

The Practical Enforcement of REACH and OSH in the Workplace – Some Case Studies

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November 27th 2019



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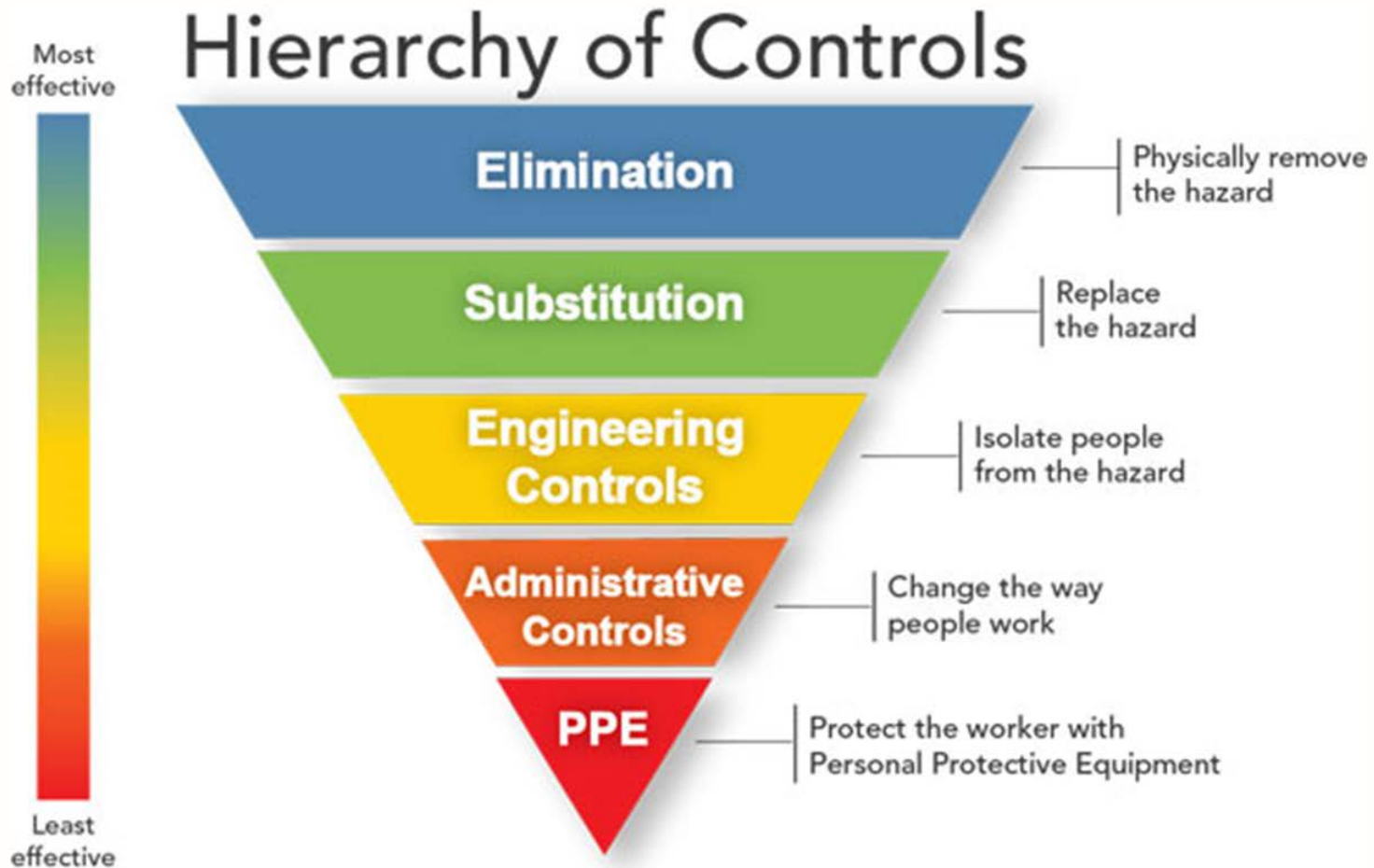
- CHEMEX
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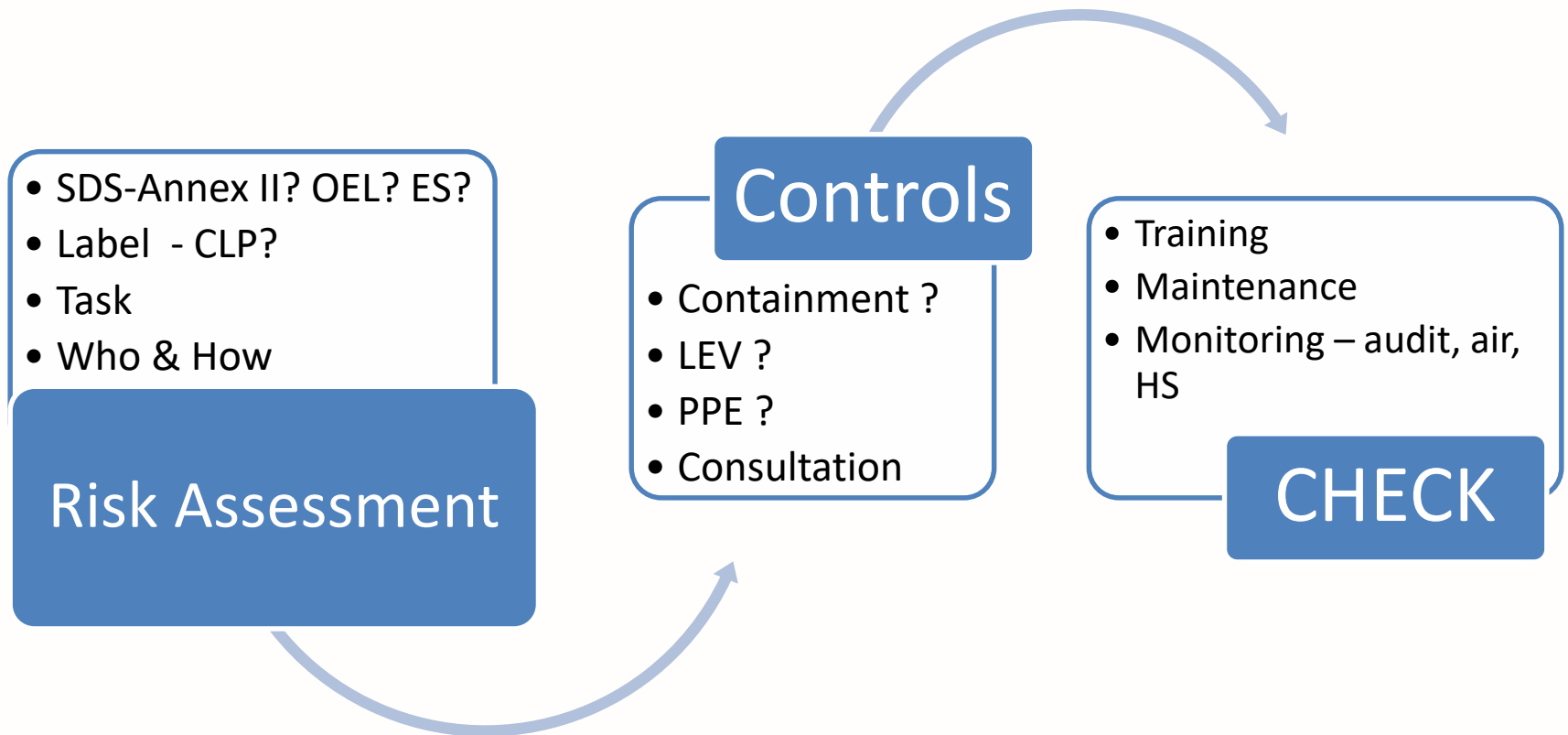
CHEMEX

- Working group established by Senior Labour Inspectors Committee (SLIC).
- Established in 2008.
- Remit to support SLIC in promoting consistency in application of EU law on health and safety of chemicals at work.
- Initial focus on REACH / OSH interface.
- Published Guidance for NLI on the Interaction of REACH, the Chemical Agents Directive (CAD) and the Carcinogens & Mutagens directive (CMD).

Controlling exposure to dangerous substances



Risk Assessment Process



Case Study 1- Breach of REACH restriction

- Sale of an unauthorised plant protection product containing Sodium Chlorate and a paint stripper containing > 0.1% Dichloromethane (DCM) on eBay and Amazon.
- **Paint Stripper**
- Breach of REACH Restriction.
 - Test purchases found DCM levels in defendants products of 63% and 86%.
 - No checks made during sale as to identity of purchaser or use of product – derogations not applicable.
- Sale continued between 01 Dec. 2015 and 07 Sep. 2017 despite:
 - Service of a Prohibition Notice.
 - Contact by HSE on several occasions informing Abel UK Ltd. of breach.
 - Removal of listings by eBay / Amazon.

Case Study 1- Breach of REACH restriction

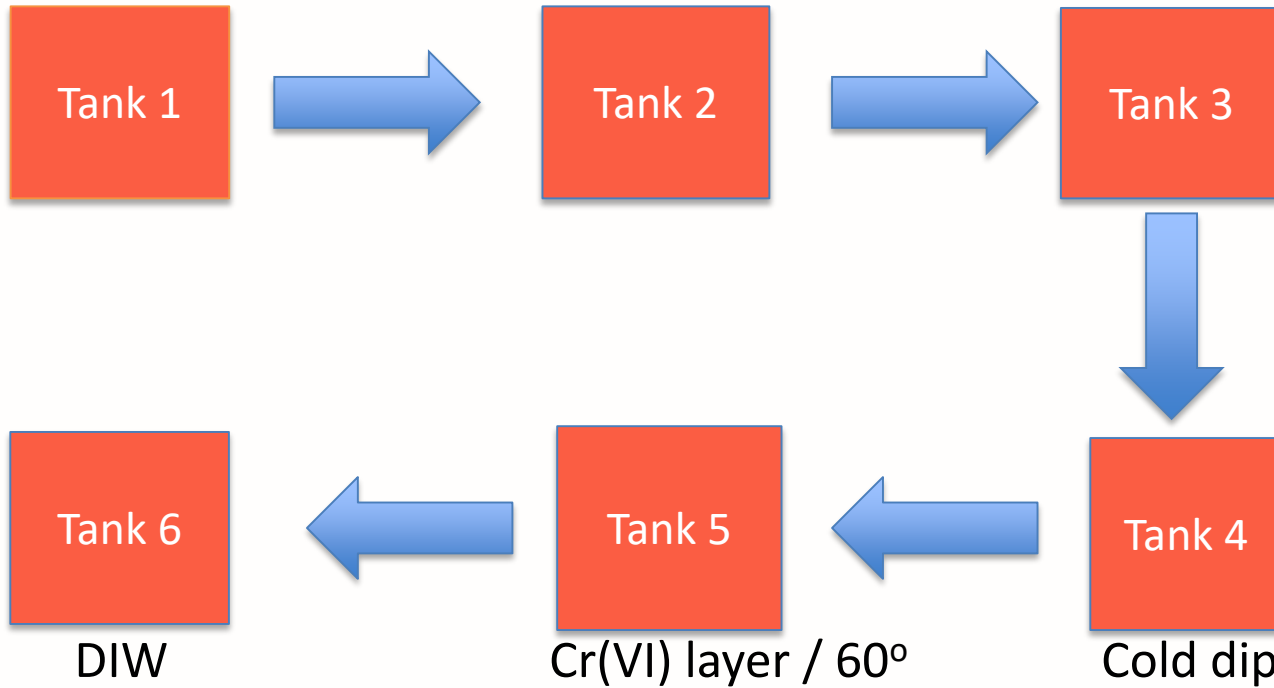
- Director charged as a consenting / conniving or neglectful officer of Abel (UK) Ltd.
- Pleaded guilty at first opportunity and sentenced to **10 months** in prison.

Case Study 2 - Cr (VI) use:

Degreasing / 60° / PH14

DIW/ 60°

Etch Surface / Cr(VI) / 22°



Case Study 2 – Findings 1

- Operator not aware of Authorisation requirement for Chromium Trioxide, Potassium Dichromate – Latest Application date 21/03/2016, Sunset date 21/09/2017.
- Had not notified ECHA of use.
- SME – one product line used in aeronautical industry requires corrosion treatment / inhibition.
- “Old Stock” materials on site – supplier did not inform re: Authorisation.
- SDS available for hazardous substances containing CR (VI) but obsolete version– did not refer to Authorisation.
- Label information (CPL) on containers differ to SDS Section 2 (CLP)
- SDS exposure control information generic e.g. “Provide adequate ventilation” , “Wear chemical splash goggles”.

Case Study 2 - Findings 2

- Risk assessment prepared as required by Chemical Agents / Carcinogen Regulations.
- No eSDS (not required as mixtures / < 10T).
- LEV in place - 10 air changes / hr.
- Appropriate PPE available to prevent skin contact.
- Appropriate RPE available for respiratory protection.
- Health surveillance and environmental monitoring in place.
Measurement indicate levels < 5% of OEL (0.05 / 0.01 mg/m³)

Outcome following Intervention

- Confirmed Manufacturer had discontinued production – no Authorisation applied for.
- Cr(VI) materials in Dipping tanks were removed / disposed of.
- Tanks were cleaned.
- Operator substituted Cr (VI) with less hazardous chemicals (Cr III).
- Product passed stress / quality test.

Conclusions

- Application of REACH should have positive influence on communication in supply chain which benefits OSH of workers.
- Information in REACH compliant SDS should assist in preparation of Risk Assessment required under OSH.
- SDS quality and usability issues found.
- (e) SDS rarely found as < 10t or mixtures. Where found employer obligations to use in preparation of risk assessment.
- REACH Authorisation obligations supports OSH by elimination / substitution of hazardous chemicals.
- OELs are at the core of ensuring the protection of workers exposed to hazardous chemicals in the workplace.
- Conditions imposed in future authorisation decisions can be important driver for introduction of RMM.

Conclusions

- **Facilitates targeted inspection campaigns:**
 - Obligation to notify facilitates identification of users.
 - Identification of different uses.
 - Creates a level playing field throughout EU.

Thank you