

Impact of REACH and recycling and substances recovered from waste

Introduction

REACH, the European Union regulation for the Registration, Evaluation and Authorisation of Chemicals, entered into force on 1 June 2007, and has had a major impact on manufacturing supply chains, the recycling and recovery industry being no exception. Recovery businesses are considered to be manufacturers under REACH, and may have registration obligations, unless they can demonstrate that certain exemptions apply to them.

The good news is that waste itself, as defined by the Waste Framework Directive (WFD, 2008/98/EC), is excluded from REACH as it is classed as something other than a substance, a mixture or an article. However, once waste is recovered into a substance, a mixture or an article it ceases to fall under the provisions of the WFD and falls into the scope of REACH.

Substance or waste?

Often, defining the point at which waste ceases to be waste and becomes a recovered substance is not trivial, but it is at this point waste management controls no longer apply and REACH takes over. Waste legislation will help you decide whether you are dealing with waste, or whether you have in fact recovered chemical substances – making you a manufacturer in the eyes of REACH.

Substance recovery or article production?

Perhaps you recycle used polyethylene terephthalate (PET) bottles directly into new finished goods or components, such as polar fleece material. If the shape, surface or design of your new products is more important than the chemical composition the new items can be regarded as articles. Registration of substances in articles is only required if they are intended to be released under the conditions specified in Article 7(1) of REACH, or if requested by ECHA in the case of Substances of Very High Concern on the Candidate List.



Perhaps your company recovers aggregates containing concrete, natural stones and asphalt from roadworks for utility companies will be used in further construction work. If the shape and surface of particles from aggregates from construction and demolition waste determine its function to a greater degree than the chemical composition of the particle those particles are considered to be articles under REACH.

Perhaps your company recovers rubber mechanically and/or chemically from old tyres for further use. As you have recovered a chemical substance or mixture, you are regarded as a manufacturer under REACH! The material you have recovered may contain components such as pigments, oils

and additives, which are considered as impurities if present below 20% of the main constituent. You need to have information on the identity and quantities in which the hazardous minor constituents or impurities are present in the recovered material. As a recovery operator, you should make sure that the use of a recovered substance is covered by the registration of the original substance, which is often the case for recovered rubber.



Registration

Registration is the main REACH duty of a manufacturer or importer of substances above 1 tonne per year. Companies who recycle or recover substances from waste have an obligation to register those substances, unless an exemption in REACH applies. Three exemptions are most likely to apply to substances recovered from waste:

- Specific substance exemption under Annex IV, because sufficient information is known to be sure that it presents little or no risk to human health or the environment;
- General categories of substances under Annex V, for which registration is deemed unnecessary or inappropriate (and exemption does not compromise the objectives of REACH);
- An exemption under Article 2(7)(d) of REACH, if the substance that results from the recovery process is the same as the substance that has been (not necessarily in the same supply chain) and information to support the generation of a Safety data Sheet is available to the company doing the recovery.

Must you register?

If you recycle or recover substances from waste, you may not need to submit a registration dossier to the European Chemicals Agency, ECHA, for the substances you manufacture. However, if you are relying on the registration exemption in Article 2(7)(d), don't forget that you have a duty to register until someone else has registered the same substance. If you manufacture more than other companies who have a later registration deadline you may need to register first.

Further help

If you need help to understand the implications of REACH for your business and to determine what you need to do to ensure that your business is compliant - then **REACHReady** is here to help. To get help on REACH and what you need to do, simply email our Helpdesk at enquiries@reachready.co.uk or call us on +44 (0) 207 901 1444.