



## BRITISH COMPRESSED GASES ASSOCIATION

1 Gleneagles House, Vernon Gate, South Street, Derby DE1 1UP

Tel: 01332 225120 Fax: 01332 225101

Website: [www.bcgga.co.uk](http://www.bcgga.co.uk)

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# **REACH BRIEFING NOTE**

REACH has been cited as the single most important piece of legislation to affect the chemicals industry and as the most complex piece of legislation to go through the European Parliament. Previous BCGA briefing notes and presentations at conference have outlined the basics of REACH.

If however, you are not aware of REACH or are uncertain about the basics then good introductory information is available on the "Reach ready " web site [www.reachready.co.uk](http://www.reachready.co.uk) and it is possible to subscribe to this service to get further guidance.

REACH came into force on 1<sup>st</sup> June 2007 and the purpose of this briefing note is to provide basic advice to BCGA members on the actions that you should be taking now.

EIGA has also produced a briefing note and this is also attached for your reference.

### **1. Make an inventory**

The first requirement is to make an inventory of all of the chemicals (gases) that you place on the market or use in your manufacturing process. Note that this must also include all of the components of any mixtures or other items that you produce using chemicals because although REACH applies to substances you need to be aware that REACH applies also to downstream users and so by using a chemical in manufacturing you have obligations under REACH. Your inventory needs to be complete.

Some gases are exempt from REACH (Ar, N<sub>2</sub>, CO<sub>2</sub>, O<sub>2</sub>, H<sub>2</sub>, LPG, natural gas, He, Kr, Xe) but for the sake of completeness include these in your inventory. Identify at this stage not only what the gases/ chemicals are but also the quantity involved per year. Note that whilst butane and propane are components of LPG they are not individually currently exempt from REACH and that whilst natural gas is exempt, methane is also not mentioned separately. EIGA is working to remove these anomalies but in the meantime members should consider methane, propane and butane as being within scope of REACH.

### **2. Define your status in REACH**

In REACH you can be a manufacturer, an importer or a downstream user. Each status has its own obligations. Given the exemptions listed above, few BCGA members will be manufacturers. Initial assessment has indicated that, within the BCGA membership, the primary "manufactured "chemicals will be carbon monoxide, ammonia, ammonium nitrate, acetylene, calcium carbide, calcium hydroxide, nitrogen monoxide and nitrogen dioxide.

There will be a larger number of imported chemicals. However, note that it is only imports from outside the 27 countries of the EU (plus Norway, Lichtenstein and Iceland) that result in an obligation on the importer to preregister under REACH.

The majority of BCGA members will only be affected by obligations as a downstream user.

### 3. Define your tonnage bands

REACH has tonnage bands >1Te p.a , >10 Te p.a , >100 Te p.a and >1000 Te p.a. These tonnage bands are used along with the hazards of the chemicals to determine the timescales for actual registration of the chemical. High volume chemicals and highly hazardous chemicals are first in the list. The entire process of REACH implementation is spread over 11 years.

Note however, that whilst any chemical under 1 Te p.a is exempt from REACH

(irrespective of hazard) downstream users should identify all chemicals irrespective of quantity used as it is possible that some chemicals may no longer be available if the manufacturer decides not to progress with registration and this can affect business continuity.

### 4. Decide what to do!

Armed with the data gathered from the steps above then it is possible to determine the actions required. Essentially if you are a manufacturer or importer of any chemical > 1Te p.a then you should prepare for preregistration which is required to be done between 01/06/08 and 30/11/08 and gives businesses the opportunity to benefit from phased in actual registration .Any business missing this deadline will be faced with either immediate registration or withdrawal of the chemical from the market. There is only limited information required for preregistration :-

Name and address of legal entity making the preregistration

Contact name within legal entity

Substance name

Substance Chemical Abstracts Service (CAS) number and EINECS number

Anticipated date for registration (i.e this is dependent on hazard and band of tonnage supplied)

Preregistration is to be done using a standardised IT package from the European Chemicals Agency. Actual data submission is done using a complex database called IUCLID and manufacturers or importers would be well advised to commence familiarisation with this software. An alternative simpler software package (REACH IT) should also be available for use next year but it has not yet been released.

If you are a downstream user then you should start now to contact your suppliers and ask them for confirmation that they will be preregistering the chemicals supplied to you and that they are aware of your use of the chemical. This is because REACH registration is use specific. The supplier may then require information from you to produce exposure scenarios that will be used in progressing the registration process. EIGA is developing a list of applications, which will be reasonably generic and will assist in the consistent reporting of uses under REACH.

EIGA is also working to generate exposure scenarios but will not actually facilitate the registration process. Attached to this briefing note are two model letters that can be used for communication with your suppliers.. Most importantly – do not delay. There is limited time to prepare for REACH. BCGA will continue to develop guidance via TSC5 and a meeting is planned for February 2005 to give guidance to members. .

David Hopper  
Air Liquide UK Ltd.  
Chairman TSC5

## Specimen letter to upstream suppliers from REACH Ready

REACHReady - Letter to Upstream Suppliers

REACH, the Registration, Evaluation and Authorisation of Chemicals regulation is due to enter into force in June 2007. As the regulation presents a tremendous challenge to supply chain management, companies are now preparing for compliance.

We hope that you are aware of REACH and its potential implications. As REACH requires a substance-by-substance approach to implementation, we are writing to ask if you could provide us with answers to the following questions:

**Q1.** *Would you please provide us with a complete inventory of all the substances (together with their volumes) that you regularly supply to us, including the components of preparations, and any substances that are intentionally released from any articles? (if you need to protect your commercially confidential information then a trade name would suffice)*

**We need this information to assess the scope of our responsibilities under REACH.**

**Q2.** *Are there any substances within the inventory considered of "high concern" that may be subject to Authorisation and/or that are subject to the first registration period? If so, which products would this affect?*

**We need this information to help us plan ahead and to anticipate any problems as REACH comes into force.**

**Q3.** *Are you able to reassure us that each of the substances that you supply to us (individually, as part of a preparation or to be intentionally released from an article), are going to be registered by yourself or another company further up the supply chain?*

*are any of our specific uses of the substances you supply us that will not be incorporated in their registration dossier?*

**We need this information to see if we need to make specific use notifications under REACH**

**Q4.** *Do you anticipate needing our input to develop Exposure Scenarios and when will this process begin?*

**We need this information so that we can put in train any necessary investigations.**

**Q5.** *Are you able to reassure us that as a result of REACH, the products that you supply to us are not at risk of reformulation, withdrawal from the market or under price/margin pressure?*

**We need this information so that we can plan any necessary formulation changes to maintain production.**

We realise you may not be able to answer these questions directly and might need to refer in turn to your suppliers, especially if you yourself are not responsible for a substance's registration. If this is the case please let us know when you expect a response to be provided.

There are a variety of strategies to minimise REACH requirements, costs and administration. For further information and help, we recommend that you contact the REACHReady service ([www.reachready.co.uk](http://www.reachready.co.uk)).

## Specimen letter to upstream suppliers – from EIGA / CEFIC

### REACH: Standard Questionnaire for Communication Along the Supply Chain<sup>1</sup>

#### Questions from Downstream User (Customer) to Supplier REACH: Pre-registration / Registration

Concerning the Product (trade name): X\_\_\_\_\_

- Substance  Polymer  
 Preparation  Article

1. At this stage, do you expect that the substances, which are contained in the product above and require registration, will be **pre-registered** by your company or by your upstream supplier?

- yes  
 no  
 too early to decide. Reply probably by ..... (expected date of reply)\*

2. At this stage, do you expect that the substances, which are contained in the product above and require registration, will be **registered**?

- yes  
 no  
 too early to decide. Reply probably by ..... (expected date of reply)\*

3. If questions 1 or 2 are answered with "yes": Regarding the substances that are contained in the product and require registration – please mark the crucial REACH registration deadlines for those substances which are decisive for the product properties.

- immediate registration

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\* Stating a date is desirable, but this is left to the discretion of the seller.

<sup>1</sup> *The information contained in this questionnaire expresses only the intention of the questionee and does not constitute a binding obligation. Whilst the information is provided in utmost good faith, no representations or warranties are made with regards to its completeness or accuracy and no liability will be accepted for damages of any nature whatsoever resulting from the use of or reliance on the information*

- 3.5 years
- 6 years
- 11 years
- too early to decide. Reply probably by ... .. (expected date of reply)\*

4. Contact details

Please provide full contact details for the person in your company responsible for REACH issues

*Name, position, telephone number , mailing address and email*

Please return this questionnaire to:

*Business/supply chain contacts to be inserted*

[Click here for](#)  
[REACH: Pre-registration and Data-sharing](#)