

Brexit – impacts on Irish companies under Detergents, CLP & REACH Regulations

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Overview

Implications regarding the following key points:

- IE/NI Protocol
- Roles in supply chain
- Obligations under:
 - Detergents Regulation
 - CLP Regulation
 - REACH Regulation
- Example scenarios

Ireland/Northern Ireland (IE/NI) Protocol

The IE/NI Protocol makes certain provisions of EU law applicable to and in the UK in respect of Northern Ireland

- **Detergents Regulation** will apply to NI and, therefore, detergents sourced from NI, and those supplied by an Irish company to NI, must comply with the EU Detergent Regulation
- **CLP Regulation** applies in respect of NI meaning that chemicals traded between NI and IE must comply with all the rules set out in the Regulation
- **REACH Regulation:** REACH applies in NI as per EU rules - for registration, substances manufactured in NI/imported into NI from outside EU ≥ 1 tonne/year must be registered
- IE company sourcing substances from NI supplier is not deemed as import

Your company's role in the supply chain

CLP/REACH:

- Downstream user - Formulator or End user
- Distributor only incl. wholesale, retail

Detergents:

- Distributor

Directly source from GB (England/Scotland/Wales)

21 Jan 2021



IMPORTER



Responsibilities

Detergents Regulation

- Irish companies who source **detergent** products from GB from 1st Jan 2021 will become detergent manufacturers (importers) & must take full responsibility for compliance of products

Importers must ensure that before placing on IE market :

- ✓ detergent products are labelled & packaged correctly
- ✓ an Ingredient data sheet is prepared* (must provide on request from NPIC)
- ✓ a list of ingredients is made available on website*

*For industrial detergents **not** made available to general public, above-mentioned requirements do not have to be fulfilled if equivalent information is provided by means of technical data sheets, SDSs, or similar

Name of Product

BRIGHT DISINFECTANT CLEANER

A gel concentrate (PC) disinfectant cleaner for the broad spectrum control of microorganisms

Biocide statement of use

Hazard Pictograms



Bright Co. Ltd.,
Bright Lane,
Dublin 123.
Ireland.
Tel. no.: 00353 1 123 4567
E-mail: brightbright@dot.com
Ingredients list: www.brightcleaning-forever.com

Supplier details/Tel. no./E-mail address for Ingredient Data Sheet and company website address

Signal word

Danger
Causes serious eye damage
Causes skin irritation

Hazard statements

Precautionary Statements – (Maximum of 6)

Keep out of reach of children.
IF IN EYES: Rinse cautiously with water for several minutes
Wear protective gloves/protective clothing/eye protection/face protection.
IF ON SKIN: Wash with plenty of soap and water.
If skin irritation occurs get medical advice/attention.
Immediately call a POISON CENTRE or doctor/physician.

Batch number Label version No.

Contains amongst other ingredients:
10-30% Anionic surfactants, 5-15% Non-ionic surfactants,
< 5 % Phosphonates, Optical brighteners, Enzymes, Perfumes, Citronello Linalool,
Methylisothiazolinone (MIT) 2.5 % w/w and chloromethylisothiazolinone (CMIT) 1.5 % w/w

Biocide use & handling, storage and disposal information

Biocide notification no. (PCS) or authorisation no. (IE/BPA)

Label version: 2.01
Batch Number:356748762

PCS 9xxxx or IE/BPA 7xxxx

Directions for use: Dilute 150 ml of product with 2 litres of water. Apply to surfaces and leave for 20 minutes. Dry clean surfaces before rinsing treated surfaces with water. Prevent loss of waste water to STP via drains. Wear appropriate gloves and face mask. Do not decant. Store in original container. Containers are to be triple rinsed and disposed according to national waste legislation requirements.

Nominal quantity

1L

Specific labelling requirements for detergents including listing of enzymes, optical brighteners, perfumes, allergenic fragrances and preservative agents.

Biocidal active substance must be identified separately with the % weight/weight content.



Readiness Notice - Detergents

https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/detergents_en.pdf



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMEs

Brussels, 24 July 2020

REV1 – replaces the notice dated
27 September 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DETERGENTS

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020. Until that date, EU law in its entirety applies to and in the United Kingdom.³

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the

CLP Regulation

Directly sourcing chemical substances or mixtures from GB from 1st Jan 2021?

IE company (formerly a distributor or downstream user) will become an **importer**

Importers have responsibilities under the [CLP Regulation](#) (No. 1272/2008):

- classify chemicals correctly according to CLP criteria/rules*
- assign the correct EU hazard labelling*
- ensure compliance with specific packaging requirements

*UK will implement GB CLP adopting the UN GHS system. Classification and labelling may differ



Notification to ECHA

- Importers must notify info to European Chemicals Agency's classification & labelling inventory **regardless of quantity**

Notify details of:

- registered substances
- substances classified as hazardous
- substances in mixtures resulting in classification of mixture

Notification must occur **within one month** of placing on EU market

How to: <https://echa.europa.eu/support/dossier-submission-tools/reach-it/notification-to-the-cl-inventory>

Summary of Classification and Labelling

Harmonised classification - Annex VI of Regulation (EC) No 1272/2008 (CLP Regulation)

General Information				International Chemical Identification			
Index Number	EC / List no. (3)	CAS Number					
001-001-00-9	215-625-7	1333-74-0	Hydrogen				

ATP (Inserted / Updated): CLP00 (3)

CLP Classification (Table 3)

Classification	Labelling			Specific Concentration Limits, W-Factors, Acute Toxicity Estimates (ATE)	Notes
Hazard Class and Category Code(s)	Hazard Statement Code(s)	Hazard Statement Code(s)	Supplementary Hazard Statement Code(s)	Pictograms, Signal Word Code(s)	
	H220	H220		GHS02 GHS04 Gp*	

Signal Words

Signal Words	Pictograms
	Flame
	Gas cylinder

Seveso III (Annex II)

Please also note that ECHA is not an authority for the Seveso Directive and that the Seveso categorisation below is provided for information only. The Seveso III Directive (Directive 2012/18/EU repealing Directive 96/62/EC (Seveso II) from 1 June 2015) is the only authentic legal reference and that the information in this inventory does not constitute legal advice. For further information on Seveso, please ask your national authority.

Seveso Data	
Seveso Substance	Seveso Categories
Yes	Named EC

Notified classification and labelling

General Information			
EC / List no. (3)	Name	CAS Number (4)	
215-625-7	Hydrogen	1333-74-0	

Poison Centre Notification

- All hazardous **mixtures** classified for **physical or health hazards** placed on IE market must be notified to National Poison Information Centre (NPIC) at Beaumont Hospital (Art 45 CLP)
- Currently importers and downstream users (formulators) must submit information to NPIC, pay a fee before adding NPIC number to section 1.4 of SDS
- Submission of information is moving to a harmonised system managed by ECHA from **January 2021**. Notifications for products placed on IE market will be submitted via a Poison Centre Notification (PCN) portal managed by ECHA
- More info: <https://www.poisons.ie/Manufacturers/Product-Registration>

REACH Regulation

Registration:

If a company imports a chemical substance (alone or in mixture) at ≥ 1 tonne/year – registration under REACH required (with some exemptions)

Currently:

- IE company buys chemicals from GB supplier - role under REACH: downstream user/distributor -> **no registration obligations**

From 1st Jan 2021:

- IE company continues to directly source chemicals from GB supplier - role under REACH changes to importer -> **registration obligations**

REACH - Registration

If sourcing substances $\geq 1\text{t/yr}$ from GB from 1st Jan 2021:

- Check whether substance to be imported is registered by a registrant established in EU & uses are covered

If no:

- find an alternative supplier within the EU (registration in place)
- check with UK registrant to ensure that it plans to appoint an Only Representative covering registration in EU
- register the substance as EU importer

Safety data sheets

- Required and regulated under [REACH Regulation](#)
- Importers responsible for content/accuracy & provision
- Supplier details in section 1.3
- Label and section 2 details must match
- Irish OELs must be listed as relevant in section 8

SAFETY DATA SHEET
CleanIt Date of Issue: June 2010

1. Identification of the substance/mixture and of the company/undertaking

Identification of the substance/mixture:
Product identifier: ABC XYZ chemical
Trade Name: Industrial Cleaner
Relevant identified uses: Industrial Cleaner
Company name: Acme Cleaning Ltd., 123 Main Lane, Ind. Estate, Dublin 123
Telephone number: 01 234 5678
E-mail of responsible person for SDS: sds@acme-cleaning.com
Emergency telephone number: 01 123 4567 (9am - 5pm)

2. Hazard Identification

Classification according to Directive 67/548/EEC:
Xi, H302
Classification according to Regulation (EC) No 1272/2008:
Eye Irritant 2, H319
Skin Irritant 2, H315
Label elements:
Labelling: according to Regulation (EC) No 1272/2008
Pictogram:  Signal Word: Warning
Signal Word: Warning
Hazard Statements: H315 Causes skin irritation
Precautionary Statements: Precaution: P201
Primary route(s) of entry: Inhalation: Yes; Skin: eyes: Yes; Ingestion: No
Human health:
Inhalation: Irritant, alkaline liquid
Eye: Eye contact may cause irritation.
Skin: May cause irritation.
Environment: No data available
Hazards: There are no known other hazards

3. Composition/Information on Ingredients

Name	EC No.	CAS No.	Co
ABC	123-456-9	1234-56-7	<1%
XYZ	123-789-0	1234-56-9	>9%

CleanIt
XYZ > 99% w/w CAS No. 0123-45-6

Acme Cleaning Ltd.,
1 Acme Lane,
Ind. Estate,
Dublin 123
Phone: 01 234 5678
Warning:
Causes serious eye irritation. Causes skin irritation.
Keep out of the reach of children. Wear protective gloves/protective clothing/eye protection/face protection.
If the SDS does not specify, wear safety glasses. If eye irritation persists get medical advice/attention.



REACH restrictions

Article 67

General provisions

1. A substance on its own, in a mixture or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted.

Bringing chemical substances or mixtures in from the UK from 1st Jan 2021?

Importers have responsibilities to check for substances restricted under **REACH**

Restricted substances

- Substances of unacceptable risk to human health and environment restricted listed in Annex XVII of REACH
- Restricted substance cannot be manufactured, used or placed on the market unless it complies with conditions of restriction (use/placing on market limited or banned)
- 74 currently on Annex XVII

Importers are **responsible** for ensuring that:

- substances imported into EU comply with restrictions
- imported mixtures do not contain banned substances or comply with restriction
- articles, e.g. jewellery, do not contain restricted substances/comply with restriction

Substances subject to authorisation

- Authorisation: substances that are identified as being of very high concern (SVHC) may be included in Annex XIV REACH
- All use and marketing of substance is banned after sunset date unless an authorisation is granted by Commission
- 54 substances on Annex XIV:
<https://echa.europa.eu/authorisation-list>
- Downstream users of substances subject to authorisation must ensure that authorisation for their use is valid

Authorisation & downstream users

- If your company is a downstream user of a substance subject to authorisation where the authorisation holder is GB-based.....
-the authorisation for the use will no longer be valid from 1st January 2021

Solutions:

- find EU-27/EEA supplier with valid authorisation, or
- apply for authorisation for use

Readiness Notice - REACH

https://ec.europa.eu/info/sites/info/files/notice_to_stakeholders_brexit_reach.pdf



EUROPEAN COMMISSION

DIRECTORATE-GENERAL ENVIRONMENT

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES

Brussels, 30 March 2020

REV1 - replaces the notice dated

26 February 2019

NOTICE TO STAKEHOLDERS

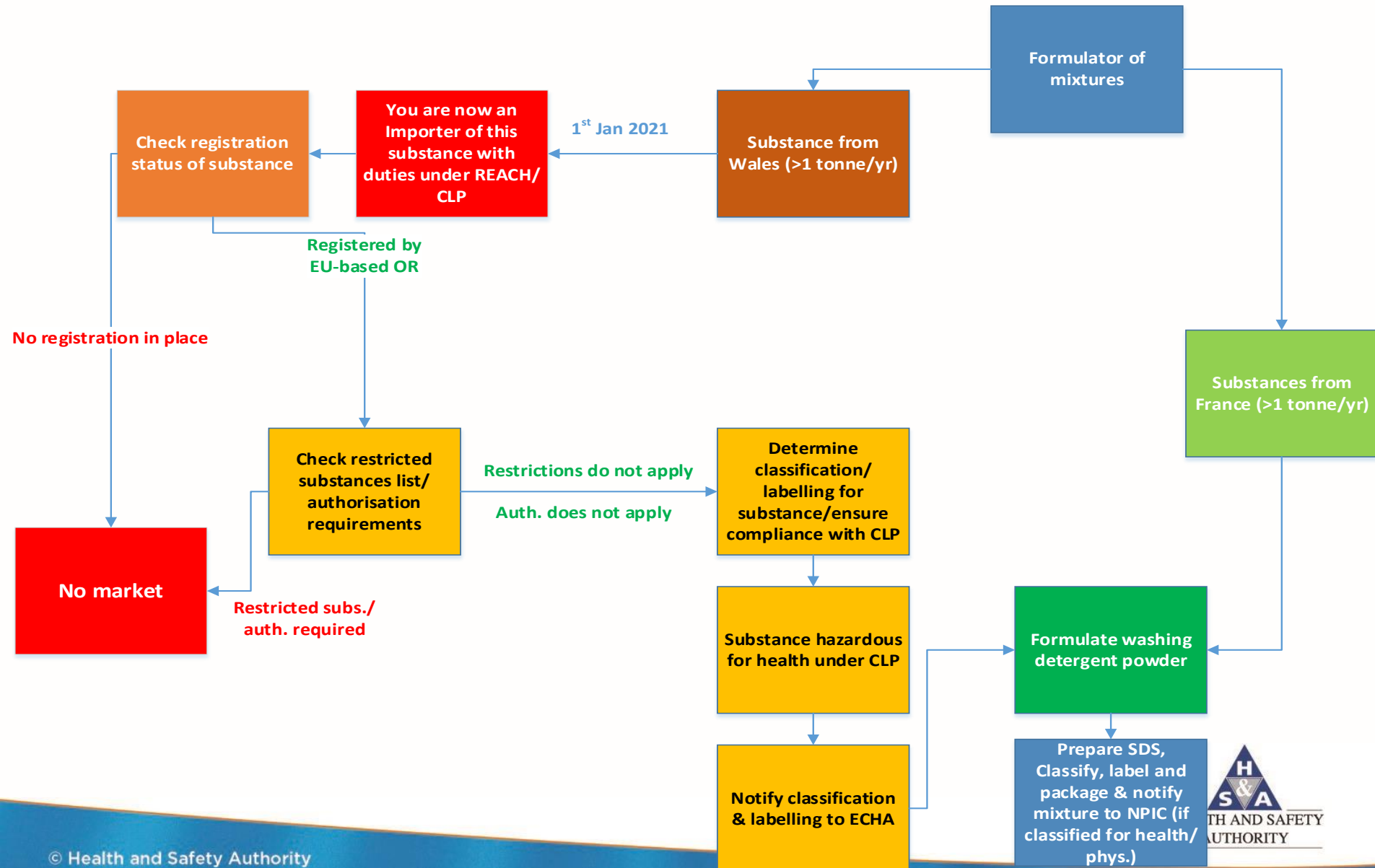
WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF CHEMICALS REGULATION UNDER REACH

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a ‘third country’.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020.³ Until that date, EU law in its entirety applies to and in the

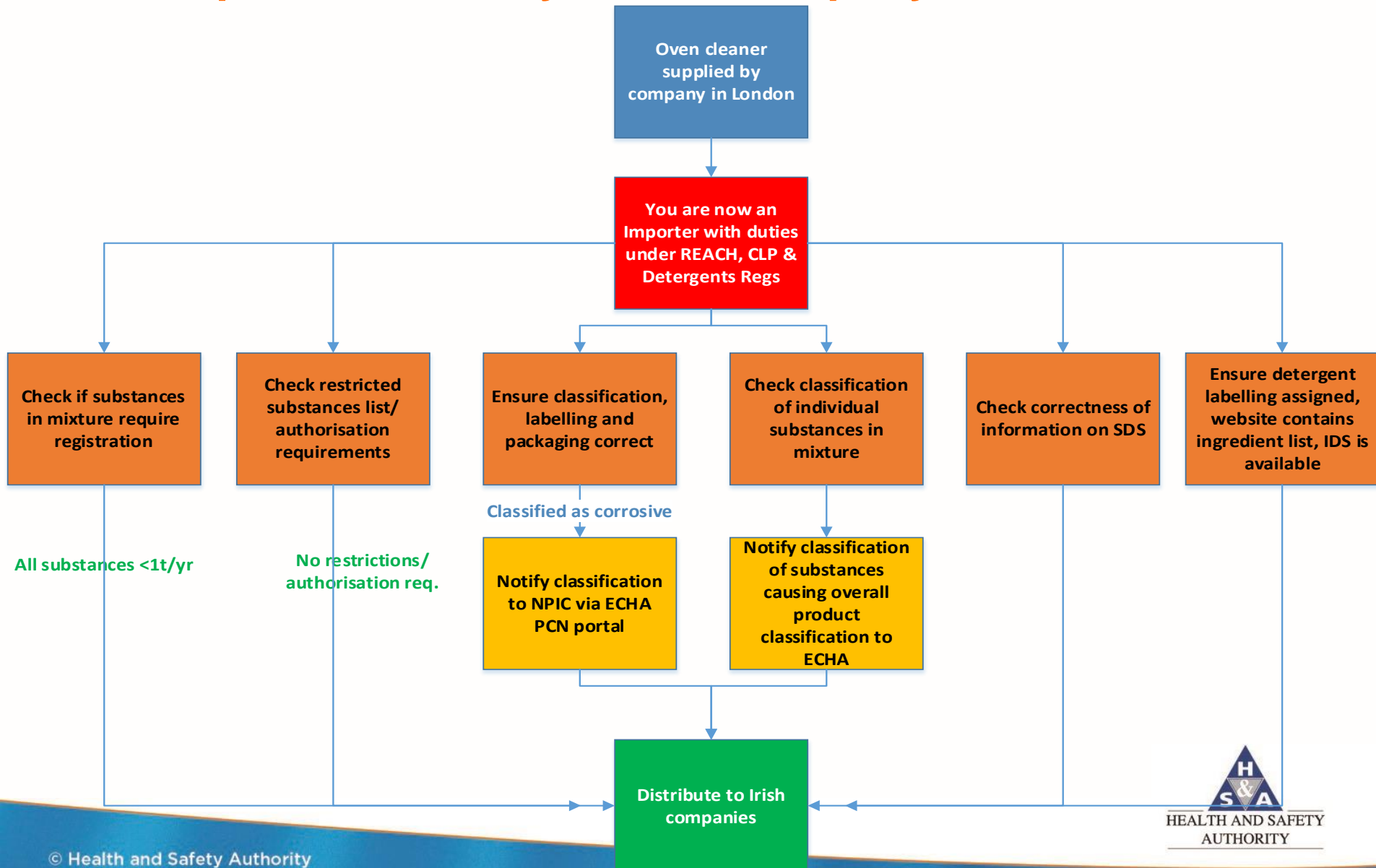
Example scenarios

The following slides outline certain duties under REACH, CLP, Detergents and PIC Regulations for different actors in the supply chain from 1st January 2021 after the withdrawal of the UK from the EU

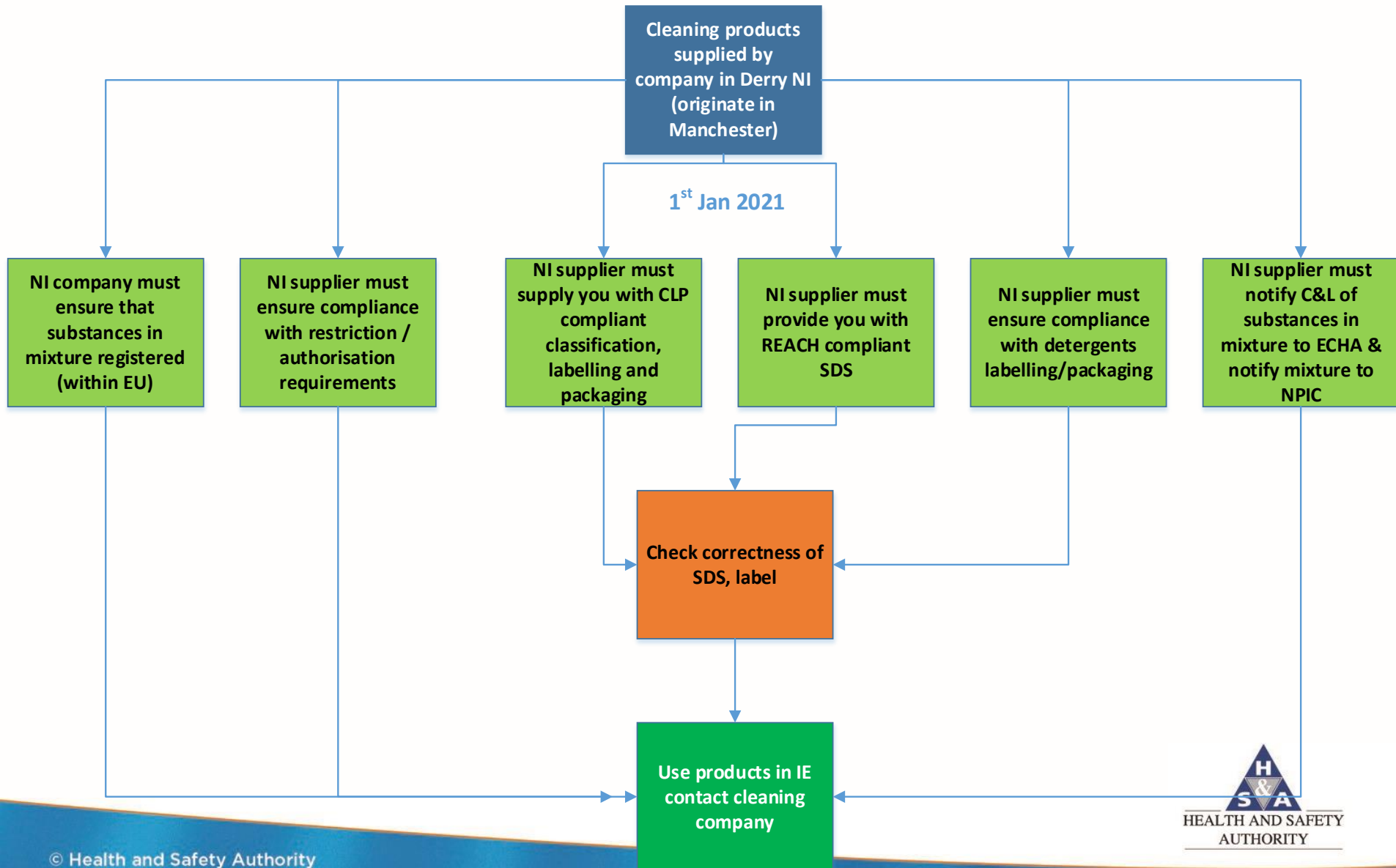
We formulate a washing powder using a substance sourced from a company in Wales & some from France



I distribute oven cleaner to IE companies & buy the product directly from a company in London



We buy cleaning products from a company in Derry for use in our contract cleaning company



Take away

Sourcing chemicals from GB from 1st Jan 2021?

You are now the **importer & the EU responsible person** ensuring that:

- ✓ Labelling/packaging for detergents is compliant
- ✓ Ingredient data sheet & ingredient list available
- ✓ the classification, labelling and packaging is correct
- ✓ you've notified hazardous substances to ECHA
- ✓ details are supplied to NPIC via ECHA
- ✓ your supplier details are on the label/package & SDS
- ✓ substances are registered
- ✓ SDS is correct & compliant
- ✓ there are no restricted substances in the product
- ✓ substances subject to authorisation are covered by a decision



Support

- HSA chemicals helpdesk: chemicals@hsa.ie
- HSA webpages www.hsa.ie/brexit
- ECHA webpages on UK withdrawal
<https://www.echa.europa.eu/support/qas-support/browse/-/qa/70Qx/view/topic/theukswithdrawalfromtheeu>
- European Commission Notices on REACH, Detergents & PIC
- IE Government Departments and Agencies

Thank you

