

# Mabbett & Associates

## Product Stewardship News - Winter '07

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### **REACH**

REACH stands for Registration, Evaluation, and Authorization of Chemicals. Its purpose is to provide a higher level of protection from dangerous chemicals through application of the Precautionary Principle and makes the producer responsible to prove the substance is safe rather than Authorities showing it is not safe. The years of debate are over and the Directive goes into effect in June, 2007. While your first reaction is “Why worry, this is a European chemical industry problem”, you are missing a very important part of REACH, the Downstream User.

The manufacturer or importer has a basic responsibility to not adversely impact human health or the environment with the substance they are placing on the market and this includes in products.

How could this affect your products?

In three ways:

- You have a product that intentionally releases a substance to the environment such as an ink jet cartridge or unintentionally through slow off-gassing or weathering of a plasticizer or a pigment.
- You use a substance of very high concern and it will be replaced by a substitute.
- You have a substance of very high concern in your product and your customers don't want your product because of the potentially adverse health impacts. (I am sure your competition would never let on that you have such a dreadful substance in your product!)

So even as a purely European Chemical Requirement, the health and environmental impacts of chemicals will become common knowledge and result in some substances being blacklisted internationally. The rigorous testing and sharing of information will provide a lot of new information. Also, think of REACH as RoHS with a lot more substances being banned over time.

### **UK WEEE Law**

Just in time for Christmas the UK Department of Trade and Industry got Parliament approval for the UK transposed version of the WEEE Directive. A year and a quarter late, DTI said it was taking the time to get it right. July 1, 2007 is the financial obligation date for producers. Registration is required sooner.

### **China RoHS**

Don't wait for the China's Ministry of Information Industry (MII) to publish the “Catalogue” as there are requirements that will keep any of the listed 1,500 + electronic parts and product groups off the China market on March 1st. MII recently released standards that are critical for implementing China's Management Methods for Controlling Pollution by Electronic Information Products, which is also known as China RoHS.

These standards are:

- Marking (labeling) for China RoHS
- Maximum Concentration Value (MCV)
- Testing Methods
- Two sets of Frequently Asked Questions
- The November 2006 draft of the Environmental Protection and Use Period (EPUP) standard

The catalogue has not been released so we still don't know which products will have to be certified to meet the RoHS restrictions before they can enter China or be placed on the market. In the meantime a lot of people will be scrambling to label Electronic Information Products found in the master list. There are no exemptions in China RoHS so the only thing in common with EU RoHS are the six substances and the maximum concentration values. The labeling is similar to Japan's J-MOSS.

### **RoHS Enforcement Expected in 2007**

RoHS enforcement has been non-existent in 2006 but don't get complacent. RoHS authorities around the EU have quietly been doing their homework and they are not happy. The UK reports a lot of non-compliant products on store shelves. Other countries have had news media investigations pointing out problem products. Competitors have been very helpful in pointing out the RoHS shortcomings in other business's products. So don't interpret silence as good news.

Lead is only one of six substances you need to be concerned about. Compliance problems have shown up in the dozens of other parts that make up the electronic product and must also be RoHS compliant. Additives in plastic, rubber and paints are problem areas. Knowing acceptance of false RoHS declarations of compliance from suppliers is another problem area.

If you have not made the association, the reason REACH is such a big deal is it will be "RoHS for chemicals", with what may be 400 to 1,500 substances that might impact your product.