Introduce yourself (name, job title, organization and country) in the chat section.

Only the presenter and facilitator will speak. Any comments or questions from attendees should be typed in the chat section.

Please kindly keep your microphone muted and cameras off during the discussion.

NOTE:
If you are having technical issues, please join the Chemicals in Products WhatsApp group, using this link, and we will assist you:
https://chat.whatsapp.com/DVwGix7x04d1Q9b5usAjr

Discussion 2:
Topic: Enforcement of products

- Date: 26th November 2020
- Time: 14:00pm – 15:30pm (GMT+2)
- Presenter: Anna Fransson, KemI
- Stephane Content, Cefic
- Facilitator: Andrea Rother, University of Cape Town
- Chair: Maxine Brassell, MPH student, University of Cape Town

This activity is supported by the Global Environment Facility (GEF) project ID: 9771 on Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM).
Chemicals in Products Community of Practice

Discussion 2:
Enforcement of products

PRESENTER

Anna Fransson
Senior advisory at the Swedish Chemicals Agency (Kemi).

Stephane Content
Manager of Product Stewardship at Cefic and Value chain outreach and chemicals in products at ICCA.
Enforcement is essential, and without enforcement any law will be ineffective. This also calls for enforcement of legislation regarding chemicals, as substances, mixtures and in articles. Many chemical products are incorporated in finished products, or articles, during the production process. Examples could be painted and lacquered furniture, polymers and metals in electric and electronic products, dyes in textiles, flame retardants and plasticizers in plastic products, etc.

Articles may pose a risk due to their chemical contents. In some countries specific substances have been regulated in specific groups of articles, but in general they are to a large extent unregulated with regards to their chemical contents. Examples of articles that have been regulated in the EU are toys and electronics.
The intention of this discussion is for participants to:

- Exchange information on inspection and enforcement experiences regarding chemicals in products
- Discuss existing legislations, regulations and policies that have been undertaken in countries, regions and sectors and opportunities and difficulties in enforcing these
- Share resources and initiatives to support work on inspections and provide suggestions for further needs
Background to Question 1:
Presented by: Anna Fransson, Keml
Swedish Chemicals Agency

- Supervisory agency under the Ministry of Environment
- Staff of 290 people, 30 inspectors
- Our tasks:
  - Objective: A non-toxic environment
  - Develop legislation and other instruments of control
  - Review applications for pesticides
  - Enforcement
Department of Enforcement

- Most chemical legislation under the Swedish Environmental Code
- Placing on the market first time in Sweden
  - Swedish Chemicals Agency
- Placing on the market down the supply chain
  - Municipalities
- Use
  - Municipalities
  - County administrative boards
  - Swedish Work Environment Authority
- Pesticides, Industrial & Consumer chemicals
- Chemicals in Articles
- Guidance to local and regional authorities
- Cooperation in the EU
Enforcement – not only inspections?

**Enforcement**

- Activities aimed at promoting compliance and achieving outcomes of regulations, such as information, guidance and inspections.

**Inspections**

- Collect information to make an assessment of a duty holders’ level of compliance
- Snapshot of the current situation
Enforcement is....

• Necessary to ensure compliance
• For reliability in the legal system

• A reminder to all relevant actors about the legal requirements
• Helps to protect from negative effects on health and environment

• Deterrent for those actors that consider ignoring these requirements
• An assurance to those actors who puts effort into complying with the requirements that the competitors will have to do the same.

No Enforcement – No Law!
International flow of articles but national enforcement

• Complex and global value chains

• GHS not implemented – impossible for article value chain to get information

• Lack of legal demands for information exchange furthermore in article value chains – knowledge gaps
Chemical regulations concerning articles

**Toy Safety Directive**  
(2009/48/EC)  
Restriction of substances in toys. Labels and documentation.

**RoHS directive**  
(2011/65/EC)  
Restriction of e.g. lead and cadmium in EEE. Labels and documentation.

**Packaging and packaging waste directive**  
(94/62/EC)  
Restriction of heavy metals in packaging.

**REACH (EC) no 1907/2006**  
Restrictions annex XVII e.g. phthalates, lead, nickel, azocolourants.  
Duty to communicate information on substances in articles (art 33).

**Biocidal Products Regulation (EU) no 528/2012**  
Labelling and duty to communicate information on treated articles.

**POPS Regulation (EC) no 850/2004**  
Restrictions of e.g. SCCP and HBCDD.

**General Product Safety Directive**  
(2001/95/EC)  
All products should be safe.
Priorities

• Non-Toxic everyday life for children

• Focus on specific articles:
  • Electronics/Electric equipment
  • Toys
  • Clothes & shoes
  • Accessories
Enforcement of articles

- On site inspection/desktop inspection
- Company’s own control system
- Analysis of chemicals in articles
- Control of documentation and labelling
Chemical analysis of articles

- Screening with our own XRF-instrument

- Chemical analyses at external laboratory based on restricted substances in relevant legislation
Fail – Measures

• Products exceeding restricted levels of a substance:
  • The company must stop selling the product
  • The company must pay for the analytical costs
  • Report to the prosecutor's office
  • Environmental sanction fee
  • Rapex/ICSMS registration
• Rapex/safety gate – alert system for dangerous non-food products

https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm
Experiences

- Awareness of legislation varies
- Typical causes of non-compliance:
  - Soft plastics – restricted phthalates, SCCP
  - Textiles – azo-dyes
  - Jewellery – lead, cadmium, nickel
  - Electrical and electronic equipment – lead in solders
- Information requirements (Reach article 33)
  - EU court ruling on 0.1 %
  - Knowledge increasing – but variable!
  - Consumer interest increasing
Question 1:

What actions are undertaken in your country, region or sectors to ensure compliance with relevant legislation?

Are there any gaps in existing legislation, regulations, or policies to address enforcement of chemicals in products in your country/region/sector?

This question will be discussed for 35 minutes.
Please use chat only, mute your microphone, and turn your video off.

Thank you!
Background to Question 2
Presented by: Stéphane Content, Cefic, ICCA

The European Industry Chemistry Council
Cefic, founded in 1972, is the voice of large, medium and small chemical companies across Europe, which provide 1.2 million jobs and account for about 17% of world chemicals production.

International Council of Chemical Associations
ICCA represents chemical manufacturers and producers around the world. Our members account for more than 90 percent of global chemical sales, and more than 120 million people around the globe are employed directly or indirectly by our industry.
Communication in the value chain

Mission & Goals

- The Proactive Alliance is striving to reach a cross sectoral harmonization on how to report on Substances in Articles along the supply chain on a global level.
- This will eventually result in the following benefits:
  - to be compliant, today and tomorrow, concerning future legal requirements
  - to meet existing supply chain and consumer information requirements under Art. 33 (1)/(2) REACH
  - to save costs from effective communication systems
  - to reduce the burden on supply chain actors by means of an inter-sector cooperation based on common agreement
Communication in the value chain

Outcome of the Proactive Alliance

- A policy document with recommendations from several industries for a global standard to report on Substances in Articles along the supply chains.
- We propose criteria and technical details for such a standard, in particular in terms of data generation and collection (i.e. data quality, reliability, comprehensiveness and exchange formats as well as basic rules governing data protection and security) and in terms of the development and maintenance of Restricted Substance Lists.

- ICCA is considering support of the PA
- in principle ICCA supports uniform and transparent communication across the value chain
Key features that make Blockchain a suitable solution to exchange information along the supply chain

“The whole point of using a blockchain is to let people - in particular, people who don’t trust one another - share valuable data in a secure, tamperproof way”
Mike Orcutt, MIT Technology review, April 2018

- **DECENTRALISED INFRASTRUCTURE**: Information (public ledger) is stored in each node of the network.

- **SECURITY**: Resistant to tampering by external entities.

- **ENCRYPTION**: Information is visible but encrypted.

- **OPEN SOURCE**: Full transparency on how the blockchain operates.

- **AUTHENTICITY CHECK**: The system can proof that a certain info/document was exchanged at a certain time.

- **INFORMATION OWNERSHIP/CONTROL**: A system of private/public digital keys allows each user to control accessibility and transfer of its own information.
Examples of ChemChain applications

• Communication of **REACH Authorisation numbers** to confirm that the use of a substance has been authorised for specific applications
• Actors along the supply chain can prove that certain **information/documents** correspond to those received from their suppliers
• Transferring information on **REACH registration numbers and Safety Data Sheets**
• **Tracking SVHC** along the supply chain
• Collection of information on chemicals to feed the upcoming ECHA database on SVHC in products/materials
• **Transferring information on nanomaterials** to facilitate companies to comply with national nano-registries obligations
• Incorporation of **information on chemicals products bar code** to minimize the need for consumers to enquire on presence of SVHC in articles
• Access to information on **substances in products/materials** to support recycling operations
• **Facilitate regulatory enforcement actions** and custom control operations by providing secure access to certificates/documents
Communication in the value chain

EUCLEF

It is a new service from ECHA that puts 40 pieces of EU chemicals legislation at your fingertips, enabling you to find out how your substances are regulated in the EU and what legal obligations you have.

Example:

search for DEHP
ChemReg: global database

ChemReg.net is a new resource available to the chemicals’ regulatory community.
With the proliferation of chemical regulations across the world and resources available to chemical companies the need to develop new technologies to access and interrogate regulations has never been more important.
Many regulations are only published in the local language rendering them unsearchable in the native tongue of many users. Mark and his team at Global MSDS have worked with technology partners to develop a database of over 26,000 global regulations from 133 countries covering a wide range of scope and combined this with technologies that make it possible to search within these pdfs in any language, thereby effectively removing linguistic barriers and improving access.
Question 2:

How can those initiatives contribute to a better enforcement of regulation in the world regarding the presence of substances in articles?

This question will be discussed for 25 minutes.
Please use chat only, mute your microphone, and turn your video off.
Thank you!

NOTE:
If you are having technical issues, please join the Chemicals in Products WhatsApp group, using this link, and we will assist you: https://chat.whatsapp.com/DVwGix7x04d1Q9b5usaJcr
THANK YOU for attending the 
Chemicals in Products 
CoP 
Discussion

Please fill out the following survey to give feedback on today’s discussion:
https://forms.office.com/Pages/ResponsePage.aspx?id=NUNFkk5Wz0ywsCREW4wD92pVK-1gQzNHIYW4qnca1WNUM1Q4Mkl5NFdQUlFaSldMWTFOOVZQS0JIMyQlQCN0PWcu

SAVE THE DATE:
DISCUSSION 3
10th December 2020
14:00pm - 15:30pm (GMT +2)

This activity is supported by the Global Environment Facility (GEF) project ID: 9771 on Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM).