

Experience from establishing chemicals legislation*

Needs and possibilities For the clear and effective management of chemicals

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*** Lessons from co-operation projects between KemI and
authorities in other countries**

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Experience from establishing chemicals legislation

What gaps and needs made colleagues in other countries open their eyes for:

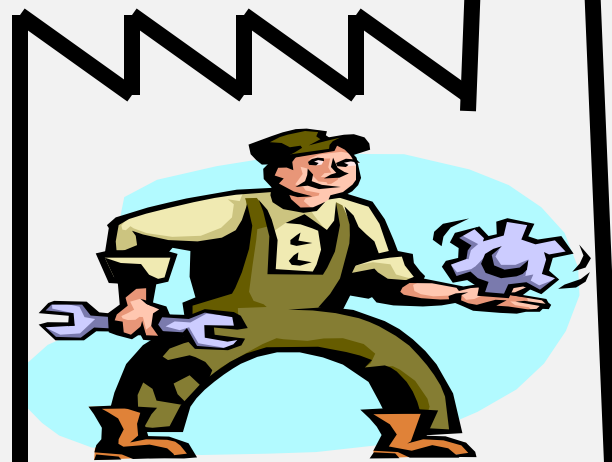
- the possibilities with chemicals legislation**
- the role of other legislation in areas where chemicals safety is a concern, and**
- the possibilities to allocate mandates, obligations and basic costs in a clear, effective and transparent manner?**

The need for early action

To prevent risks



What can be done from the very beginning



To eliminate adverse effects



To relax burdens of cure and repair

The lack of legislation supporting a precautionary approach

"Prevention is better than cure" Bernadino Rammazzini (1633-1714)

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Needs to address chemicals when made available for use

Chemical products continuously bring substances into use. It shows to us the use of the substance

Is it a solvent, a pigment, a surfactant, a filler....?

**You get who markets it, for what purposes, the content, composition and concentrations of ingredients
- and you get the numbers of products, their commercial identities, shapes and volumes on the market**

Gaps of
appropriate
action

**The need to address
the relatively few substances
which show to be too hazardous to use
- as such or within certain activities**

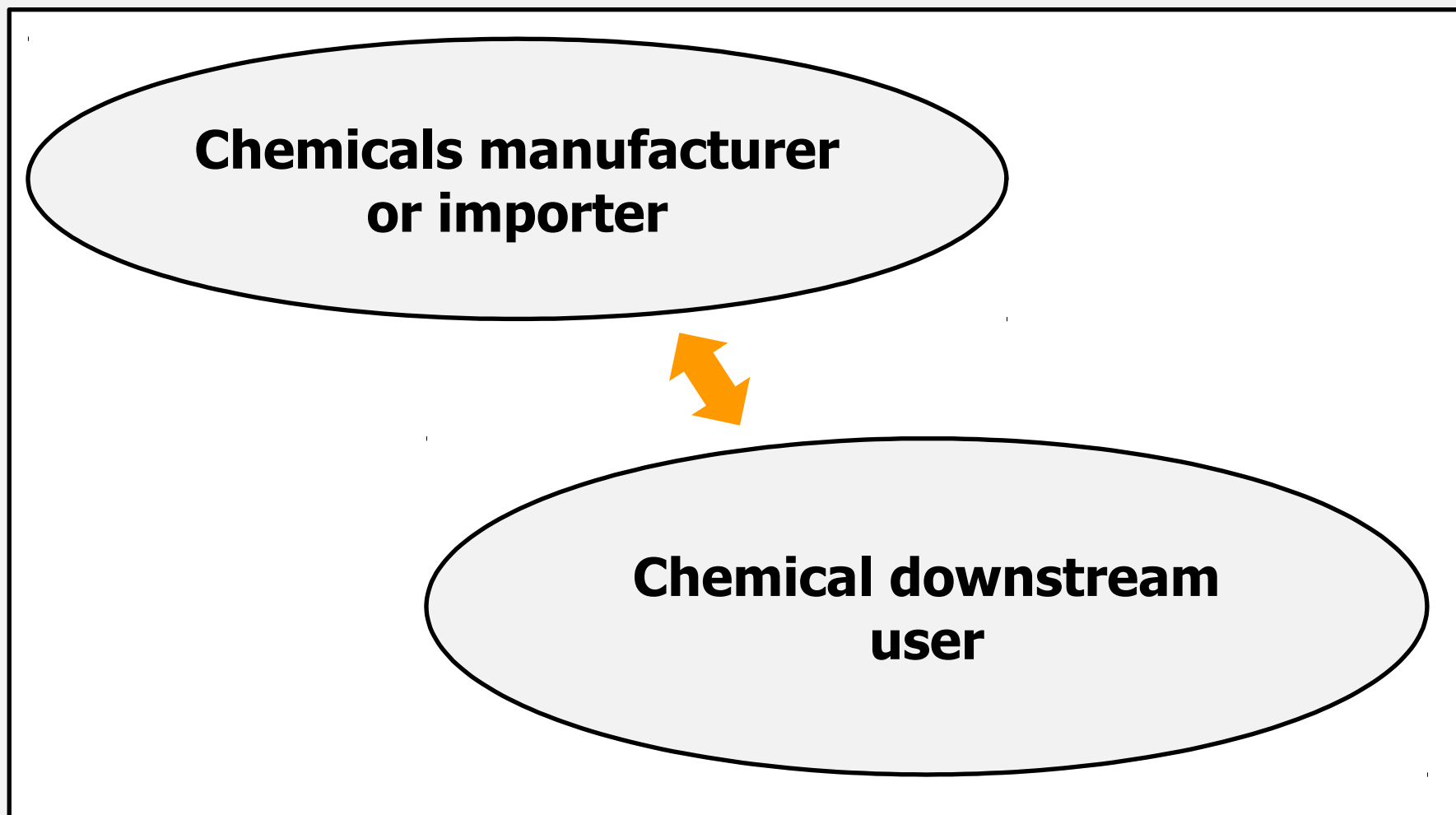
**The need for
knowledge on
hazards and
risks**

**The need for
means to
handle risks
with hazardous
substances in
general**

**The need for risk reduction
everywhere chemicals are
a concern:**

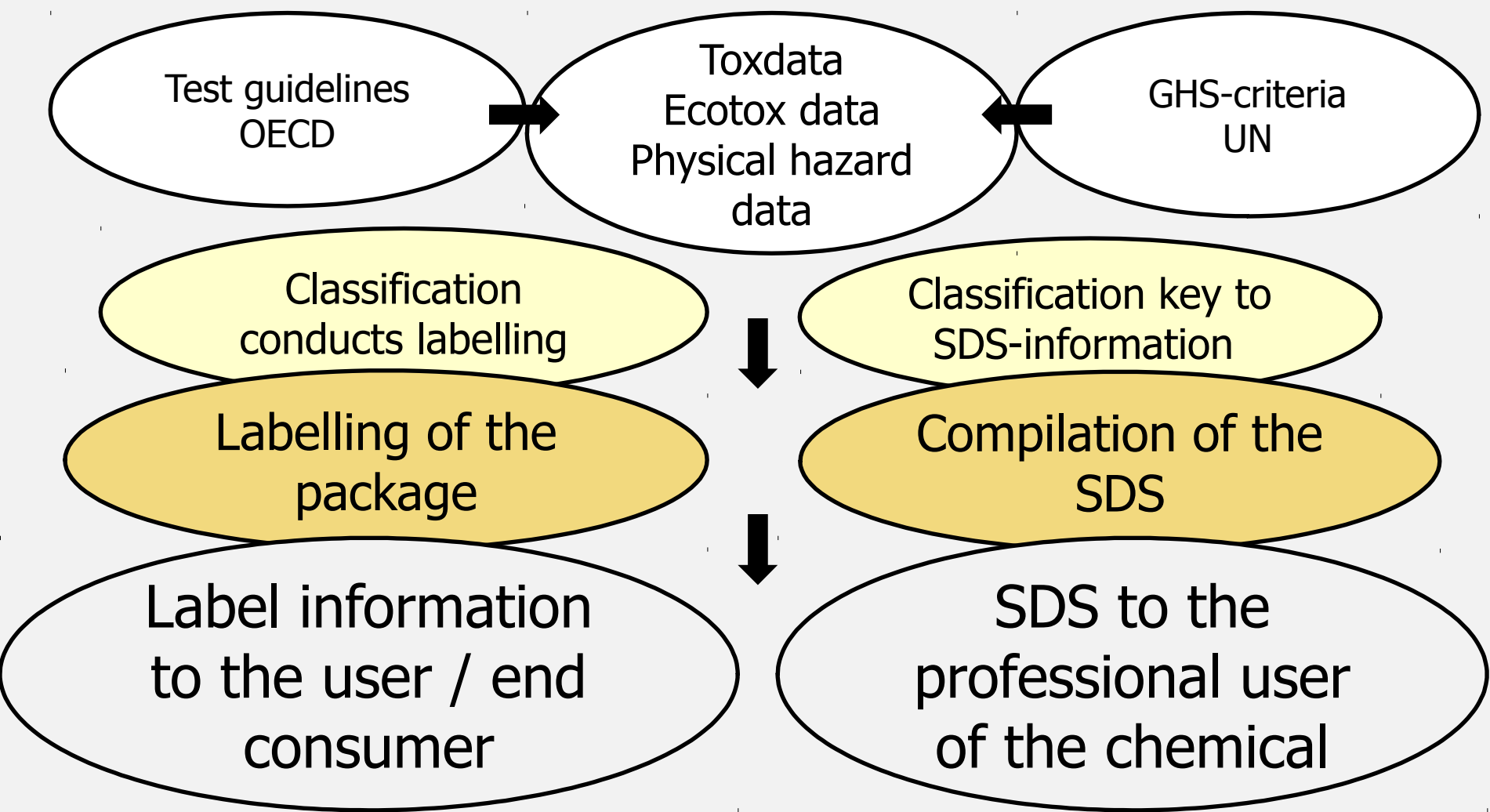
**Control of major chemical hazards,
Consumer protection, Emission control,
Contaminated soils remediation,
Food safety, Protection of children,
Public health, Waste disposal,
Workers health & safety,
etc.**

The need for communication within the supply chain

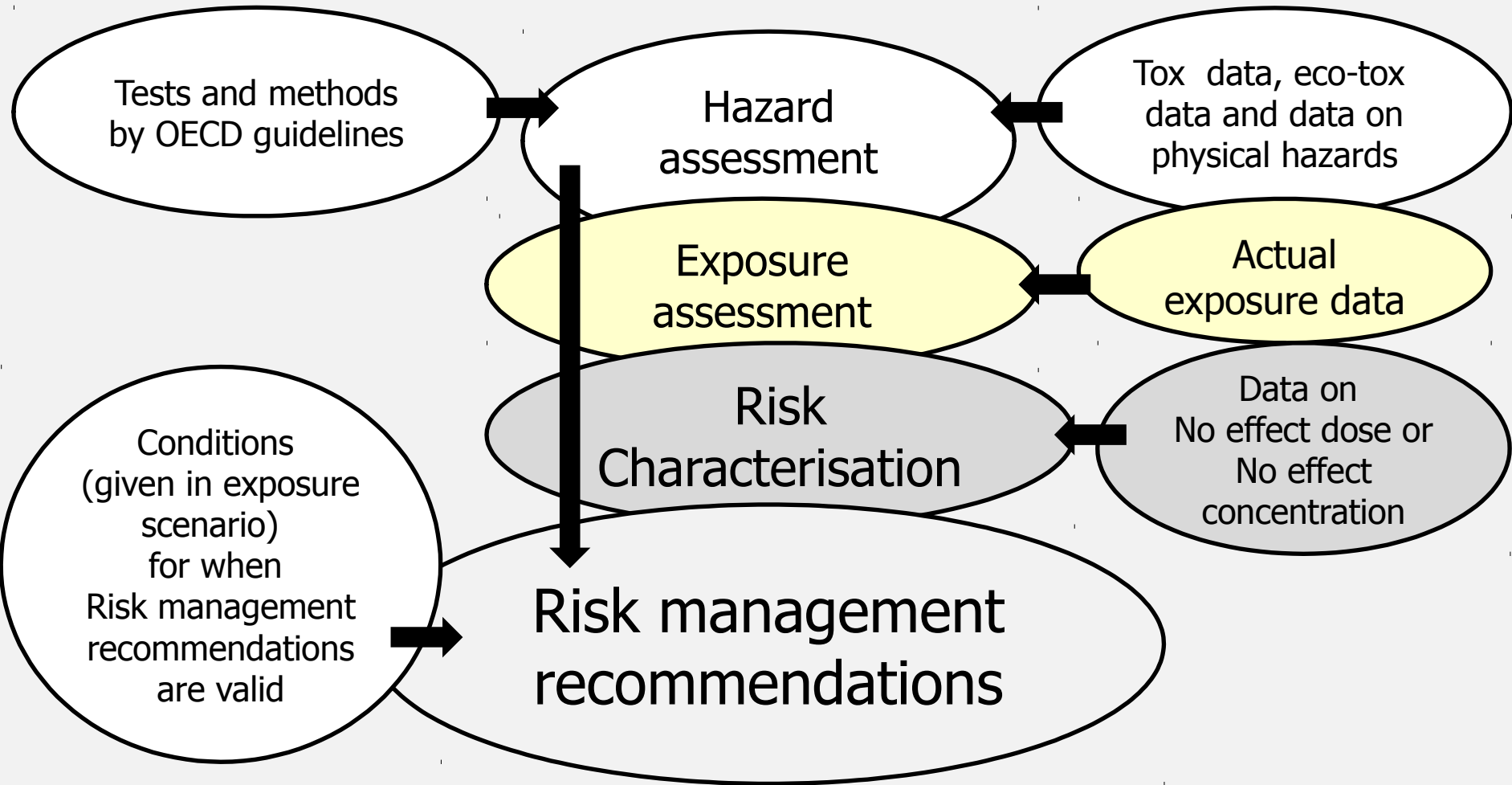


The need for users need to know about hazards and risks

The possibilities to generate knowledge based on science and turn it into working information on hazards and risks



The need to find the way from data on hazards to measures for adequate control



The need to estimate the degree of risk control achieved

If the conditions for use and the risk management recommendations assure that:

$$\frac{\text{The actual exposure for the substance}}{\text{The derived no effect dose, or the predicted no effect concentration}} \leq 1$$

it is considered adequate control

The need for chemicals regulation

- Create knowledge about the substances in use to handle their hazardous properties and effects**
- Address the many consumer chemicals and industrial chemicals in circulation in society**
- Establish rules within industry and trade for the systematic approach on hazards and risks**
- Lay down and follow a roadmap for the systematic action on substances of very high concern because of the threat they pose to health, environment and property**

Need to build on everyday industry concern for the sound management of chemicals

When main obligations are placed on industry - everyday responsible actions and activities will be undertaken in the ranks and files of the enterprises

It establishes chemicals management where it belongs and where there are true economic incentives on the long term

**The need to treat importers and manufacturers equally
Often also the need to redefine import**

**Chemicals manufacturers and chemicals
importers are primary suppliers in the equal
sense**

**Once you are the importer, you stay the importer and
could be hold responsible as such**

**The imported chemical stays an imported chemical
through its whole life-time**

Import is not just when passing the national border

The need for informed choices

The possibilities for substitution and innovation

The diagram consists of a large outer oval. Inside this oval, on the left, is a light green circle. To the right of the green circle is a yellow crescent-shaped area. Further to the right is a white rectangular box with a black border. The text 'Price of the less hazardous alternative' is inside the green circle. The text 'User's surplus from using the chemical' is in the yellow area. The text 'Costs for risk management' and 'External to the price of the chemical' are inside the white box, with a small yellow circle next to the first line of text.

**Price of
the less
hazardous
alternative**

User's surplus
from using the
chemical

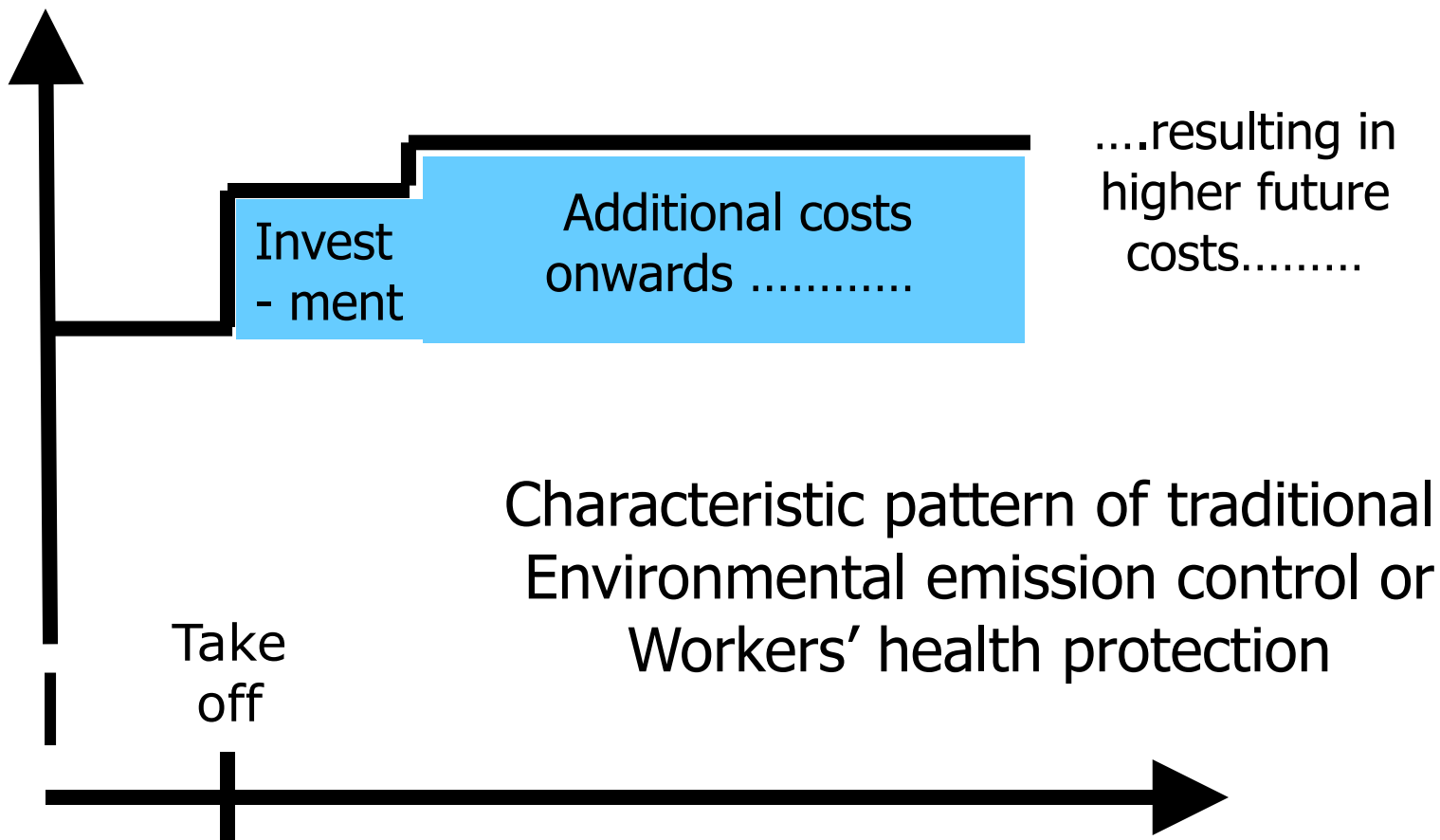
Costs for risk
management

External to the price of
the chemical

Chemicals legislation makes you able to judge the true costs of choosing a chemical

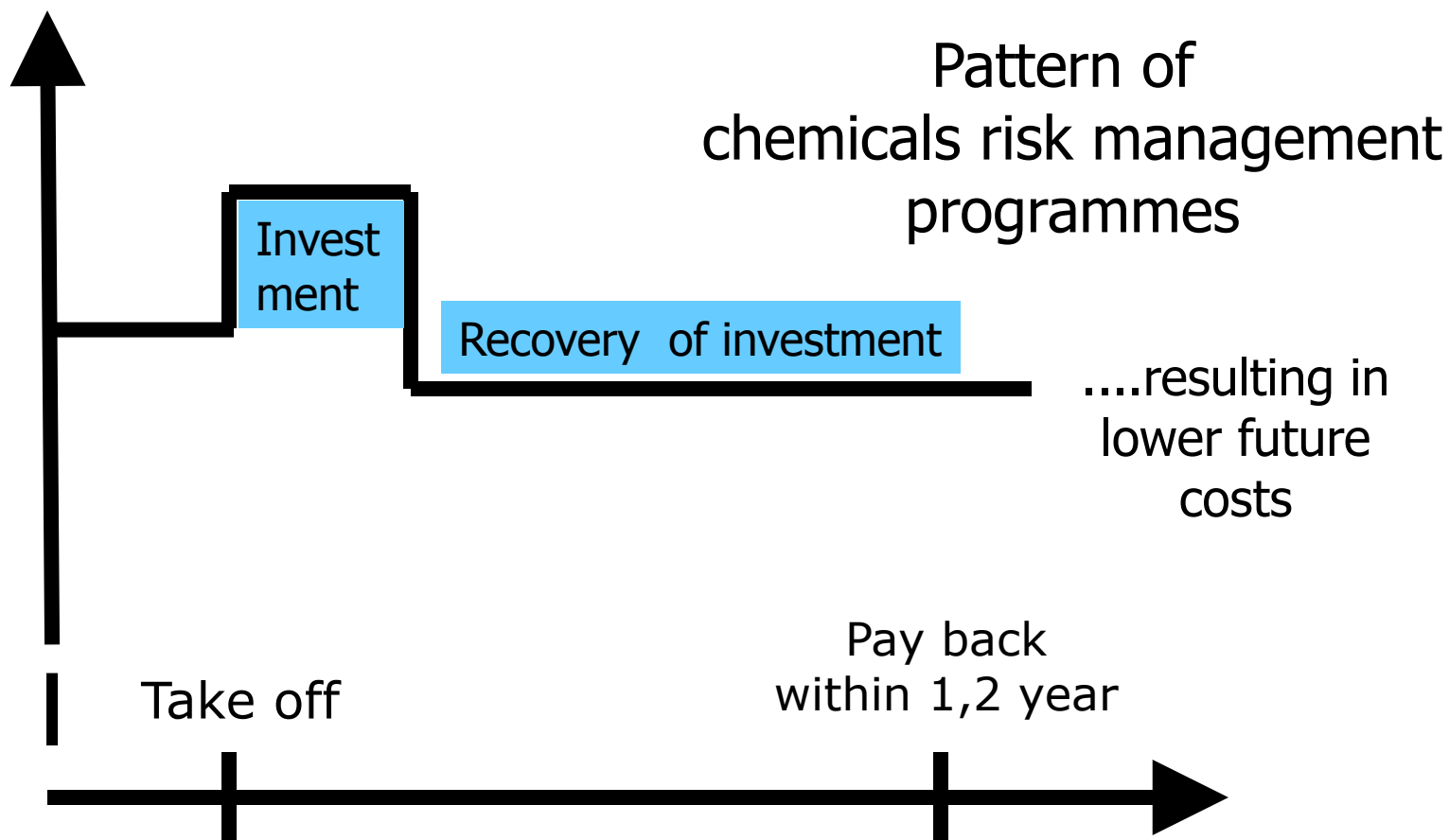
The need for industry incentives and healthy costs patterns

Costs



The need for industry incentives and healthy costs patterns

Costs



The need for clear scopes and addresses of all regulation on chemicals safety

**Chemicals legislation addresses mainly supply;
No adverse effects from chemicals made available
for use**

Other areas of legislation address

- the safe transport,**
- the safe use from various points of view,**
- the safety of finished products in special**

Transport of dangerous goods

All sort of goods classified as dangerous under transport on land, over sea or by air

Transports should be in safe hands

Adresses the transporter

Costs mainly on the salesman and the buyer

Mandates for supervision and inspection on ministry and agencies responsible for transport

Major chemicals accidents

Prevention and control in areas classified as sites of hazardous installations (Seveso-establishments)

Addresses the operator of the hazardous installation

Costs placed on industries at the site (internal emergency plans) and society (external rescue planning)

Mandates for supervision and inspection on ministries and agencies for civil defence and physical planning

Workers' health and safety

Dangers from chemical agents at work (also hot water vapour, glowing metals, dust from minerals and ore, all kinds of unhealthy mist etc)

Addresses the employer

Main costs on the employer

Permits, supervision and inspection on the ministry of labour and state agencies in the field of the work environment

Example of area of legislation	Scope of chemicals safety	Addressed by obligations	Responsible ministry (-ies)
Major accidents prevention and control	Hazardous chemical installations	The operator in the area	Defence; Physical planning; Interior
Protection of workers from chemical agents	All kind of dangerous agents (hot vapour; dust)	The employer	Labour; Health; Social Affaires
Safe transport of dangerous goods	Classified goods (including radioactive and biological material)	The transporter	Transport; Interior

Pollution prevention and control

Emissions to air, soil and water; The safe disposal of waste; Soil and water remediation

Addresses the producer / polluter

Costs most often placed on industries according to the polluter pays' principle

Mandates for supervision and inspection on the ministry and agencies in the area of environment protection and the preservation of natural resources

Chemicals made available for use / placed on the market

**Knowledge demands, Communication demands ;
Restrictions on the access to certain substances**

**Adresses the manufacturer, importer and further
distributors of chemicals**

Main costs on the actors in the supply chain

**Mandates for supervision and inspection on ministry
of environment, health, industry, social affaires?**

Special legislation on products placed on the market

Addresses the product as such on the market

**Biocides; Pesticides; Cosmetics and hygiene care;
Pharmaceuticals and veterinary products; Electric and
electronic equipments**

**Mandates for regulation, supervision and
enforcement on ministries and agencies of close concern**

What institutional set-up is needed?

Which elements have shown indispensable?

What principles have shown most crucial?

Elements which show indispensable

- A **lead ministry** in the area of chemicals legislation (MoE, MoH, MoI, MoSA?)
- A **central core administration** responsible for competent authority tasks; seated in or underneath the lead ministry
- A wider cluster of **engaged national experts**
- **Inter-ministerial coordination** and co-operation
- Secure **enforcement capacity** with well trained and experienced inspectors

Further elements which are crucial

- The steady **involvement of the most interested parties**, f.e. through a Roundtable / meeting each six months; with guidance from national strategy

- A working **financing solution**:

Division of tasks and costs between industry and administration; General taxation; targeted taxation; fees on administrative services, fees including administrative overhead costs?

The need of financing federal and state administration

The division of responsibilities and tasks made by law gives the basic sharing of costs for SMC between manufacturers & users on the one hand and administration on the other

-----Costs on industry----- ----Administrative costs ----

Obligations on Industry	Public duties
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The trend is that costs for SMC obligations under chemicals legislation is placed on manufacturers and of chemicals lead ministry, some may be recovered

Most costs under chemicals legislation will be placed on importers

Thank you for your attention

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