CRSHG Brexit Meeting via Zoom 26th January 2021

Contents

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Attendees

First name	Surname	Company
Aaron	Turrall	Fsi Ltd
Alison	Hill	Lomon Billions
Bridget	Watson	Town End (Leeds) PLC
Caroline	Simpson	Colourscapes
Claire	Walker	Stephenson Group
Clive	Foster	Fujifilm
Colin	Pratt	Colin Pratt Consultant
Colin	McGregor	Marott Graphics
Dave	McCutchion	Charles River
Domnique	Dugue	Baker Hughes
Gina	Dungworth	Thornton & Ross
Graham	Butterworth	Datalase
Helen	Morris	Lambsons
James	Watson	Town End (Leeds) plc
Janet	Greenwood	TT Environmental
Joanna	Sacks	CLEAPSS
John	Parkes	Agrochemex
Jonathan	Dale	Exponent
Joss	North	John Hogg
Julian	Sarkar	Zanos
Julie	Woolin	Dixon Chew
Kerry	Knowles	CPG
Lee	Walker	Ralken Colours
Louise	Copeman	Brenntag
Louise	King	Baytouch
Mark	Vallely	Union Colours
Mick	Goodwin	DCC
Neil	Hollis	BASF
Peter	Godfrey	CEA Research Associates
Peter	Watson	Town End (Leeds) PLC
Richard	Lee	European OGD
Sarah	Handford	Prime Surfactants
Sarah	McLellan	TT Environmental
Simon	Bradshaw	Lisam
Steve	Marks	Airedale Chemicals
Steve	Robinson	Vickers Laboratories Ltd
Vikki	Binns	Meridian Biotechnology

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Meeting preliminaries (start of recording)

[Mick Goodwin- Chair] Okay, hello everybody and welcome to our Brexit themed meeting! We actually have a Brexit theme of actual Brexit this time.

I'll quickly run through some rules and reminders, if I can remember them from last time. If everyone can stay on mute until you want to speak, if you've got something to say pop it in the chat, use the hands up / wave function whatever it is, I will try and get to you.

We've got a few small topics on the agenda, not many topics on the agenda but I suspect they will prompt some lively discussions.

Please stay on mute until you want to speak, I'll try and get to everyone who has something to say, although it's not always easy and I apologise if I miss you so wave, or put in the chat, we'll try and coordinate it as best we can.

As always you know the rules of the Self-Help Group are here to learn from one another, the group was originally set up to support SMEs predominantly and I know we have some bigger companies, bigger organisations involved and we welcome them and we have some consultants as well who are here representing their clients and are here for themselves as well, to offer us expert advice.

The general principle is it's a Self-help group for us to learn and help and see if we can support one another and define our own best practice as industry.

As always, please bear in mind Confidentiality rules, please don't try and say anything that can cross those, and there's no such thing as a silly question, like I said we're here to help one another, we all come from different starting points from different points of view, we all have different experiences and we all want to learn and help and support one another.

So I think that's it on the rules and the understanding of the group.

Tariffs and Rules of origin

First item on the agenda is Tariffs and Rules of origin, something I've been working on,

I will come on to Julian, who wants to make a a few points I think and (I don't think John's here yet).

Some of the things I've noticed is the in the Cooperation Trade Agreement that the UK now has with the EU methodology for calculating Rule of Origin on goods, has changed from the old rules that we had, so that's subtly different, I think it's more in line with World Trade Organisation rules on calculating Origin.

One thing we've spotted is that, we no longer have free movement of trade if goods aren't originating, they are subject to tariff I believe and I think that's probably where Julian wants to come in, is that right?

[Julian Sarkar] Right essentially it's a bit of a shambles!

Taking a couple of scenarios, I'll try and keep it quick, it is complicated and we are getting different types of advice from different Import agents and Forwarders that we're using for bringing goods in, from different parts of the world or just across different people within the UK and mainland Europe.

- Scenario One- Say goods coming from India, China and US, somewhere like that outside the EU, customs cleared in the EU sense and duty paid, sent to the UK, duty will be payable a second time.

- Scenario Two- Goods from the EU sent say from Germany to Spain and then to the UK, there's still no duty because the 27 countries are classified as one unit.

- Scenario Three- Goods from China, send it to the EU, come to the UK duty paid second time, send them back from the UK to say France, duty paid a third time.

There are free trade agreements for example with countries, we do something with Israel, Israel has a zero tariff with the EU and zero return for the UK, however we are still finding the best way to do it is it comes into Rotterdam, stays in bond and then we'll bring it into the UK under a T1 so there's no duty payable, however we are having to pay customers charges and various other charges, which we didn't do before.

In terms of duty and VAT reporting and accounting, duty should be deferred, you don't actually need a duty deferment number, you just do it on your normal accounting process. Equally VAT is not payable at point of entry from anywhere in the world into the UK, you use a system called postponed accounting and that's my summary of the shambles that there is so far.

However it's a lot more complicated than that and it's crap.

[Mick] Yep, I think that's a fair summary!

I'll also say goods going back from the UK into Europe, the kind of same principles apply but VAT is applicable as it as it crosses the border, unless you have a VAT account, in which case you can claim it back.

We're setting up V80 accounts in France and in the Netherlands which I think is pretty standard practice but we've had trouble shipping into the Netherlands!

Hauliers don't want to go that way, they only want to go across the channel which has caused us some issues, I'm aware of that. I think we've got one haulier wants to go across from hull, so we've had some delays, I know there's a multitude of stories of delays at ports.

I don't know if anyone else has got any experiences or comments they want to make on tariffs and rules of origin and shipping in general?

[Julian] Yeah similar to you, we're putting everything we can through the Dutch company we set up and as you say the duty payable in the EU is getting complicated, sorry the VAT payable in the EU is getting complicated, there are all kinds of restrictions on movement of goods, the price of freight is going up all the time and we are still having problems with containers coming from China, India, the US and general delays from everywhere.

Basically if you can do or if you are doing business in mainland Europe, keep the goods out of the UK!

[Alan Ritchie] Yeah, can I just chip in? I was aware of this happening, I haven't got an update as to whether it's been fixed but one of the problems they had was that, when they put the regulation together on, saying where tariffs were paid, where duty freeze, economic... they copied the old EU agreement but they forgot to remove some of the countries.

It shouldn't be there with the UK trade agreement, so we had the situation as of about two weeks ago and said this may have been fixed now,where for certain countries and the ones that I know for certain are, (probably others as well) with China and Taiwan, where goods coming into the UK from China and Taiwan were duty exempt because they were in the trade agreement the EU had, but there's no reciprocal agreement which the EU had and we don't, so that goods from us going to China and Taiwan was still subject to duty at point of importation for those two countries.

So it was, what I believe is technically known as a complete and utter screw-up!

But whether the government is certainly aware of it, whether they've actually fixed it yet or not I honestly don't know.

There are other countries that affects as well but I can't remember, the only two I can remember are China and Taiwan, so keep an eye on that one.

If anybody gets any updates on that, let us know.

[Julian] Looking at that UK tariff system, I was looking at it yesterday and checking out some duty rates and there are a lot of problems with it.

There are a lot of, shall we say errors in there, some having exactly the same experience that you're seeing...Alan and you have to double check everything and what we're finding we have to do, as we look on the old EU tariff database, make sure that the type heading is correct and cross refer to the UK one and it's a duplication of effort but you're more likely to get the right information.

It's just a heap of s**t, it really is.

[Peter Godfrey] One thing you also got to bear in mind is that if you ship directly into Europe, don't invoice from the UK because then it makes the UK company owning legal entity and therefore tariffs will be charged.

[Janet Greenwood] Now then, did everybody get John Rawson's question that he sent through this morning?

[Mick] I haven't seen.

[Julian] Haven't we just covered it?

[Janet] I think so. Julian, if you're happy that, John isn't with us...so Julian if you're happy you've covered everything then that's fine. I literally can't find a copy of it on my system.

[Julian] I think between us we have, if John has a specific concern, if he wants to come back I'm happy to speak to him, I know he's got issues.

[Janet] Hang on, Jono's just arrived as well. Just in time to miss the trade stuff, yeah

Under the radar – fertilisers

[Mick] Moving on to fertilisers Peter? You have something to say on fertilisers, I believe?

[Peter] Yeah, it's just to make people aware, because it isn't just REACH and Biocides where Brexit affects all areas and we deal with a number of companies with fertilisers- a inorganic ones come under REACH so we've got UK REACH / EU REACH compliance issues.

Then you've got CLP and GHS compliance issues, but if you're a UK manufacturer of a product like a fertiliser, the new agreement with the EU removes mutual recognition, so you can't claim it's a EU fertiliser as of the previous 2003 Regs, so you might have an issue there, if there's other areas where substances still, on the old system have mutual recognition, across member states, that's one thing that's been removed and it's something you might need to bear in mind.

We have some major clients applying to EU and they've lost mutual recognition therefore, their customers in the EU were saying either you get it back or we change supplier.

[Mick] Any other comments on fertilisers? It's not something I'm au fait with really.

[Janet] I think it will be useful for at least one of our members who isn't here so that's great, thank you Peter.

Pharmaceuticals (Alastair at the DIT)

[Janet] While we've been on, I've just had a message through from Alastair at the DIT, something to circulate that will go out tomorrow, in tomorrow's newsletter...I think it's on Pharmaceuticals and again, I don't know if it affects any of your members and the answer is, it probably will, because we've got so many people now.

JG note – Alastairs email was to say the Drug Precursor Licencing guidance was updated last week, see: https://www.gov.uk/government/publications/precursor-chemicals-wallchart-for-domestic-licensing

By the way, welcome to everybody who's just joined lately and Mick it was just to say, when we get on to REACH,

REACH registrations- UK and EU (Gina's Question)

Gina does have a specific question on this but before we do, Gina's actually sent through a different one. Gina do you want to unmute and ask that question please?

[Gina] The question I had was about…REACH…I'm compiling a list of questions for purchasing to ask our suppliers regarding REACH registrations- UK and EU.

Obviously the main thing with the EU one is, Are they keeping the registration under the current under the number that they had it under and who is now responsible? With the UK, what proof can we have that they are in the process of doing something? Because obviously, we need a registration number which I don't believe is being issued at this moment in time.

So our current supplier questionnaire says, is your product REACH registered? What's the registration number and then if it's not registered what's the exemption reason?

What do we ask instead of, What's your registration number for UK REACH?

[Mick] Julie, were you going to come in there?

[Julie Woolin] Yeah. As soon as you do your grandfathering and you get a registration number.

[Alan] That's correct, that's great but they are recognising EC numbers and these things I think, can be checked through the through the HSE website.

But there is a number that acknowledges you grandfathered because, there's no obligation on you to grandfather until the end of April anyway, so you're compliant as long as you have an EU registration, until the end of April.

[Gina] Yeah I mean the issue is that we don't have anything to do with the registrations, we just, we buy things, we make them into things, we sell things, we sell the things we made them into.

Obviously in the past we have had people we sell our things to, asking if the things that go into our things are REACH registered and if not, are we sure they're correctly exempt and all that. Which is fine, we're now getting letters saying, from various big supermarkets, saying, have you got REACH registration on all your raw materials?

We're going well, we assume so, we assume our suppliers would have told us.

They wouldn't get a register under UK REACH, but you know, that's in the agreements we have with our raw material suppliers, that if they change something they tell us.

But no one's told us, so we're going to do a round robin of, 'are you up to date with it, are you going to stay up to date with it?'

[Mick] So I guess, for your UK based suppliers, you need to check if they've either grandfathered or done a downstream user notification? Or for your EU suppliers, you can also do the DUIN, can't you? That kind of buys you time?

[Gina] Yes but the whole issue is that, most of our stuff is bought through UK suppliers / third parties that have bought it off somebody else', whose bought it off somebody else and so on.

I think the spreadsheet that Purchasing produced, had 300 and something other raw materials which was a total of 100 and something other suppliers!

Purchasing are quite happy to send a letter to them all and compile a list of answers, but they're Purchasing, they need to know the exact question to ask.

[Janet] Can I just take a step back? Julie, when you said that, you get a number when you go through the grandfathering process? Do we know whether this is an administration number or whether it is actually going to be the UK REACH registration number itself?

Because I think Gina, that's an important decision.

[Gina] That's the thing, we need something to have on file, whether that's something we have on file that tells us that they've started the process and we need to go chase them up, to make sure they finish the process or if it's a thing that's on file and is the permanent thing that stays on file!

[Alan] Yeah, if I understand it correctly, the numbers that you're getting now are really no more than like pre-registration numbers or even you know submission report numbers.

When the substances are registered they will get a proper registration number, that was what I was thinking, and that's my understanding.

Bear in mind that we're all dealing with a veritable dearth of information coming out of anywhere close to government sources! So what you get on the HSE website is about it really, but that's my understanding.

Taking Questions back to the HSE, DEFRA, BEIS or DIT

[Janet] What we can always do is, I can take a series of questions back to the HSE or DEFRA or BEIS or DIT, whoever.

So that strikes me as being the number that you get when you complete the first stage of grandfathering is that like, a submission report number and does it relate?

So we can ask that question.

[Alan] Sorry and the same question with DUINs as well.

[Janet] Jono, did you have something?

[Jonathan Dale] Yeah, just curious on what Alan had said because, to say, you know, the information on the HSE website is literally that, you get a registration number...it's whether that's your EU REACH registration number or if it's your registration to go on a registration- like a waiting list for a waiting list number.

[Alan] I think this is less than crystal clear.

[Jona] Yeah. I was under the impression it was the registration number.

[Alan] That's not my understanding but you know, the thing is they can't give you a registration number for something that doesn't have a registration! So to me, I have'nt seen the wording myself, but it's self-contradictory, if you think about it.

So I think it's something that we should ask, actually ask the question and get some clarity on this, because people are going to be asking this question all over the shop, so I think we need to know.

[Mick] I think if you work through the methodology and the process- So you do your grandfathering, you're then put into a substance group to collate the data and until you submit the data, you don't have a real registration?

Is that is that is that right?

[Alan] They are actually calling this a SIEF, they're using the terminology that's gone obsolete in the EU!

Using that terminology makes perfect sense...Not!

Mick] Until you've gone through that and submitted the data it's not a real registration, is that a fair comment?

[Alan] Yeah. I mean, there's nothing to say that they can't simply lift off the... the notification number they've given you and call it a registration number, but if they do that it would make no sense at all because it wouldn't distinguish between substances that you've grandfathered and forgotten about and substances you've actually registered!

[Mick] Yeah, there's no way of obsoleting that number that would be wiping it from the record.

[Alan] That would be completely barking mad which makes it entirely possible the government would do that!

[Janet] The question will be asked and answered. Gina you also had certificates of free sale as a question?

[Gina] That's been sorted, we were having problems with the website and we've gone back to the person who used to get them, who's appeared back in the office today and she's done it.

[Janet] Perfect that's fine, Mick I think I've written this slightly incorrectly because we have more REACH questions, I'm sure we've got more REACH questions.

[Allison Hill] Yeah. I was just gonna say that, my understanding was that... for the GB REACH you would just send out your letters as you did for EU REACH with the similar wording, the legal terms to say, are you planning on going ahead?

Have you started the process? To get a response back to say 'yes'. Then if you wanted to be really cautious, you would go through the pre-registration yourself, just in case and then obviously duck out when you had to complete the full registration, I think that's the sort of route we were going down.

[Mick] I think if people kind of remember the position they were in with their non-EU suppliers 10 years ago, we're in a very similar position now.

[Anthea Mcallister] I was going to say exactly that. So I think the question to the suppliers now can only be, do you intend to? Then you just set yourself a date by which you need to cover those gaps, if you're either not getting a response or it's a negative response.

UK REACH

[Mick] Any other comments on REACH? I've asked the question, if you forget or you missed to do your downstream user notification what can you do? And the step is to do an Article 26 inquiry.

But also if you've done your DUIN, all of the grandfathered registrants get put into their SIEF or substance group or whatever they're going to call it.

But if you do you're DUIN, you're not put in there until you've done your Article 26 inquiry dossier and then you get lumped in with those.

I can foresee circumstances where potential lead registrants are not in that grandfathering group, potentially it's possible and do a DUIN but they would be the biggest user and could potentially miss out.

I know there's supposed to be a better mechanism for picking lead registrants, but if you're not in the in the substance group or SIEF that could be a problem. I don't know, anyone else has thought along those lines or thought that far ahead?

I can see a multitude of problems coming up with this if the...you know, the Article 26 inquiries and the grandfather's substance identities don't quite match up, but that's always a problem I guess. Any other thoughts and comments on UK REACH?

[Janet] Yeah I just wanted to go over what I really picked up on from the DEFRA and HSE meeting last week that I was not previously aware of.

Well obviously the thing that we're all aware of is there is no mechanism for data sharing, which is clearly the thing that worried us the most and I am aware from group members that some people have made private arrangements already, before Brexit even and other people are just waiting to see.

So it is like deja vu all over again isn't it? We're back in 2010 as it were.

Also I spotted and I did put it in the newsletter, that there are new email addresses before contacting the HSE help desk to be aware of that. The REACH Helpdesk email is now: ukreach.clp@hse.gov.uk .

But also the HSE have updated their pages so there's like a an overarching REACH page and then subsidiary REACH pages and a CLP page and so on.

UK SVHC list and a UK Authorisation list

You've hopefully seen that we've now got a UK SVHC list and a UK Authorisation list, still no sign of a Restriction list for the UK yet, these are all Excel spreadsheets.

I'm going to leave the MCL bit till we get on to CLP.

The grandfather list needs an IUCLID file, which we all knew about anyway, but it was still interesting to hear it.

The impression I got and it may be incorrect, is that the idea I think maybe, that they're going to publish the grandfathering list somewhere with a view to people who are thinking about DUINs, can actually see who's on that grandfathering list and that may help people who are in the DUIN category, potentially doing a DUIN - 'Do we do a DUIN or not?'

[Mick] But I think doing the DUIN is fine, it's going the next step and getting your id data.

[Janet] I think the idea is that, if the grandfathering list is published, then people who are thinking about whether they're going to do the DUIN or not, will be able to check it and see. I suspect that they're trying to stop people doing DUINs, if they don't have to.

They've no intention of going that far but, at the same time, yes it will help. Equally we all know from 2010 that sometimes you've just got to make that notification as an insurance policy haven't you?

Westminster forum

Those were the things that I picked up from REACH on the DEFRA meeting. Neil is there anything that you are bringing in from the meeting you were at the day before the DEFRA meeting?

[Neil Hollis] No nothing really. From a technical perspective that was more on strategy plans by DEFRA and essentially, the associations giving their political opinions and advocacy statements as they stand at the moment, I can talk perhaps more about that as we come to that as a discussion point, but the Westminster forum was more of a communications and advocacy event rather than a technical session.

DUIN list before the end of October (Anthea Mcallister)

[Anthea] Just had a couple of questions, so we've become an importer, and potentially responsible for registrations where we weren't before so we started to, I think a few people are in the same place, some things aren't super clear. I just wanted to ask, I think some of this maybe, you guys just know and I don't know... Can we add anything onto the DUIN list before the end of October, even if, at the moment we don't import it?

So it would be a new chemical to me and under other global legislations, it would be a new chemical but it wouldn't be a new chemical to EU REACH.

So can any of us just keep adding things until October the 27th, even if it's not supporting business, that was ongoing in 2019 and 2020?

[Mick] That was a question raised at the HSE DEFRA meeting wasn't it? Am I correcting thinking there was a fairly ambiguous answer to that?

[Anthea] I didn't listen to it but I don't understand anyway.

[Janet] I think this is one to take back to everybody again because this situation is that, if it's in your supply chain and it was coming from Europe you're suddenly the importer, that's a definite DUIN but this situation was unclear.

I think if you were bringing it in, not from the EU and you're suddenly an importer that's definitely not a DUIN, so this is a grey area so I think that's another question to go back.

[Mick] Is there a time frame you can go back to that, you've been an importer, how far back did you go ?

[Anthea] I think it's two years.

[Neil] Can I come on this, it's in article 127e. I'm very familiar with article 127e, it's my favourite article.

[Mick] We all have a favourite Neil.

[Neil] And that states:

- One- That the DUIN can only be submitted for products that you import from the EU.
- Two- I think it's paragraph 12 in Article 127e, it states that you have to previously have imported that substance over the past two years or two years since exit date.

I interpret two years since exit date as being 31st of January 2020, as opposed to the end of the transition period. So it's our interpretation that you can't just keep adding DUIN substances to your DUINs list if you've not imported them between 2018 and 2020.

[Mick] If you received material that came from outside the EU, there was an OR registration for that in the EU, are you still receiving that material / you're importing that material from the EU under the rules of that article?

It almost sounds like you're not?

Well it's back to Neil because he's got the article but it's a general question really.

[Neil] I'm not entirely sure, I understand your question but I'm not entirely sure whether the article covers that scenario. As we are all aware, guidance on the subject is really brief.

[Mick] I guess that there's some more detailed questions to go back there aren't there Janet?

[Anthea] Yeah sorry, it was a two-part question. It is because that's what I thought the answer was but then when I was looking into the legislation and then when I was looking at the...not guidance but the summary on the HSE website, I found it very unclear.

To the point where if we did that and then the HSE came back and said 'naughty, naughty' we'd have a reasonably argument for why we thought that's what we should do.

The second one was :We have some mixtures that we bring in, the HSE website says, don't worry if you don't know everything that's in it, just go ahead with what you know and the supplier seems to think that they've given us the all the information that that we need.

There are substances that are missing within that mixture, I have no way to know what they are or if they're in the other products that we might import, to know what the tonnage band is,

So I don't know what to do, so we can, obviously we can complete DUINs and things for the chemicals that we know but we can't for the ones we don't know! And yeah the blurb on HSE says, don't worry, but I'm quite worried really.

[Mick] Are these unknowns going to be over over the ton, I guess it's the first question?

[Anthea] How can I know if I've got 50 products all with different formulations, it could all be...

[Mick] The addition of, yeah that small percentage that's in all of them.

[Anthea] Does anyone else have this problem?

[Mick] I guess it goes back to how we were 10 years ago again, we faced this problem from our non-EU suppliers back then.

[Janet] You're quite right actually Anthea, because in the HSE meeting, well in the follow-up, I think it was Gary said, if you're bringing in, he was assuming you were bringing in unique products through unique suppliers in a unique supply chain, and he was like, 'no this is what you're supposed to do'.

It's like, no it's not Gary because we bring in, like you've said Anthea, multiple products from multiple suppliers, then they may all have the same non-hazardous material that isn't on the safety data sheet that then takes us over the REACH registration limit.

I feel that it's something the HSE really aren't aware of, but if you look at the 'what we do now under ECHA REACH- REACH EU', we actually have to ask people, what is in your product or we have to do it through a third party, like an OR or a consultant.

I'm sure the proper consultants, because I'm just an industry helper remember! I do very little with REACH, but the proper consultants will have protocols for dealing with

this situation, where you can end up with the knowledge of what's actually in your supplier product.

What we've done with Card Factory here, as I'm sure you're aware of, we do all their Labelling work, they have to tell us, they have to give out I think it's a CSF, it's a supplier form or that they've just made in-house and it's like we need to know the entire formulation, which is fine for you know, scented consumer candles that kind of thing, that's the sort of stuff we're dealing with.

The Chinese suppliers are like well, if you're not gonna buy from us then yeah we'll do it.

But of course, not every supplier wants to have that conversation, to them their formulation is totally their intellectual property, that's their entire product in effect.

I think that the HSE aren't aware of it and I think it will become an issue, because it is an issue under EU REACH and therefore you can either bounce back and say, we can't buy off you unless you give us full disclosure or we have to have some kind of legal agreement and a third party involved so that you can you can check and see what's going on.

What I can do as well is, I was unhappy with what Gary said in the meeting, I can feed that back and say, we're bringing this to HSE's attention, we don't think you understand that this is going to be an issue because it already is under EU REACH.

[Mick] You're going to have a long list of questions I think Janet to send back to Gary!

[Janet] That's fine, he's used to it, he knows us!

Confidentiality Agreements (Colin Pratt)

[Mick] Colin first, then I'll come on to you Peter and we will get around to your question Helen!

[Colin Pratt] It's just a slight extension and I understand exactly where Anthea is coming from although I'm currently unemployed, setting up my own business I would have been in the same kind of situation, but it's slightly broader than that and I know divergence is something we're coming on to, but there's also going to be the need to do due diligence on formulations, to see whether safety data sheets and labels are correct.

So you're going to need the formulation for- in fact multiple reasons, not just REACH and when we get to the point where things go really wild and we have different authorisations and all sorts of things, so there'll be a need for the formulations for so many reasons and how many companies are going to divulge it.

Now I had the same problem with an American product years ago and I had to pay a thousand pounds for a lab to take it apart because I didn't believe their safety data sheet, that could be what we're having to do with a lot of products that we're importing. Okay that was from America but now we're standing on our own, there could be a load of reasons to need the formulation, not just REACH.

[Janet] You've got Confidentiality Agreements as well as using a third party to be able to do that, that's the other thing I think.

[Mick] Yeah. You start to get into three-way Confidentiality Agreements or four-way if you're involving a lab as well. It's six months of backwards and forwards of legal discussions.

[Janet] It doesn't matter, it can be done, I think that's the key thing and Colin is quite right I'd forgotten, I don't trust any SDS out of China for example, some of them are perfect.

Not Supplying the formulation examples

[Mick] Peter were you going to come in there?

[Peter] Yeah, I was going to come in. Following up, I agree with what Janet's saying, we act as trustees for quite a number of companies but from a legal point of view, and I had this many years ago talking to HSE, if you import a product into the UK and you do not know what the 100% formulation is before you put it on the market, you're actually breaking the law. It is clear that you must know what you're doing.

Where we've dealt with SMEs who've struggled to deal with big companies and especially in America like Colin was saying, they have proprietary information, they can hide lots of things.

Back in the early... about 2008 2009, I was dealing for a major company and their American head office would not give them the formulation.

The SDS said non-hazardous, apply by hand, when we got the formulation it was Skin Corrosive. So unless you can get information and usually the commercial thing is, if you want us to sell that in this country, you've got to tell us what's in it. A lot of Americans have done that and there's another one that cropped up, we found that one but for one particular formulation, they were putting nonylphenol ethoxylate straight into the environment.

So we had a chat with them and the technical guy I spoke to said, Well that makes sense, that's why BASEF were trying to sell us an alternative!

That is something you need to be aware of.

The legality of it is, you put something on the market, you don't know the full formulation, you're directly liable or your directors are.

[Alan] Are you also aware that there's one guy who's actually currently serving time at Her Majesty's pleasure, for putting formulations on the market that contained substances that were outside of either Authorisation or Restriction.

One of them being Methylene Chloride and the other one being Sodium Chlorate and he was told by the HSE, you need to take these products off the market, he still continued to sell them and is now serving her majesty's pleasure, so that they do take these things seriously, if you violate these things. But the usual situation on these is, if you if you do something unknowingly then they give you a slap on the wrist but if you knowingly do something, then they take it much more seriously, especially if you've been warned by them.

[Peter] That was published on HSE enforcement website.

https://app.croneri.co.uk/whats-new/sale-dichloromethane-leads-prosecution-company-director

[Janet] We can circulate it, Yeah I remember that one fairly recent, there are others, yeah.

Pre-registration in REACH

[Clive Foster] Can I come back on Anthea's first question please?

This related more to late pre-registration rather than the initial pre-registration in REACH but what we used to do sometimes was look back in old lab books and things like that, to provide some evidence that we had actually imported before a certain deadline, so that was quite useful for when you wanted to do a late pre registration as late as 2016.

If you had some evidence in lab books that you had it before 2007, so if you've got quality control records showing that you've used a chemical before or a lab book, then potentially you might be able to use those as some evidence in order to be able to claim a DUIN, when perhaps you haven't officially launched that product onto the market.

[Mick] Is there a volume limit that you have to have brought in to to be able to do a DUIN?

[Clive] Well no because you can do it at an R&D level and say you were developing your products. I think that was perfectly legitimate, in the case of claiming a late pre-registration.

So it's a slightly different situation here because your grandfather and so the analogy really is to NONs registrations, well not quite the same sorry but I think that would be something worthwhile trying if you think there's a list of 30 or 40 substances which are often used in the types of formulation you might have a lab.

But with all of them in it, a quality control or some samples you receive from suppliers that might be worthwhile pre-registering 30 or 40 things, knowing full well that claiming DUINs for those things, even though you aren't actually using them at the minute in a commercial sense.

[Mick] Yeah I think that's a good way of getting in as much as you can. Can we hear you yet Helen? No we can't.

i6z file for grandfathering

[Janet] Do you want me to read it out? Helen says, about the i6z file for grandfathering to the HSE - I'm not sure how much information to include for our lead registrations that we held under ECHA, should I include the same dossier I submitted to ECHA?

[Mick] Do we know what needs to go in that i6z file for grandfathering yet? Is it published? Have we got any guidance on it? Has anyone tried?

[Julie] I just went through the ones we submitted to ECHA.

[Clive] I think the rule book says that you have to send the exact same submission. The unfortunate thing is, the rules have changed since you did your submissions in 2012 and so they won't pass the technical completion checks so presumably you update it to pass the test to the checks, but it's essentially, it's the same dossier.

[Alan] Yeah basically what we're talking about, as I understand it, is essentially an inquiry dossier but there is one little gremlin in there that people may not have noticed, that they are also asking for downstream uses, which is not part of an inquiry dossier. We got caught out on some of ours when we were doing that, so just be aware of that.

[Janet] I remember there was something in the HSE meeting last week, where they said, when you make this notification you may have an old IUCLID file but you can go onto a website somewhere, they did provide a link (https://iuclid6.echa.europa.eu/) to update the dossier, to the correct level so they are expecting people are going to be sending through old dossiers.

From what you're saying Alan it's likely to be a fuller dossier or I think and again, from the HSE meeting I think they were expecting you know, everything with the data, if you were a Lead almost.

It just depends on how much time you have, if you're the lead for example, you're gonna have to submit that data at some stage aren't you? So why not just shove it in now and see what happens and again, if you're a lead you don't need to worry about the financial side of things or at least, I hope not! An interesting one though.

Just on that migration, from experience, migrating from IUCLID 5. Whatever it was, to when it went to 6, it wasn't a straight copy and paste, you had to go into the dossier and you effectively had to rewrite the dossier, the big text boxes went into very prescriptive.

[Alan] They replaced a lot of free text into drop downs and they just basically failed TCC.

[Mick] So Yeah. It might not be as quick as just a quick migration as you suggested Janet. So if you've still got those old files, just beware.

[Janet] I know s*d all about this. I was just parroting what the HSE said. Again this is something they're unaware of, it's not as straight forward.

[Neil] We're planning on doing some grandfathering later this week, we haven't submitted any yet, it's our interpretation that we have to submit information to the UK authorities that we have previously submitted to ECHA so therefore if it's a member dossier, we will submit a member dossier, if it's a lead dossier, we'll submit a lead dossier. It's our interpretation, it has to be the same information that we previously submitted, so if the original dossier was submitted five years ago then we are planning to submit the i6z file, possibly with the technical completeness errors within it, because as far as we know, the UK authority isn't doing technical completeness checks anyway and it's simply asked that company send information that they have previously sent to ECHA.

If I go ahead and update the file, then to me that's not following the guidance?

[Mick] I guess the HSE want to see that you're legitimate in being a grandfather. So they want it to match up with what's already in the system, is that right?

[Alan] They do ask for verification of your EU registration, if you're relying on grandfathering.

I think what was just said, was probably correct but whether they're actually checking that I honestly don't know.

They are in complete and utter meltdown in terms of what's going on and they're turning things through like a sausage machine so that, I think a lot of stuff is going to get checked retrospectively and then come back with questions but it could be a year before that happens.

We're in completely uncharted waters.

Ten thousand substances submitted by UK companies

[Mick] Just out of curiosity, do we know how many individual grandfathering cases they're going to be?

Substances is not the right word, but grandfather dossier is in the UK, what's the burden likely to be?

[Alan] My assumption is that they're expecting everything that's registered to come through as a grandfather. It'll be slightly less than that but...

[Mick] How about how many companies (are going to be submitting), how many individual dossiers (will be submitted)...

[Neil] 10,000? Is it 10,000 submissions by UK companies or is it ten thousand substances? It was ten thousand substances submitted by UK companies.

[Alan] Yeah, well it's bigger than that because of the fact that there are companies that have not got UK entities that are now going through ORs and things like that. I think the numbers have been much higher than that, I don't know for sure but this is my educated guess.

Lead Dossier

[Jono] I think from what I've been doing, I've seen a lot of it where people are going so like say that they're going to moving to ORs, but there's also a lot of companies that are just pulling out of the UK because their individual UK market share is a lot smaller.

So it might be a UK company that ships to Britain because everyone speaks English but their real actual market for material is in Germany so they're basically saying, well we might sidestep the UK altogether.

I think personally, it's too early to tell whether it's going to go up down stay the same or what have you. Just to go back in the Technical completeness check though, we're not aware of the HSE having a formalised technical completeness system so we're making the assumption you can send in an older file, but to touch on what Neil said, One of the things we are worried about is that in certain cases, although a lead registrant might be a UK lead registrant for EU REACH, they might have a full file, they may not have the right to submit that to the UK CA anymore.

[Janet] Vicky Sayer has also said, 'Little reluctant to submit full lead dossier that is a lot of expensive data, with no info on how the SIEFs etc might work in the UK'.

[Jono] Yeah you're submitting stuff that you may not actually legally have the right to submit.

[Janet] Exactly, Yeah and also from Vicky's point of view as a lead registrant, what's going to happen to that data? Because she doesn't want to give it away, because not understanding the SIEF mechanism.

[Vicky Sayer] We own a lot of data and we've spent a huge amount of money and without those contracts etc in place, I don't feel very comfortable just submitting all of my lead dossiers.

My preference would be to extract the sections of the IUCLID file that I think are relevant and more like an inquiry, submit those and see what happens.

[Peter] Well reference any file out of IUCLID, you can actually lock it, so that no one else can access the data. So you can submit it in completion but it can be secured so that people can't then open it up and extract the data. If you have the right software you can do it. I've had our IUCLID files sent to me by clients to work on and I can't do anything with them because they've locked them.

[Jono] Yeah but if you've got the, as I understand it, the competent authorities have slightly different software that can unlock it. [Peter] Well that's good to know.

[Jono] There are people who can do, sort of like, 'Data set from dossier recovery' and 'Unlocked from a locked recovery', by actually getting into the files, so I know that the HSE is not having the easiest time at the moment, but the software does exist to let people help themselves.

[Peter] That's Interesting to know Jonathan, thanks.

Divergence

[Alan] I Just want to make people aware of the fact that the UK HSE has put a number of things, there's some stuff in Chemical Watch about Divergence, and divergence is rapidly becoming, not so much something that we'll live with, as an aim in and of itself.

Now the only effect that I can see, that it's had so far is that, there's been updates to SVHC lists which haven't migrated through to UK REACH and they are saying that they are absolutely of the opinion that the timelines for registrations and authorisations will not be the same in the UK.

They haven't come out so far as, at this point, and said, 'I don't care what substances there are on the EU list, we'll put them on if we think it's appropriate', they haven't actually said that yet, but I think that's implicit in some of the comments that they've made, they're now virtually saying that Regulatory Divergence is now one of the successes of Brexit and we're going to go with that and all the rest of it (how that's going to work out what could possibly go wrong there we shall see), but anyway I just wanted to make sure people were aware of that because it's currently moving towards a divergent regulation already

Ten thousand substances submitted by UK companies STATS

[Mick] I think Neil's put up the stats in the chat, have you got that Janet? To make sure you get that into the notes, that's really useful thank you Neil.

[Neil] The statistic say, it's on page 35, 7,000 just short of 7,000 registrations by UK companies.

https://echa.europa.eu/documents/10162/23557847/registration_statistics_en.pdf/58c2d7bd-2173-4cb9-eb3b-a6bc14a6754b

[Mick] So I know the HSE have recruited 50 or 60 new Chemical Regulatory bodies, so that should be just over a thousand each for them to go through!

[Alan] Lunchtime job yeah, no problem !

[Janet] Can I be like Alan and say, most of them appear to be fresh out of University! 'What could possibly go wrong!'

CLP

[Mick] Some general points on CLP, I've done a couple of GB CLP notifications. The requirement to do them is, kind of a bit ambiguous as well, it's not clear.

It's not quite clear why you can't and there's no way to go and check whether you've previously done them I've noticed. The company I work for has changed names and been acquired and gone through various different changes and our internal records have got lost along the way, since the first lot of notifications and so we've taken the point of having to do them...

[Janet] I was just gonna say, this is why I kept nagging everybody to take the information off the ECHA website while we still had the chance! But I appreciate when you've had a change of legal entity, that information maybe wasn't migrated across?

[Mick] Yeah. We don't know where we are. One thing I noticed doing them, you have to some of the fields, that are now mandatory (weren't previously), you have to submit Molecular weight for example, so get your calculators out!

I've only done a couple of Mono Constituent substances, so I don't know whether that's a mandatory field for Multi Constituent or UVCBs. Hopefully it isn't because it would just be a mess and technically not correct or very difficult. Any other experiences of CLP notifications or any other GB CLP issues? Peter, you have your hand up?

[Peter] I saw recently, a note from HSE, 'Any CLP notifications through the EU system, up until 31st of December 2020, are carried over automatically'. So it really only applies to substances that are newly imported into the UK or new substances.

[Janet] If I could add to that- if you held an EU reach registration then that would automatically place the substance on the Classification & Labelling Inventory Database as well. So Mick, I don't know if you're talking about notifying things you have an EU REACH registration for but you don't need to include those.

Mandatory Classification list

[Mick] Yeah, thank you. Do you want to talk about the Mandatory Classification list? Or who wants to chip in there first?

[Janet] Right okay, I'd like to start with this because as you are probably aware, we have taken the HSE's GB MCL and we have added the dates to it.

We are now on the Second Revision of this, in order to access this you do need a sign-in to ghsclassificationcourses.com and that puts people on our newsletter list. If you guys do that, obviously you will not be getting a second copy of the newsletter, don't worry our system is that sophisticated!

But the reason I wanted to do that is so that, I know who's basically got a copy of it and then if something goes wrong I can tell you.

So what we've also done, for people who are in the training courses, we have got the the 15th ATP, the 14th ATP and the 13th ATP, because what I found and the reason we had to make the change was, that there are four substances that between now and the 15th ATP are actually being removed from the list.

I think it may actually be a slight glitch with the HSE MCL one as well, that they had kept two on that weren't or they didn't have a way of saying, 'These have been removed'. So if you do log into the website, you will see a note underneath saying, these are the four substances, these are their index numbers, these are the classifications etc.

There are generally things that are H413 so low level environmental hazards, that have been dropped off so not anything particularly hazardous. Interestingly with the MCL list- the Index Number is the same in the UK as in the EU and as I think somebody said

earlier, we're still using the EC numbers as well as legal identification numbers under GB itself.

One thing I am prepared to do, if people who are not on our training course and are never coming on our training course, are interested in, is I would be prepared to give you those three things for a small fee.

Because obviously, we'd like to keep it to yourself, within the training course family but if anybody is interested enough in those spreadsheets then email me about it.

It's something that obviously, we've done in-house for commercial reasons to support our trainees. The other thing is and it really really wound me up, those of you who have been on my training course will know that when we do the training, and we say, ECHA / the EU interpret the mandatory classifications, harmonised classifications is being fixed.

As in this is it at this time, you can use it going forward if you like but they're like, You have to use the harmonised classification for an end point, regardless of whether there is good quality REACH dossier information. Now what we have said to people previous to this is, in the UK we have this thing called Duty of Care, if there's new good quality information then you should think, if it's less hazardous than the harmonised classification, wait until it goes through the process.

But if it's more hazardous, then that's where duty of care kicks in and my interpretation has always been- If you've got a good quality REACH dossier that's saying this is a harmonised classification and actually we've got new data that overrides it and it makes it more hazardous, then that to me is where duty of care kicks in and you use that classification.

CLP in HSE meeting

Now unfortunately, in the CLP bit of the HSE meeting, where we had two people who are very much in policy, that is we had Andrea Caitens and we had Francis McGuigan. Andrea said because somebody asked the question... in fact no it was me!

I said...and I think it was on the back of a question that Neil or somebody else, one of our other colleagues had asked,)

Is the Mandatory Classification List for those Endpoints, absolutely required or is it just a minimum? And she was like, No it's absolutely fixed for an endpoint. So HSE policy are interpreting the new GB regulations are saying you have to use the mandatory classification.

Which to me is completely bonkers! If you have good quality REACH data, which is modern, that supersedes it and you've also got this duty of care thing, So I just wanted to flag that up.

[Mick] I was on that call and I don't know whether it was in one of the breakout sessions, but there was a question... somewhere along the lines she said or Gary said, I can't remember now, That's the minimum, if you've got data to support additional classifications then you add that on as well.

[Janet] I think that was in the context of...this is maybe where we need to send a question back to them, but my interpretation of it was Gary was talking about where there are hazards not covered by the mandatory classification, you fill in with other information- which we're all using to.

[Mick] Yeah it was ambiguous because he talked about, if you've got additional end point information, yeah.

[Janet] Exactly. Whereas what I'm talking about is, an end point... We all know a lot of the harmonised classifications are 20-30 years old, we also know from people like Jono, who've tried to get back to that data, we can't get back to that data a lot of the time. So if there has been new data in the interim, I think that should supersede and in fact, if you think about it, if you had that information in any other context, you would be absolutely slaughtered under Health and Safety at Work Act! If you didn't pass it forward and there was the HSE saying, 'Mandatory Classifications are different somehow'.

At the same time they were also saying, When Francis was talking about the mandatory classification list, 'We want people to use the Mandatory Classifications as soon as they're published', so there's a real disconnect over this one particular issue and I'm going to hold my hand up and say, it does not happen very often, but it does happen and we need to be aware of what the right thing to do is.

[Mick] I thinks it's the Policy and High level people not understanding how it works on the shop floor almost.

[Janet] Totally. Totally with you on that one. By the way with the mandatory classification list spreadsheets I was telling you about, I have been in touch with Francis and Gary to tell them that I found certain things that were actually incorrect and I have told them what they are and I have also given them copies of the spreadsheets with the different dates, in case they're going to do that, as a courtesy, as professional courtesy. So anything that I'm providing at the moment, hopefully the HSE will get their act together and deliver properly.

EU CLP

[Jono] I looked into this, it was for EU CLP but I believe it's going to be the same for GB CLP. It's the case of, if you had data on a completely unrelated endpoint, so say you have a harmonised classification for Acute Toxicity, that stays as it is even though you have new data, but if you also had data, say for Fish Tox, that would result in a Environmental Classification, you would classify that separately.

The big issue with things like Acute Toxicity, even Irritation and Skin Corrosion and so on, is that the tends to be an Asterisk in the harmonised classifications, when they were brought forward from the old DSD to CLP versions is that, the asterisk means, this 'endpoint is regarded as a minimum', so there are cases where you can increase it if you have data and there are cases where you can't increase it, even if you've got the data.

So yes we need to ask certainly, because it's a brave new world and all that, but it's also very substance specific and entry specific, as to what we've got for that classification.

[Janet] Absolutely Jono. I agree with you completely on that one, that yes there are some classifications that you can change but I'm talking about the ones that you can't.

It absolutely is only going to affect a few substances, but what I want to do is, I almost want to have the principle in GB REACH, the last thing we need is people's insurers suddenly turning around to say you knew 10 years ago you could stop this eight years ago, why the hell didn't you do this?!

Again this is where Mick's policy people thing comes in, they're not the ones who've got responsibility for doing this, we're the ones who've got responsibility for things that can affect the end user. What I don't want is some little g*t who's all of five, in enforcement, who's come straight from university and thinks they're god's gift because they've got a PHD or whatever. No doesn't work like that! I don't want them going, we're going to prosecute you, when actually the principle should be, if there is good quality information, the other thing that it ties in with this actually is, the new mandatory classification process in GB.

What I would like to see is, like more flexibility both for CLP and REACH, where we an industry, can flag up to HSE faster- 'Hang on there's a problem here' I know they're going to have to do a certain amount of those public discussions on anything on the mandatory classification list, but can we please please have like a fast track almost?

Where there's good quality data, industry, the SIEF, whatever we're calling ourselves, have already agreed that this is a good thing. It is more precautionary than the current harmonised classification,

Can we fast-track that in as a way of making sure that everybody's as up to speed as possible.

[Jono] Yeah. I remember Mark Selby once saying at one of our meetings, years and years ago- **'It's a case of which law do you want to be in breach of? The one where it's a wrong number on the side of a packet or the one where somebody sues your company because they lost a hand?!'**

[Janet] Exactly, yeah and even though you could argue with classification, the hazards are still the same, you're just changing the description of those hazards. If the description of those hazards, particularly for people who are making mixtures from your substances, would affect how they would handle it then clearly yes, I think that's bang. You've got to do that fantastic quote from Mark actually, I'm definitely putting that in the notes.

[Mick] There was a hand up a second ago? It's gone down now but did anyone want to come back in there?

Back to MCL

[Joanna Sacks] I just put my hand down because I didn't want to ruin the discussion. I put it in the chat- I think that if you have data that you're product should be more severely classified, for an end point in the MCL... you have to tell HSE.

[Janet] Yeah, I think so. That would probably also come under the 'General', I'm not a Health and Safety at work person, but I think that comes under duty of care generally. With REACH registered substances of course, you should have put that data into the dossier, whoever was compiling the dossier but if it's at sub-REACH levels in particular, then I think that's a great idea Joanna thank you.

Poison Centre notifications

[Mick] No okay, Should we move on to Poison Centre notifications? Go on Janet.

[Janet] Poison Centre Notifications. Everybody is happy with what poison centre notification is doing now, as per our poison centre thing. Does anybody have any questions and I've actually had a question on email about UFI's. About whether Dyestuffs are substances or mixtures. Which is an interesting one.

What do we know about Unique Identification numbers (UFI's), do we need to register any of our products or are they substances, particularly reactive green 12? (Asking for a friend!)

So any of the dye stuffs people, are you treating your product as a substance?

Again you're into the area- Is it a substance, does it hold a REACH registration?

And that's just off the top of me head by the way!

[Mick] I guess it comes down to that. If you would register it as a single single substance under REACH then it's a substance. If you're going to register the components under REACH then it's ...a mixture and there's a nice weighty document on that somewhere isn't there, in the ECHA guidance?! ...not being copied to UK.

[Janet] I hope not! Is that one of the two or three hundred page ones?! It strikes me that you can use the ECHA database, if you put that product information in and it holds the REACH registration, even if it's not registered in your supply chain-ECHA are treating it as a substance. So that would mean that it is not a mixture in its own right, unless for some specific reason you want to treat it as a mixture and hide the information on it for your downstream users. But generally, I think if it holds a REAC registration, that's a good 'back of the fag packet, way of doing it isn't it.

Has anybody had problems with that by the way?

[Clive] We've on occasion, taking the pragmatic decision to decide whether things are substances or mixtures.

So I probably shouldn't say this out loud, so pretend I haven't, but things like- there's a reactive brown dye which we use, which is got one CI number, one Colour Index Number and yet we know it's two components and our volume is about 1.6 tons of the two combined. So we've treated that as a mixture of two individual dyes and we have separated them and we know exactly what they are.

So for expedience then there are reasons why you would choose to have it as a single substance, in which case it'd be a multi-component substance or whether you'd say it was a mixture of single substances.

[Janet] That's really interesting Clive, thanks.

I think the most important thing is, to make sure that you handle that material as a substance for all all its obligations- your multi-constituent substance. So what you don't want to do, thinking about our anonymous questioner, would be to say, 'I'm classifying it as a substance for this one and a mixture for another set of regulations'.

[Clive] Yeah, can I just add another point. So that's with the thinking about our registration obligations, with regards to our poison centre obligations, then of course the two go into a mixture, it's a more complex set of materials so it's clearly a mixture when we go for a poison centre.

[Janet] Yeah but that's when you've added other things to it deliberately. You're not selling it as.

[Clive] Yeah.

[Mick] Would anyone else like to raise anything on Poison Centres, whilst we've still got a few minutes on here?

HSE meeting

[Mick] No okay. We've talked / mentioned the HSE meeting from last week a few times, anything you want to bring up Janet in particular? On top of what we've already talked about?

[Janet] You know I can't actually read my writing, which those of you who know me, will be totally unsurprised at!

Yeah there was something that I was unsure about, which again in the HSE meeting they said, I think it was Gary and I think it was maybe one of those things that they sent a correction round on. Somebody said, 'they're still doing the transfer at ECHA, there may be some way, if you haven't done your transfer, you can continue with it and I thought,

Whoa! That's not what I've seen from ECHA, so I didn't understand what they were meaning, because my understanding, which is imperfect as you know, is we had to transfer everything to an EU entity, start the process before the 31st of December and now they've got until the end of March to accept it at the EU legal entity, whereas the impression that the HSE were giving was, if you hadn't started that process, you could start it by some kind of backdoor route? Am I misunderstanding that?

[Mick] I remember that, it sounded like there was a month's grace or something? Yeah.

[Janet] Well given we're on the 25th, we've got... sorry 26th! Told you it was busy! Right so, I'll check that with the HSE as a matter of urgency.

[Peter] I've been involved in transfers and I had a client who, when I actually got into the detail, had registered importers, when they should have been registered as OR.

So I went to see what the option was on the ECHA website after the 1st of Jan, because we had nothing, we just ran out of time before Christmas and I'm sorry to say all their registrations have been wiped. Unless you started before the 31st of December, you haven't got a chance of doing anything.

[Clive] Yeah I agree.

[Janet] In which case it's not so much a question for the HSE, it's more, Do you want to clarify what you said, sort of thing.

[Jono] I think the other thing, that might be a case and I don't know because Gary's normally very good at checking this, but as I was saying before, what we as industry have and what the authorities have access to, and the buttons they have on the portals- I believe are quite different.

[Janet] So it may be possible then Jono, that if you haven't done the start of the transfer, if you go to the HSE, they may actually be able to get you in by the back door almost?

[Jono] I don't think so, I think they'll have to stick to the letter of the law. I think it might be what they could see, would be different from what we could see.

When I've looked, it's all because, I know this is really sad but over New Year I did have a little look at the uh the ECHA website, just to see if everything sort of went off from the UK and yeah you were basically locked out of any registrations that you previously held, even if you didn't transfer them or not. but It's just that our software and their software might be different.

[Janet] So they may have an incorrect impression because they can't see that we're locked out in the way that we can?

[Jono] That's what I'm thinking yeah.

[Janet] That makes sense.

[Mick] Would anyone else like to raise anything from that meeting? It was a pretty heavy, full-on few hours.

Recordings of the HSE REACH & CLP meetings.

[Janet] If I could raise something. We have actually got the information on what was said in the two chat sessions on REACH & CLP.

Don't tell the HSE this, we recorded them! So this is strictly for Self-Help Group members only!

These are nearly finished as notes so we will put them in but we will say you know, we took the recording, so we could actually write down what the advice was so the reason I did this was 1i felt that it was so important that we needed to have a proper recording of what was said.

Even understanding that the HSE may get things wrong and you've probably seen that they did actually send round a correction to a couple of things they said. So they've probably recorded them as well but I just wanted to let you know that we do have that. Mick do you think we should take the presentations and put them in the Self-Help Website as well, from that meeting?

On the grounds it's really important.

[Mick] If they're available to do so. I can't see it hurting, yeah it would be useful for the group members.

[Janet] Yeah. I mean I've got access to it. If we're allowed to yeah.

I suppose what I can say is, I can send them an email and say can we share these with self-help group? Can we can we share the items from the meeting with the Self-Help Group?! I worked for a Quaker chap once and his motto was, 'Tell them only what they need to know!'

[Neil] The HSE have actually published the videos and the presentations from last week's meeting.

[Mick] So they're available? So we could just post the links? Cool, thanks Neil.

- Intro and welcome: https://www.youtube.com/watch?v=uqS8Eb-5ZsM (16m 44s)
REACH (Alun Williams, DEFRA): https://www.youtube.com/watch?v=nn44Yl4fOXs (25m 43s)
- Biocides (Nicola Gregg, HSE): https://www.youtube.com/watch?v=BlremnIINIs (34m 24s)
- CLP (Andrea Caitens, HSE): https://www.youtube.com/watch?v=I1U4F9ve0Wo (32m 33s)
- Plant Protection Products (Rachel Brown, HSE): https://www.youtube.com/watch?v=0_fJKUlqCbU (30m 06s)
- Closing remarks: https://www.youtube.com/watch?v=1cSDv_fEz38 (3m 26s)
- You can see all of the HSE videos, and subscribe to their Youtube channel here: https://www.youtube.com/c/healthandsafetyexec/videos

A copy of the email from the HSE correcting information given live in the breakout rooms is here: https://5917e482-af83-4b43-81e8-c10ef2e4a665.filesusr.com/ugd/fdd46c_5377b6a4567f49108b4be0a2a3ff6edc.pdf

The discussions notes from the two breakout sessions Janet attended are here on the group's website (please keep private):

REACH discussion: https://5917e482-af83-4b43-81e8-c10ef2e4a665.filesusr.com/ugd/fdd46c_0426a4f078cd41ca98f0117a9d816567.pdf

CLP discussion: https://5917e482-af83-4b43-81e8-c10ef2e4a665.filesusr.com/ugd/fdd46c_6927c5d435924cbeaaa5a0a0d46ba49a.pdf

Westminster Forum meeting on 19th January

[Neil] Nothing really in particular. Like I say, it was quite, sort of, a high level or strategically meeting or rather than getting into the technicalities of UK REACH. Steve Elliott- CIA, Gave an address where he said, it was the CIA's desire that the UK perhaps continues to negotiate and continues to negotiate access to ECHA's

information in Helsinki and this was followed up then by an address by Gabriel Edwards at DEFRA, who more or less said, the EU see this is a as a red line that cannot be overstepped.

Essentially, information held by the European Chemical Agency is for single market accesses only and not for third countries.

The HSE gave a presentation which was quite similar to their one the following day. The same guy Richard Daniels, more or less stating their objectives, their recruitment and how they will do their work over the next few years. I gave a presentation, which was mainly advocacy based, stating that UK REACH should be adapted to recognise EU registrations and there shouldn't be a re-registration requirement for those supply chains in the UK.

Then there were presentations from consultants and lawyers, more or less talking through the law and also outlining the problems with data sharing that we will see over the next few years.

Then another association also made a comment that the Adhesives and Sealants Association, they very much saw Brexit and UK REACH as barriers to trade and that was more or less it really. So it was generally the associations of industry having a moan for a couple of hours, I quite enjoyed it.

[Mick] Do you think it will sink in though?

[Neil] I don't know, you know. We've been banging on the door for the last, however many years.

The meeting was chaired by Lord Teverson, I don't know if you're familiar with Lord Teverson, he's House of Lords Chair of the EU Environment Committee so that's this equivalence, very similar to the select committee in the House of Lords that I gave evidence to, in the House of Commons. It's kind of their equivalent and I think he's a Lib Dem Lord and he very much supports the industry on this one.

I know the House of Lords have a really good understanding of the problems that Industry faces, I think the House of Commons do also, but at the moment it's looking like that they're not willing to budge, assess things, stand at the moment but we keep going and I'm aware from the Associations that they will continue to advocate adaptions to UK REACH to make the burden, the financial burden in particular less of a barrier trade for UK industry.

[Mick] Good. Keep banging away, keep us posted!

[Neil] Yeah. I'm not sure if anybody from...Alan Ritchie was a delegate at the meeting, I don't know if anybody else on the call today attended?

[Mick] Doesn't look like it no, it's just with you and Alan then Neil to fight the good fight for us.

[Neil] Yeah well BASF will continue its advocacy this year for sure, on this subject.

Exporting Comment from Karen McAvoy

[Janet] Karen McAvoy asked- The question of info on, what paperwork looks like for export, it seems many companies are not exporting at the moment due to complexity?

Yeah, we know it's complicated I suppose, that's maybe just something to feedback.

It doesn't sound like Karen is exporting herself so I think it was more just a comment rather than a question really.

AOB- 1 CLP Mastery Accountability

[Janet] No I don't think so. Everybody knows CLP Mastery Accountability starts again tomorrow so I will see some of you in there- which is great thank you!

AOB- 2 Julian and Gina

[Mick] Julian you got your hand up?

[Julian] Yeah. Gina? I might be able to help both your purchasing people and ourselves if you could put me in contact with the right person?

[Gina] Right. In what sense? I'm not sure who's doing what at the moment?

[Julian] Well you were talking about REACH registered products, the complications of the REACH registered products.

I know we've got a number of ingredients which may fit your requirements?

[Gina] Right okay, I will. Drop me an email and I will figure out who has to talk to you.

They're all swapping around at the moment so...

[Julian] We may have some that fit the bill...limited contact in the past.

[Gina] Drop me an email and I will find out what's going on at the meeting we've got on set up on Friday to talk about such things.

Next Meeting dates- 16th March Zoom & 15th June F2F Brighouse

Okay, do we have a next date?

[Janet] Yeah, Sarah when's the next meeting date...Yes, Tuesday 16th of march is the official date, now obviously they're on the front page of the Chem Self-Help website, that and the summer one.

Actually that brings me to arrangements for the summer, because in theory we're supposed to be having a live meeting at that hotel- Holiday inn I think is it?

At Brighouse, we don't know yet whether that's going to be feasible so we'll just have to watch this space on that won't we.

Clearly if there's a major major issue that springs up, that people need to deal with around the EU Regs or the GB Regs more likely, we can always put an extra Zoom meeting in if there's a specific topic that people need to talk about, sort of in the meantime between those dates.

So, yes for your diary it's the 16th of March and the 15th of June are the two next ones and I'll put those on the bottom of the meeting notes as well (scribble them down whilst I'm thinking about).

Close of Meeting

[Mick] Cool okay. Are we done? I think we are. If no one else has anything, thank you very much for everyone's attendance. I'd like to see how the automatic subtitles thing comes up with doing DUINs!

But if that's it, we will see you next time in March if not before. Thank you everyone for your attendance and all the best, take care everyone.

(Everyone saying their byes!)

Meeting notes produced by

Janet Greenwood and Sarah McLellan

4th February 2021

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