

IED and REACH projects + recent developments in IMPEL

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Background

■ IMPEL projects

In 2013 and 2014 IMPEL carried out two projects on „Interlinks of the REACH Regulation with the Directive on Industrial Emissions“

➤ Focus on the following questions:

- How can permit writers benefit from REACH information?
- How can REACH / IED inspectors benefit from IED / REACH information?
- Interlink analyses REACH / IED and vice versa
- Interaction REACH and IED (operators / DU)
- Work in practice – permitting and inspection

➤ 2013: exploring the basic information, interlink analysis, supporting tools and material

➤ 2014: dissemination of results, exploring practical work and identification of needs

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Substances in IED permitting and inspection



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Aims of REACH and IED

- **Directive 2010/75/EU on industrial emissions (IED):**
 - to prevent pollution by taking an integrated approach and
 - where that is not practicable to reduce emissions from installations and industrial activities into air, water and land in order to achieve a high level of protection of the environment as a whole.
 - IED sets the regulatory framework for permitting, monitoring and inspection of industrial installations.
- **Permit writers / inspectors** assess the substances processed, manufactured and unintentionally generated during the process (e.g. dioxins, SO₂ ...)
- Obligation of the **operator** to comply with the requirements (including the permit)
- **Inspectors** control compliance

Aims of REACH and IED

- **REACH Regulation (REACH):**
 - to ensure a high level of protection of human health and the environment from the risks that can be posed by chemicals
 - REACH establishes procedures for collecting and assessing information on the properties and hazards of substances and for defining the measures needed to manage the risks.
 - Processes under REACH: registration, authorisation, restrictions
 - Obligation of the **operator** to comply with the requirements, **inspectors** control
- **IED and REACH** have different ways of action. Operators of industrial installations manufacturing and/or using chemical substances in their activities have obligations under both IED and REACH. **Operators – key actors** for safe use and avoiding releases to the environment

Substances in permit applications / inspections

- IED, national legislation and guidance for applicants provide requirements concerning the documents and data applicants have to submit.
- Authority needs a complete inventory of substances used, produced and stored on site
 - Raw material, educts or groups of educts,
 - Intermediates, by-products and products
 - Waste produced on site
 - Identifiers for substances
 - Information about physical, chemical and physicochemical, toxic properties and degradability of each substance
 - Possible releases or reactions in case of hazards
 - Kind and amount of substances in the raw waste gas and clean gas

Substances in permit applications / inspections

- Information about protection and prevention measures
 - measures for protection of human health and the environment as well as work safety measures.
- Applicants can use information generated for compliance with other legal duties e.g. with REACH requirements
- Applicants often use safety data sheets (SDS, ES) for this purpose
- For the assessment of chemical substances in permit procedures and inspections close cooperation between competent authorities for IED, work safety and REACH enforcement is highly recommended.
- Change of substance(s) may lead to a revision of the permit.
- Substances used, produced, stored or imported should always be part of IED inspections

Conclusions of IMPEL project 2013

- Operators can benefit from the information generated under REACH and IED for cross-legislation compliance in many different situations.
- It is a benefit for all parties if the information generated under one legislative regime can be used by industrial operators / downstream users to facilitate compliance under a second regime.
- Authorities can benefit from REACH information for the assessment of substances used, produced or imported mentioned in applications.
- There is a need raise awareness and provide all the actors having a role in cross-legislation issues with guidance and tools on how to deal with and use the synergies identified.
- Link: <http://impel.eu/projects/linking-the-directive-on-industrial-emissions-ied-and-reach-regulation/>

Main findings IMPEL project 2014

- REACH and IED authorities would benefit from direct or indirect link between IED and REACH in national legislation (6 MS have it)
 - Link provides a common understanding and makes it easier for permit writers and inspectors.
- Guidance for dealing with REACH in permitting is highly recommended
 - Guidance provides common understanding and makes it easier for permit writers and inspectors.
- Awareness of REACH in setting permit conditions is not yet very high. Half of the authorities require information about Annex XIV and XVII substances in permitting.
- Info from SDS and ES is used but quality and applicability have to improve.

Main findings IMPEL project 2014

- Most countries have general guidance for dealing with REACH in inspection in place
 - several countries use the manuals / checklists of the FORUM REACH EN-FORCE-projects,
 - others have own checklists for REACH in inspections in place
- For producing good and coherent harmonised results
 - IED permitting and IED inspection authorities should closely cooperate with REACH authorities
 - a) by allowing access to permits e.g. via databases
 - b) by providing information about relevant results of inspections
 - c) by taking up colleagues into mailing lists for information exchange
 - d) meetings for information exchange should be carried out
- This may be a problem when authorities belong to different organisations

Recommendations IMPEL project 2014

- Proposals for integration of REACH aspects into the procedure for the development of BREF documents
- Cooperation between IPPC Bureau and ECHA in the development of BREF documents
- General chapter on chemicals should be in the BREF documents and in the BAT conclusions, to the extent that is relevant.
- „The use of substance x for process y is not BAT“ could be an acceptable approach for making operators substitute substance x.
- In BREF documents appropriate alternatives for substances regulated by the REACH candidate list, Annex XIV and XVII should be mentioned.
- BREF documents should take into account phasing out obligations under the Water Framework Directive and offer alternatives.

Recommendations IMPEL project 2014

- For a separate guidance document on REACH and IED a stepwise approach might be successful: To begin with, a webpage (IMPEL?) with links and best practice examples. Guidance from different countries could provide valuable information. Translations are necessary.
- REACH national competent authorities together with ECHA should raise awareness of the Chemical Safety Reports (CSR) and their value to IED authorities.

IMPEL project 2014 proposal for future IMPEL work

Project participants saw need for further work on items related to substances regulated by REACH.

→ Recommendation for a follow-up project on:

- dealing with REACH authorisations and restrictions in IED permitting and inspection
- work with SDS and ES in IED permitting and inspection (including use of PNECs)
- how the integration of REACH aspects into IED permitting and inspection can be improved / further developed

Proposal for a new project has not yet been submitted.

Final report of the project 2014 adopted.

Cooperation of ECHA with IMPEL



ECHA workshop 16 – 17 April 2015

- ECHA Workshop **“Use of REACH/CLP information at industrial sites”** 16-17 April 2015
- Workshop brought together industry practitioners, authorities and NGOs for:
 - a discussion on how information generated through the REACH and CLP processes can be used to promote the safe use of chemicals at industrial sites and
 - explore how the data generated by REACH and CLP can support companies in complying with their obligations under other legislations and how that use of information can be improved
- ECHA presented pilot case studies (e.g. nickel plating site)
- A colleague from Austria informed about the use of data from REACH for environmental management in metal plating sites

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Cooperation of ECHA with IMPEL



ECHA workshop 16 – 17 April 2015

- Presentation on IMPEL project linking REACH and IED

Follow-up: ECHA established a web space for exchange of information

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