



The EU's new REACH policy is scheduled to come into force in spring 2007. According to *Roger Doome* of IMA-Europe, co-ordination is the name of the game if the industrial minerals industry is to be ready for implementation.

Minerals get set for REACH

REACH (REGISTRATION, EVALUATION, Authorisation and Restriction of Chemicals), the new European Union (EU) chemicals policy, is likely to come into force by spring 2007. More than 100,000 substances marketed in the EU will have to face their new obligations. Those who ignore REACH must be encouraged to make concern for it a high priority for their business.

REACH's objective is fairly simple: "Improving human health and environment while maintaining the competitiveness of the EU industry". However, the path to achieve it is far more complex and burdensome. Indeed, the regulator had to fill out 673 pages to detail the policy into a regulation and thousands of additional pages to make this new piece of legislation understandable for authorities and companies.

Due to this complexity, implementation will be spread over 11 years; the priority being given to the very dangerous substances (carcinogens, mutagens and toxic to reproduction – CMR) and high production volume substances. In terms of costs, the total bill for industry is estimated at about €6,000m. over 11 years. Most of these costs will be supported by the EU manufacturers and importers of these substances.

Industrial minerals: a REACH candidate?

Although industrial minerals producers differentiate their products from pure chemicals, industrial minerals will be regarded as substances and, thus, they are subject to REACH. To assess its duty under REACH, a mineral producer – either EU manufacturer or importer into the EU – first needs to draw an inventory of its products portfolio. In doing so, the producer/importer will identify all substances either on their

own, in preparations, or contained within articles it produces or imports into the EU. For instance, an industrial mineral filler is a substance on its own, but a slurry is a preparation which contains an industrial mineral filler plus other chemical substances (eg. additives or biocides). A check list will then be used to determine which of the REACH provisions apply to these substances.

Identity and name

Any industrial mineral needs to be uniquely identified and named according to the rules laid down in the technical guidance document for identification and naming of substances under REACH. Although one could see this exercise as a basic requirement for organic chemicals, it becomes tricky for an industrial mineral, which can usually not be defined by its chemical composition alone. Indeed, what would the industrial mineral composed of SiO_2 be: quartz, cristobalite, diatomite, or fused silica? Other parameters shall be considered to answer this question and their selection will be the first challenge for the industrial mineral producer, in particular when they are asked to co-ordinate their views to provide the EU authorities with one response for each industrial mineral.

Registration and evaluation

Industrial minerals that occur in nature, if not chemically modified, are exempted from registration and evaluation. Therefore, a registration dossier shall not be submitted for these industrial minerals. This exemption was granted by the EU regulator, who recognises that registration and evaluation is inappropriate or unnecessary for these substances and their

exemption does not prejudice the objectives of REACH.

Depending on the intrinsic properties of the industrial mineral and of the number of producers, the savings associated with this exemption can range from €500,000 to €3m. per mineral. It is, therefore, essential for the industrial minerals sector to co-ordinate its approach to prevent a free rider from jeopardising this exemption with an inappropriate "voluntary" registration.

For those minerals that have undergone a chemical modification, a registration will be required and the producers will have to act collectively to submit one registration dossier. The exception is confidential information (eg. the manufacturing process) which shall be submitted individually.

Classification and labelling

Any industrial mineral meeting the criteria for classification according to the EU Dangerous Substances Directive 67/548/EEC shall be notified to the European Chemicals Agency. This self-classification will be the responsibility of the producers, who will make all possible efforts to come to an agreed entry to be included in the inventory. Once again, strong industry co-ordination will be required to harmonise the views of the various producers, in particular for those that are not acquainted with the EU classification criteria.

Authorisation and restriction

Even if exempted from registration and evaluation, any industrial mineral that meets the criteria for classification as carcinogenic, mutagenic or toxic to reproduction – category 1 or 2 according to the EU Dangerous Substances Directive 67/548/EEC – or which is persistent, bio-accumulative and toxic, or very persistent and very bio-accumulative will have to apply for a time-limited authorisation for each of its uses.

Over time, these minerals will have to be substituted by other less dangerous substances, following the substitution principle to be enforced with REACH. This requirement enhances the need to co-ordinate the industrial minerals sector when considering the possible classification of a mineral. At some point, over-protective classification could be attractive to secure a company's liability; such an attitude may kill the business within a relatively short period of time under the terms of this substitution principle.

Supply chain information

Where a safety data sheet (SDS) is required, it will be revised to include additional information as required in the annexes of the REACH regulation. The amended SDS will be provided to all former recipients to whom the substance or preparation was supplied within the preceding 12 months. Where a SDS is not required, the industrial minerals producer must provide its customers with any available and relevant information that is necessary to enable appropriate risk management measures to be identified and applied.

Lastly, each mineral producer must assemble and keep available all the HSE (Health and Safety Executive) information for a period of at least ten years after it last manufactured, imported, supplied or used the substance or preparation. Such information will be made available upon request and without delay to any competent authorities.

IMA REACH Hub

Considering its likely enforcement by spring 2007, the industrial minerals sector needs to start making compliance plans for REACH. The main REACH provisions as developed above may appear rather simple to implement, but the devil is in the detail.

Indeed, in today's business, a number of industrial minerals undergo various treatments to improve their properties. Calcined, coated, exfoliated, or synthetic minerals are examples of common products placed on the market. Are these minerals chemically modified? Do they occur in nature? Are they substances or preparations? Do they meet the criteria for classification? If yes, which classification would they warrant? The answers to these questions will involve different obligations and, thus, different costs for the company. More so, a lack of co-ordination between minerals producers would also increase the costs.

The complexity of REACH and the lack of resources of many SME (small and medium-sized enterprises) has triggered trade federations to play an active role in the implementation of REACH. In this respect, IMA-Europe has volunteered to take up the challenge for the industrial minerals sector. For this purpose, IMA-Europe will launch by the end of 2006 the 'IMA REACH Hub' which will propose three levels of services:

- a helpdesk to provide mineral companies with relevant information, such as regulatory updates, upcoming deadlines, Q&A, interpretations of terms by competent authorities, position of the industrial minerals sector
- a focal point for mineral producers to co-ordinate companies struggling with REACH and ensure consistency in the interpretation of REACH
- a consortium facilitator to gather the producers of a same substance together. Within the various consortia, the IMA REACH Hub will act as a moderator between the producers for harmonising their views on all relevant matters such as the substance identity or the classification of the substance (if appropriate)

To conclude, the industrial minerals industry should get ready to implement REACH. Although some private service companies look at REACH as a good opportunity to make money, they may well miss the specificity of industrial minerals versus pure chemicals.

IMA-Europe, in partnership with its sister association IMA-North America, offers industrial minerals companies a tailor-made solution to deal with REACH. It goes without saying that the SME of the minerals sector could take substantial advantage of the IMA REACH Hub, which aims to provide resources and knowledge that might not be available in-house. Meanwhile, multinational companies would appreciate the harmonisation of views to guarantee proper handling of industrial minerals under REACH.



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