

Acting in the interface of environmental and chemicals regulation

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Schleswig-Holstein
Ministerium für Energiewende,
Landwirtschaft, Umwelt, Natur
und Digitalisierung

Agenda



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Background – IMPEL projects 2013 / 2014

▪ IMPEL projects

In 2013 and 2014 IMPEL ((European Network on Implementation and Enforcement of Environmental Law) carried out two projects on „Interlinks of the REACH Regulation with the Directive on Industrial Emissions“

Background - IMPEL projects

- 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 / manufacturers / DU)
 - Work in practice – permitting and inspection

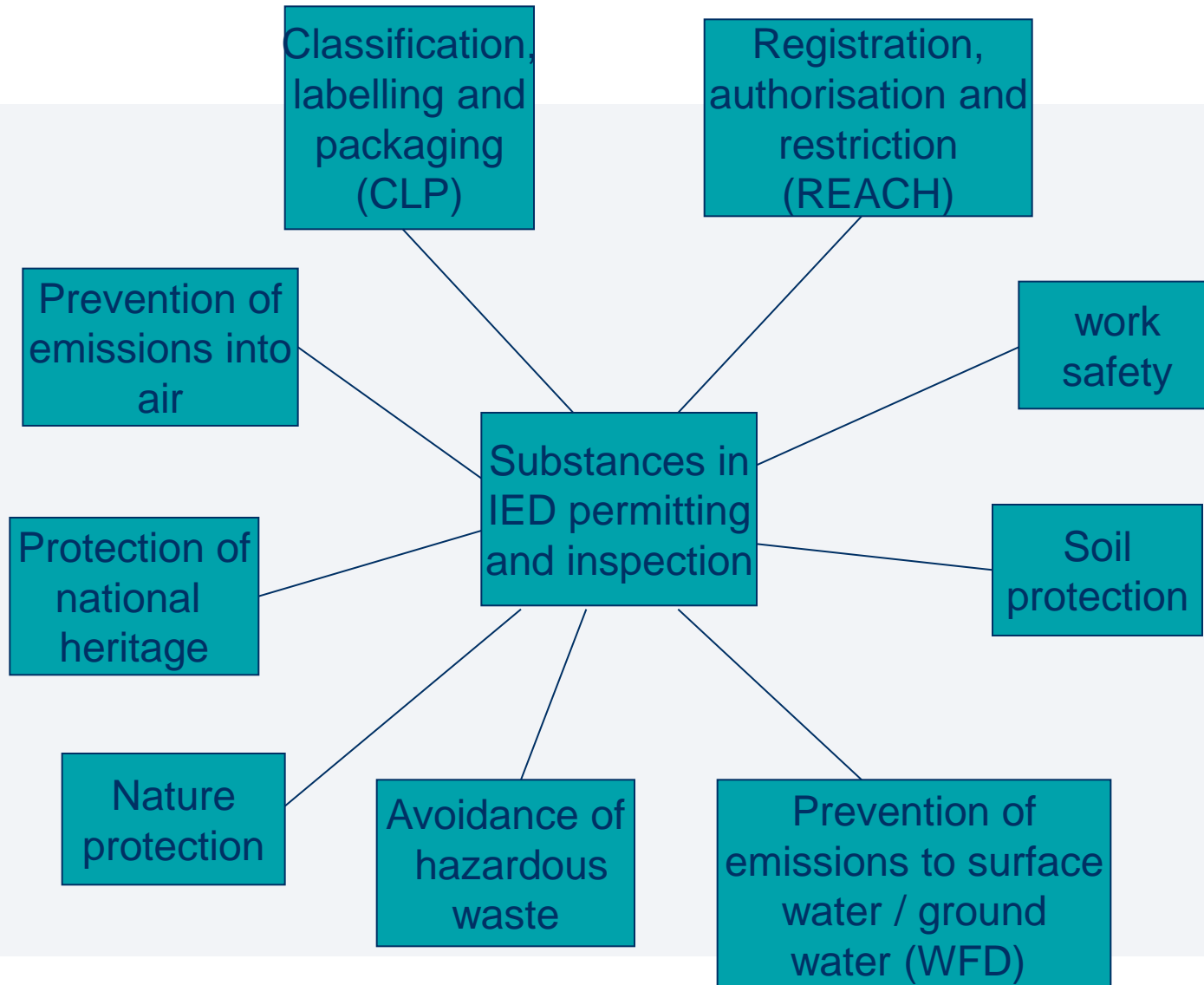
- 2013: exploring the basic information, interlink analysis, supporting tools and material

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

Link between REACH / CLP and IED ...

- REACH and IED - link between them? = substances
 - **Aim of REACH:** to ensure a high level of protection of human health and the environment as a whole from the risks that can be posed by chemicals.
 - **Aim of IED:** to prevent pollution and where that is not practicable to reduce emissions from industrial activities into air, water and land in order to achieve a high level of protection of the environment as a whole.
- IED covers a subgroup of chemicals under REACH
- IED directly refers to **REACH and CLP**
- **IED and REACH** have different ways of action.

Substances in IED permitting and inspection



Most Important REACH / CLP-Information for permitting

- ❖ Classification of substances
- ❖ relevant REACH information for assessment of prerequisites for licensing
 - Restrictions (REACH annex XVII)
 - Substances on the candidate list (information in dossiers)
 - Authorisations (REACH annex XIV, sunset dates)
 - Identified uses and conditions in exposure scenarios
 - Registration number
- All data on substances relevant for the assessment of
 - Seveso III requirements
 - Emissions into air, water, soil, waste
 - Work safety

Substances in permit applications and inspections

Authority needs

- a complete inventory of substances used, produced and stored on site
- 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, e.g. safety data sheets (SDS, ES) for this purpose.

- 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

Main findings IMPEL project 2014

Recommendations

- For assessment of chemical substances in permitting and inspections close cooperation between IED, work safety and REACH enforcement authorities is highly recommended.
- Possibilities for cooperation:
 - a) allowing access to permits e.g. via databases
 - b) providing information about relevant results of inspections,
 - c) carrying out joint inspections
 - d) taking up colleagues into mailing lists for information exchange
 - e) carrying out meetings for information exchange
- This may be a problem when authorities belong to different organisations

Supporting tools and organisation - best practice examples

Supporting tools – best practice examples related to IED permitting and REACH:

- authorities provide guidance to the applicants including documents and data that have to be submitted concerning substances
- authorities provide templates or electronic tools for applicants to get the relevant data including REACH information and duties under REACH (NL)
- some authorities have checklists (IT) for systematic evaluation of safety data sheets (SDS) or flowsheets (NO, NL) or databases in place for systematic assessment of substances (NL)
- some authorities have a central unit for assessment of substances and REACH/CLP aspects in permit procedures (NO, Flanders, SH ...)
- situation may have changed since 2014

Main findings IMPEL project 2014

- Proposals for integration of REACH aspects into the procedure for development of BREF documents
- 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 required information about Annex XIV and XVII substances in permitting.
- Info from SDS and ES is used but quality and applicability have to improve.

Situation in Germany / Schleswig-Holstein

- **Germany: federal state - no general line**

- **Schleswig-Holstein:**
 - Central agency for permitting and inspection of IED installations
 - Electronic tool for submission of applications being tested
 - Central unit for dealing with REACH aspects in permit procedures
 - General instruction to forward applications to the central unit for REACH checks
 - Central unit provides permit conditions/obligations to be integrated into the permit
 - Conditions/obligations are later on part of the inspections

- We are on a good way.

Some aspects concerning REACH / IED

- Baseline report (soil and ground water) – there are uncertainties concerning hazardous waste
- Quality of safety data sheets (SDS)
- Different definitions of terms
- Dealing with different speed of development of IED / BREF-documents and REACH Regulation, e.g reclassification of formaldehyde → new emission limit values

Thank you for your attention ! !

