsibilities associated with their jobs within their MS, but ECHA want the MSC to meet monthly in Autumn 2008. There must be a quotation mark about attendance; alternative arrangements eg proxy voting have been discussed.
- ECHA appears to want endorsement from the MSC for every significant decision which will constitute a large volume of work for the MSC. One possible feature, that of establishing working groups in specific areas, was briefly discussed but it was decided that it is too early to decide on their worth.

3.3 EU RA Committee (Steve Dungey & Andrew Smith)

Comments had been provided by the representatives. The key points were:

- The Chair is very capable, and on secondment from the ECB, so might not be there in the longer term . The committee is a hybrid of several existing committees (e.g. TC NES, TC C&L, SCHER and Limitations WG)
- Procedures are being agreed, but these may need to be modified once some experience has been gained of the actual work. ECHA is offering to support the members in some activities and MS CAs are also expected to support the members from their country. The resource impact is not yet clear (the supply of advisors to meetings in Helsinki will not be reimbursed).

- There will be emphasis on the efficacy of proposed risk management measures as well as the assessment of risk.
- The RAC anticipates being asked by ECHA to give a view on the classification proposals for agricultural pesticide and biocide active ingredients that Member States will make following assessment of dossiers for Directives 91/414/EEC and 98/8/EC, respectively.
- The RAC will progress its work initially via small, rapporteur-led project teams reporting to the main committee. It will keep under review the possibility of forming separate working groups that focus on human health and on the environment.
- Rapporteurs will be designated as soon as an intention to submit an Annex XV dossier has been made by a MS, to enable contracts to be drawn up in sufficient time. The rapporteur role has implications for REACH CA resources – within the UK a means of agreeing our approach needs to be established.

3.4 EU SEA Committee (Stavros Georgiou)

The first meeting in April revealed that many members had a chemical/industrial background with socioeconomic as a secondary expertise, rather than a primary one. However, most of the desired expertise areas appear to be covered by at least one member, so it has been decided that no co-opted members are needed yet. The key points were:

- general rules of procedure were agreed
- a permanent chair is yet to be appointed
- members have declared their interests and commitment; and agreed on rules for confidentiality - substitutes cannot be used
- members' work is confidential, but they can discuss work with their national REACH CAs.
- the work programme for the year was discussed, and a working group is to be set up to cover provision of any training needs for SEAC members – it will meet in early June and Stavros Georgiou is to attend
- the next meeting of the SEAC is in September and will be back-to-back with a training day

3.5 EU Enforcement Forum (Richard Bishop)

The second meeting was held in May and the chair (from Germany) and vice-chairs (from The Netherlands and Bulgaria) appointed. The key points were:

- a tour-de-table on the status of preparation for enforcement showed
 - no harmonisation yet on offences and penalties
 - breach of REACH not considered a criminal offence in some MS, but is in others
 - contraventions could lead to court proceedings or administrative penalties/fines
 - proposed penalties varied from imprisonment to fines (ranging from unlimited in UK to 2500 euros in some MS)
- pre-registration enforcement (ie checking that substances being pre-registered are truly phase-in substances) is of importance - the UK will work on this later in 2008
- most MSs have issues with seeking to get importation enforcement done by customs authorities.
- three working groups have been set up, on:
 - developing strategies for REACH enforcement – Richard Bishop (HSE) and Richard Hawkins (EA) are UK representatives; strategies due by December 2008
 - guidance on compiling the report on REACH enforcement in each MS, required under Article 117 – UK will chair
 - coordination of enforcement projects under REACH

- no information on costs of enforcement at present, but Forum can co-opt up to 5 additional members if it judges that it need members with particular experience of assessing the costs of enforcement
- the anticipated volume of whistle blowing is still unknown; it is proposed that the UK REACH CA has a performance measure of 95% of investigations starting within 5 days of the complaint being made. Other considerations:
 - importation might be a key area for potential whistle blowing
 - The amount of whistle blowing might be large if Industry is very vocal in seeking to protect its commercial interests
 - In respect of importation of articles and the associated responsibilities, duty holders would be expected to show that they had appropriate systems in place rather than furnishing lots of specific data on the analysis of articles
- The next UK Chemical Stakeholder Forum meeting (22nd July) will discuss REACH enforcement in the UK – Richard Bishop to attend

3.6 EU REACH CA Meeting (Keith Bailey & Tim Harris)

The REACH CA Committee is not a formal REACH committee as specified under the REACH regulation, but is acting as a policy advisory body for the European Commission.

The key points are:

- Its key role over the last year has been to seek to endorse RIP guidance. When guidance has not been endorsed eg RIP 3.8 it must be indicated in the introduction of the guidance and/or against the points(s) of contention that consensus has not been reached.
- A letter was sent by the European Commission to MS Finance Ministers last year, to urge the provision within MSs of the resources needed for effective delivery of REACH. It is generally considered that this was ineffective, and the sending of a second letter is being discussed by the Commission
- Approaches regarding the first candidate list for SVHCs for consideration as priorities for Authorisation was discussed – Denmark is proposing about 10 substances, whilst others want to do a smaller number test cases first, to try out the systems ECHA is compiling the register of intent for the candidate list. It appears that ECHA was planning for a larger candidate list than might now be the case.
- There is support for the idea to have a ‘support document’ to provide the reasoning to support an Annex XV dossier. ECHA will not compensate MSs for the work involved in preparing such documentation - this might entail a lot of work for the MS leading on a proposal.
- A REACH Nanomaterials Sub-Group is being set up; Chris Northage from the UK REACH CA is the UK nominee.

Action: Tim Harris to provide a note of the meeting for SC members

3.7 Article 133 Committee (Keith Bailey & Robin Foster attend)

This meeting has:

- agreed the REACH Fees Regulation; there is unhappiness amongst SMEs as the definitions of micro and small enterprises were set in 2003 and inflation since means very few will benefit from the maximum fee reduction.
- accepted the REACH Testing Regulation. The UK voted against this because in the opinion of the UK there has been a breach of legal process. In view of progress on alternatives to experimental animal testing having been slow, the European Parliament has asked the EU to consider advocating and accepting tests not yet validated at the OECD level.
- finalised a Regulation for the rules of procedure for the Board of Appeal.

4. End-of-Year 07/08 progress report of activity of UK REACH CA (paper 5)

Steve Fairhurst introduced the paper and referred SC members to some of the key points regarding the activities of the UK REACH CA and its utilisation of the resources provided. The key points discussed concerned the Helpdesk and were:

- Helpdesk enquiries are increasing significantly, up to about 600 per month in April. The type of enquiry has changed over time from simple, varied enquiries when the Helpdesk started to more detailed ones now, often on specific issues eg articles, Only Representatives, pre-registration mechanics. Some enquirers still seem to know nothing about REACH.
- Responses are stored, but as yet have not been used as Frequently Asked Question (FAQ) answers because there are so many variations. The UK REACH CA website carries case studies representing stereotypical situations in companies addressing REACH.
- Coping strategies were discussed, if the number of enquiries continues to increase; one option would be HSE Infoline referring enquirers initially to the HSE REACH website, and inviting them to come back if they cannot find a satisfactory answer – whereupon they would be put through to the REACH Helpdesk.
- The ECHA helpdesk currently receives less than half the number of enquiries received by the UK Helpdesk. It appears that ECHA gives accurate responses taken from the legal text of REACH but tends not to expand on this; it has a 12-15 day response time. The ECHA Helpdesk does not have a telephone link.
- It was suggested that it would be a good idea to ask ECHA to provide a telephone link for enquirers with issues relating to the developing REACH-IT system.

The issue of waste and REACH was raised, in the context of recycling and re-use, a particular concern being compost. The option of having compost included on Annex IV or V is being considered, but the Commission is cautious about changes to Annex IV and V.

Action: John Roberts to reconvene an EA/Waste Industry/Defra meeting to discuss the waste issue under REACH.

5. Update on other REACH matters

5.1 Communication of EU Committee/Forum papers to the Steering Committee

There are a number of potential issues related to providing all papers from all EU/ECHA committees to all members of the SC:

- very large number of papers involved (eg 90 for one meeting)
- late stage at which papers provided (eg 2 days before the meeting)
- the role of those involved (eg RAC and/SEAC members are expected to operate as individual experts, not as representatives)
- the number of different ECHA and EU committees related to REACH.

The meeting agreed that:

- Agendas for each meeting of each type should be provided to all members of the SC
- the UK members of the EU / ECHA committees will identify papers that they consider other SC members need to see for information/comment and ensure they are provided for uploading on to the REACH Government Internet Community
- access for the LACORS representative on the UK REACH CA SC to agendas & papers should be addressed as she is not currently on the REACH Government Internet Community site

Action: All representatives to provide agendas two weeks before their meetings, and papers if appropriate, to Sue Hambling for uploading on to the REACH Government Internet Community and an email alert will be sent out.

Action: Sue Hambling to establish whether LACORS can participate in the REACH Community site, and invite the LACORS representative to subsequent meetings.

5.2 UK Enforcement regime

Documents for government consultation were made available in April 2008, and from the replies received there appears to be no major outstanding issues. The documents for public consultation are due to be released on 2nd June. The timescale for the Statutory Instrument is tight, as it needs to be laid before Parliament by the end of November to allow notification of the EU Commission by 1st December that this has been done. Although the consultation will run until the end of August, Government departments have been asked to provide any final internal comments by the end of July 2008. There are still some ongoing discussions on penalties.

5.3 Communications plan for REACH (papers 6 & 7)

The proposed UK REACH Communications plans for 08/09 were discussed. In this context, some observations on REACH communication matters were provided by members of the SC.

- Scottish Government & Welsh Assembly Government – hope that the engagement of Local Authorities will increase. We also need more feedback on the effectiveness of the various communication methods being used in the UK.
- Northern Ireland (NI) – REACH is still rather a low key issue in NI. Inspectors are targeting specific business that are likely to be significantly affected but might be unaware of this. There is little trade association activity on REACH in NI, but the Business Link organisation is being active.
- HSE - many HSE inspectors had attended a REACH briefing last year (to which EA and EHOs had been invited). Further information to be provided to inspectors this year. Inspectors have not yet been asked to be pro-active regarding REACH, but are getting questions on REACH and referring them back to the Helpdesk.
- EA – An e-learning package is being developed, and is due to go live soon to EA staff. A pre-launch communication has begun and awareness is increasing. The central enforcement team has not yet been asked to be proactive on REACH.
- SEPA – Receiving occasional questions and either dealing with them centrally or, if related to Registration, passing them on to the UK REACH CA Helpdesk

A subsequent discussion on whether or not we are doing enough to raise awareness, key points being:

- Given the findings of the baseline REACH awareness research earlier in the year, setting a higher target figure (eg 66%) of businesses being aware by late 2008 might be useful.
- need to identify and specifically target other areas of business where REACH could have important consequences but awareness is low, as part of the UK Government strategy on Communication
- Trade Associations might be approached to do more to help, especially the larger ones and those focussed on chemicals.
- It is noticeable from the results of the REACH awareness survey that some businesses may be ‘choosing to be unaware’, by showing no interest in receiving REACH information.
- a second electronic mail-out to 1.3 million tax-registered businesses, using the HMRC database, will occur in August 2008. This will include emphasis on pre-registration.
- BERR supports companies that exhibit internationally and this may offer an opportunity for REACH information to be spread

Action: BERR to consider whether companies that exhibit internationally could be asked to help raise REACH awareness.

In summary the UK REACH CA Steering Committee identified with the thrust of the communication plans. No obvious gaps had been identified and it was noted that communication activity is continuing at a high level, with some priority sectors being targeted. Other sectors might also need to be considered and 'awareness by sector' needs to be included in the UK communication strategy and plan.

Action: John Roberts to ensure that the UK Communication group on REACH includes awareness by sector in its strategy and plan.

To address the concern from SMEs that 'Regulators don't know what it is like to be a SME' there is a proposal for the UK REACH CA to "buddy" 4 or 5 small companies. The selection of candidates must be impartial, so the Federation of Small Businesses (FSB) has been asked to provide nominees with a view to one in each of England, Scotland, Ireland & Wales. The UK REACH CA Steering Committee thought that this was a good idea. It was noted that:

- Scotland has its own Confederation of Small Business that should be contacted
- Wales has a Welsh branch of the FSB, that should be contacted
- NI also has a branch of the FSB and HSENI are working with a small, medium and large company as part of their approach to help businesses with legislation

6. AOB and next meeting

6.1 Global Harmonisation Scheme (GHS) and its incorporation into EU

It is felt that there might be political agreement at the first reading of this legislation in the EU Parliament, such that it could become law by mid-2009. The relevant EU legislation will be known as the Classification, Labelling and Packaging (CLP) Regulation. There are still a few outstanding issues of detail to be worked out.

6.2 Review of Pesticide & Biocide Legislation

Two points to note were reported:

- The Pesticide Safety Directorate (PSD), formerly an agency of Defra, has now merged with HSE. Defra will maintain strategic policy lead for pesticides. A Steering Committee somewhat similar to the UK REACH CA Steering Committee will be established. There is an intention to ultimately align the budget and planning activities of these two steering committees.
- The EU Pesticide (Plant Protection Products) legislation is being reviewed and will be presented as a new Regulation. The Biocidal Products Directive is also being reviewed.

6.3 Restriction of Hazardous Substances Directive (ROHS)

The EU Commission is reviewing concerns over the alignment of ROHS and REACH.

6.4 Mercury

The EU is close to agreement on the export of excess mercury from the chloro-alkali industry. Once agreed, there will be a need for a UK enforcement regime.

6.5 Next Meeting

Feedback on the 6-way video-conference held in January 2008 suggested it was not ideal for everyone, but that travelling was not always needed. The next meeting will be:

- a telephone conference (about 2 hours in length) with participants dialling in to the hub of the meeting at HSE, Bootle
- at the end of September 2008 (ie well before the pre-registration period finishes, so that remedial action can be taken)

Action: Sue Hambling to arrange date & facilities for UK REACH CA SC meeting around the end September 2008

B. UK SUBSTANCE SELECTION WITHIN REACH

(The Scottish Government and SEPA representatives had left the meeting before this item)

A paper 'Process to determine substances for which the UK Government, via the UK REACH CA, should submit a proposal or select for assessment under REACH' was presented and discussed.

Process – comments on proposals:

- Ideas for substances to be considered may come from external companies/organisations approaching one arm of government. It is important that different departments share such information and collaborate on progressing issues. A coordination function was needed.
- It would be useful to have a summary of the issues for any proposed substance to aid collective, consistent understanding. The UK REACH CA should perform this role, keeping a list of UK proposals of various types (eg SVHC, Restriction or Authorisation candidate) and the argument used for their proposal. Substances proposed by other MSs could also be incorporated. The list should be replayed back to the UK REACH CA Steering Committee, perhaps on a monthly basis, to prompt reconsideration and invite additions.
- There have been different perspectives on the desired number of substances to be nominated as candidates for the first priority list of substances for Authorisation. Some have argued that the list should be large. Others advocate a shorter list and in this context ECHA and most MSs seem to consider that about 15 authorisations a year might be processed. The UK policy perspective is that ECHA should have a list of a length that is realistic in relation to anticipated completion, covering 2-3 years work with a maximum of about 30 substances.
- The UK REACH CA SC does not meet often enough to operate a process requiring attention to detail and rapid response - a correspondence process needs to be built in.
- It is envisaged that external (beyond government) suggestions for substances of interest might be fed into departments represented on the UK REACH CA Steering Committee and/or directly into the UK REACH CA. If the proposed scheme anticipated that different departments would make cases for inclusion of a substance as a UK priority then selection criteria are needed. Governmental support for any substance should not be expressed until it has been considered by the UK REACH CA Steering Committee.
- The UK Chemical Stakeholder Forum (UK CSF) might be considered to be a key consultation body, as it has a wide membership reflecting a broad span of interest groups. It was also noted that in specific instances it would be appropriate to consult other organisations not represented on the UK REACH CA Steering Committee or on UK CSF)
- It is important to canvass stakeholders for initial proposals – but there also needs to be consultation on provisional priorities
- The work done on stakeholder analysis within the project that established the UK REACH CA could be used to establish a network of wider stakeholder contacts for broader consultation on emerging draft UK priority lists.
- Ultimately, if the UK REACH CA SC cannot reach a consensus on any proposal then the matter needs to be referred to Ministers.
- The UK REACH CA will convey back to stakeholders the outcome of debates at the UK REACH CA Steering Committee.

Action: Steve Fairhurst to give a report to the next UK CSF on the issue of substance selection

Action: Steve Fairhurst to provide a revised paper on the proposed UK process for the next UK REACH CA SC meeting

Completing outstanding UK commitments to the Existing Substances Regulation (ESR)

- The position was reviewed of the four substances under ESR for which the UK is the rapporteur MS and work to specify the appropriate risk reduction/risk mitigation measures has not been completed. Such work is now to be progressed via REACH and, where appropriate, Annex XV dossiers proposing Restriction measures.
 - **Medium-chain chlorinated paraffins (MCCPs)**
 - **Bisphenol A**
 - **Styrene**
 - **Perchloroethylene**
- Provisional proposals on the required risk reduction measures for each are required to be sent to ECHA by the end of November 2008.

Proposals for SVHCs as candidates for the first list of substances for Authorisation

- Some MSs have informed ECHA of their proposals for SVHC candidates, including France (5 substances), Austria (2) and three other MSs have declared one substance. The UK has not yet registered its intentions.
- **Bisphenol A** has been proposed as a UK priority for the first list for candidates for Annex XIV listing for Authorisation. The UK REACH CA Steering Committee decided that it would be ***more appropriate to first await the outcome of the completion of the ESR process*** referred to above.
- **Short-chain chlorinated paraffins (SCCPs)** were proposed as a candidate group for listing for Authorisation. Important observations were:
 - a definite “PBT” substance, as determined by the EU PBT Working Group
 - a Persistent Organic Pollutant (POP); in this context the UK is supporting an ultimate complete ban on SCCPs
 - about 400tpa is used in Western Europe, and the quantity falling as companies move from SCCPs to MCCPs, so impact on Industry is unlikely to be substantial; however, a brief consideration of the socioeconomics would be usefulThe UK REACH CA Steering Committee agreed that SCCPs ***should*** be advanced as a UK priority for the first list of candidates for Annex XIV listing for Authorisation.

Action: UK REACH CA to finalise the Annex XV dossier.

Action : Defra to clear the proposition with the Defra Minister

Action: Less urgently, UK REACH CA to briefly look at the socio-economic impact of progressing such a proposal for SCCPs.

- **Diethyl Hexyl Phthalate (DEHP)** was suggested as a possible UK priority candidate for the first Authorisation list because this Category 2 reproductive toxicant is widely used in plastics. Its release into water supplies could cause a large percentage of sewage treatment plants to fail Environmental Quality Standards in the Water Framework Directive unless substantial investment is made in end-of-pipe upgrades. An alternative/complementary approach might be to address the problem via the supply chain? Issues were:
 - the compatibility of timescales between the Water Framework Directive where monitoring is planned for 2010-2012, so the data can be assessed in 2013 prior to river basin planning, and REACH where listing for authorisation would require industry to consider alternatives at an earlier date

- the economic balance between source control (via REACH) and end-of-pipe control would need to be determined
- more than one other MS intends to propose DEHP for the first candidate list

The UK REACH CA Steering Committee concluded that at this stage DEHP *should not* be advanced as a UK priority substance for the first list of candidates for Authorisation. It was suggested that information should be sought especially

- the impact on Industry, as users often are importers (eg of down pipes)
- the levels of DEHP in the product or plastic feedstock
- clarification of the interface between the Water Framework Directive and REACH

The Committee would then be in a position to make an informed decision at its next meeting.

[Subsequent to this UK REACH CA SC meeting it was discovered that Sweden had nominated DEHP and hence the need for the UK to consider doing so was now unnecessary]

In summary, the UK REACH CA concluded that at this stage the UK approach should be to finalise the work on four outstanding substances from the UK's ESR commitments and to propose one additional substance – SCCPs – as a candidate for the first list of substances for Authorisation.

C. REFLECTIONS ON STATE-OF-PLAY OF REACH

ECHA / IT Systems

A number of observations were made regarding the IT systems required for REACH

- ECHA bulletins are provided weekly indicating the status of the IT system.
- The essentials should be ready by 1st June, such that there will be viable IT for pre-registration
- ECHA IT 'training the trainers' on the operation of the IT system occurred on 15th & 16th May – Amanda Cockshott (HSE) and Dan Merckel (EA) are our trainers
- The UK (like many other MSs) still need a crypto-box from ECHA to allow the ECHA-UK IT communication and there are still issues related to security and security officer roles
- Enquiries related to REACH IT should go to the Helpdesk
- ECHA are now looking for named people as their contacts in each MS for each aspect of REACH, prior to REACH-IT becoming fully operational

Summary of Actions

- a) Sue Hambling to complete the spreadsheet of contact details for Steering Committee members and store it on the REACH Government Internet Community site.
- b) Sue Hambling to make usage of the UK REACH CA website an item for discussion at the next SC meeting.
- c) Sue Hambling to annex the performance measures 2008/09 to the minutes.
- d) Sue Hambling to establish whether LACORS can participate in the REACH Community site, and invite the LACORS representative to subsequent meetings.
- e) Sue Hambling to arrange date & facilities for UK REACH CA SC meeting around the end September 2008.
- f) Tim Harris to provide a note of the EU REACH CA meeting for SC members.

- g) Steve Fairhurst to give a report to the next UK CSF on the issue of substance selection.
- h) Steve Fairhurst to provide a revised paper on the proposed UK process for substance selection for the next UK REACH CA SC meeting.
- i) Steve Robertson to provide UK REACH CA SC secretariat with the updated Business Plan, for circulation to UK REACH CA SC members.
- j) John Roberts to reconvene an EA/Waste Industry/Defra meeting to discuss the waste issue under REACH.
- k) John Roberts to ensure that the UK Communication group on REACH includes awareness by sector in its strategy and plan.
- l) DEFRA to clear the proposition, of advancing SCCP as a UK priority for the first list of candidates from Annex XIV listing for authorisation, with the Defra Minister.
- m) UK REACH CA to establish appropriate location for minutes on the UK REACH CA internet site.
- n) UK REACH CA to write to key organisation eg CIA, CBI, Federation of Small Businesses, to seek the views of their members on the UK REACH CA helpdesk and website and their experiences with the ECHA helpdesk.
- o) UK REACH CA to finalise the Annex XV dossier for SCCPs
- p) UK REACH CA to briefly look at the socio-economic impact of progressing such a proposal for SCCPs.
- q) All representatives to provide agendas two weeks before their meetings, and papers if appropriate, to Sue Hambling for uploading on to the REACH Government Internet Community and an email alert will be sent out.
- r) BERR to consider whether companies that exhibit internationally could be asked to help raise REACH awareness.

Draft v.3 (27/10/08)
Sue Hambling

Annex

PERFORMANCE MEASURES FOR UK REACH CA FOR 08/09

(v0.4 : 10 June 2008)

Proposed measures

At its third meeting on 24 January 2008, the UK REACH CA Steering Committee agreed the 08/09 business plan for the UK REACH CA. At the back of the plan were some proposed performance measures for 08/09 (v0.2). There was brief discussion of these proposals. Based on comments made then and developments over the subsequent weeks, version 0.3 of the performance measures was presented at the UK REACH CA Steering Committee on 20th May 2008. With minor editorial changes the following performance measures (version 0.4) were accepted by the UK REACH CA Steering Committee.

1. AWARENESS RAISING VIA PROACTIVE HELPDESK FUNCTION

Defra has recently funded a study of REACH awareness among UK companies (as reported to the 24 January meeting of the UK REACH CA Steering Committee) Current thinking is that such a survey might be repeated in late 08/09. One might consider that this would represent, at least in part, an evaluation of the impact of the overall governmental REACH communications campaign, delivered mainly through the UK REACH CA.

Regional “roadshow” workshops

These will continue to run through the first few months of 08/09. Potential objectives, for which the extent of their attainment by the UK REACH CA can be measured, are:

- attendance figures are as planned
- balance of feedback from attendees strongly positive

UK REACH CA website

Ideas could be developed around the number of hits (currently running at 10 000 – 13 000 hits per month) and perhaps further delving into characteristics of those hits. The website’s ranking on Google (currently 2nd-3rd for Google UK, 5th-6th worldwide) might also be used as an objective/indication of the website’s prominence.

2. REACTIVE HELPDESK

Based on recent patterns it is now forecast that the UK REACH CA will need to deal with perhaps 5000 - 6000 enquiries in 08/09; this is a very substantial increase on previous demand and forecast. The target response time should be 5 working days. Performance measures could be:

- at least 90% or 95% achievement of response time.
- all feedback collected and analysed – balance should be strongly positive
- In addition, Defra might consider arranging for an independent assessment of the UK REACH CA reactive helpdesk performance?

3. ENFORCEMENT

The following objectives (with achievement of them being the measures of performance) are suggested:

- The UK enforcement liaison group to be established satisfactorily
- The necessary MoUs between enforcing bodies to have been finalised satisfactorily
- Appropriate documented arrangements to have been put in place covering the various procedures surrounding the UK REACH CA's responsibility to secure compliance with Registration
- In relation to "whistle blowing", the UK REACH CA (where it is the appropriate enforcing authority) to commence investigation of all such complaints received, within 5 working days – with 95% achievement being the performance benchmark?

4. SUBSTANCES UNDER REACH

- all four such outstanding UK ESR risk reduction strategies to have been completed appropriately and delivered, as REACH Annex XV Restriction dossiers, to ECHA by 1 December 2008.
- an appropriate and effective system to have been developed whereby UK government generates and agrees its ideas for substance-specific work under REACH (Classification & Labelling, Restriction, Authorisation and Evaluation); and to have fed into and influenced the EU process operating to define work programmes for ECHA's plans for such elements of REACH.