

# **The importance of an efficient law Enforcement and Inspection**

**Workshop on risk assessment and risk  
management of chemicals**

**Brasilia**

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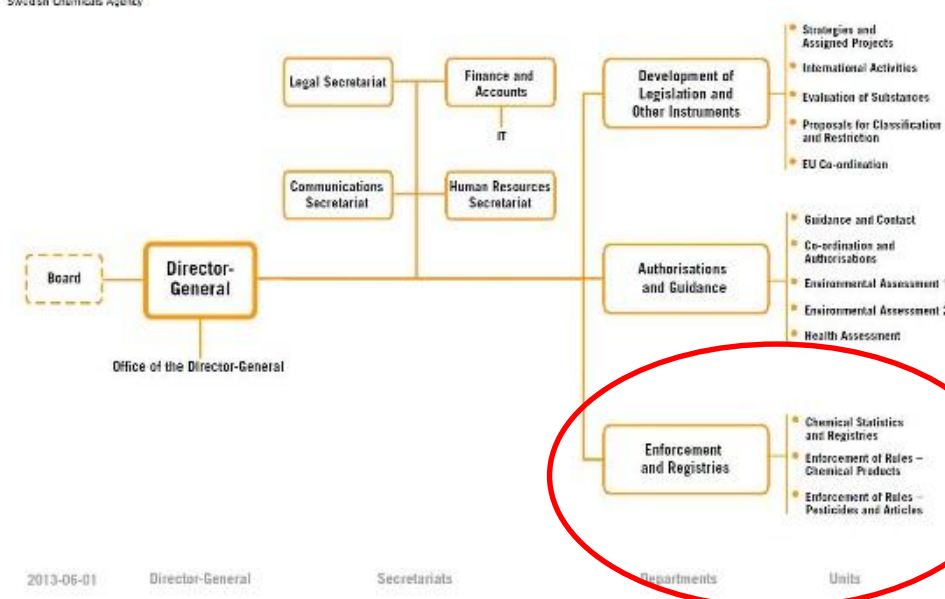
International Unit

Swedish Chemicals Agency

# Responsibilities/roles of actors in Chemicals risk management

- Enterprises are responsible for
  - a safe marketing of chemicals
  - a safe use of chemicals
- Government/agencies
  - steer
  - guide
  - supervise/inspect

## Organisation



## Enforcement and Registries

- Chemical Statistics and Registries
- Enforcement of Rules – Chemical Products
- Enforcement of Rules – Pesticides and Articles

# Enforcement is essential

- **Establishment of and instructions for Inspectorate/Agency/Ministry**
- **Clear tasks - qualified inspectors – adequate resources**
- **Inspection strategy and methodology**

# Enforcement is essential (cont.)

- **Legal rights** for inspectors: to get information, to site visits, to issue orders
- **Sanctions** in case of violation of law
- **Support/training** from “central chemicals institution”
- **Clear legal responsibilities** of enterprises

**No enforcement = “no law”!**

# Swedish approach for Chemicals Control

Swedish Environmental  
Protection Agency

**”Outside”** –  
waste,  
air/water/soil  
quality

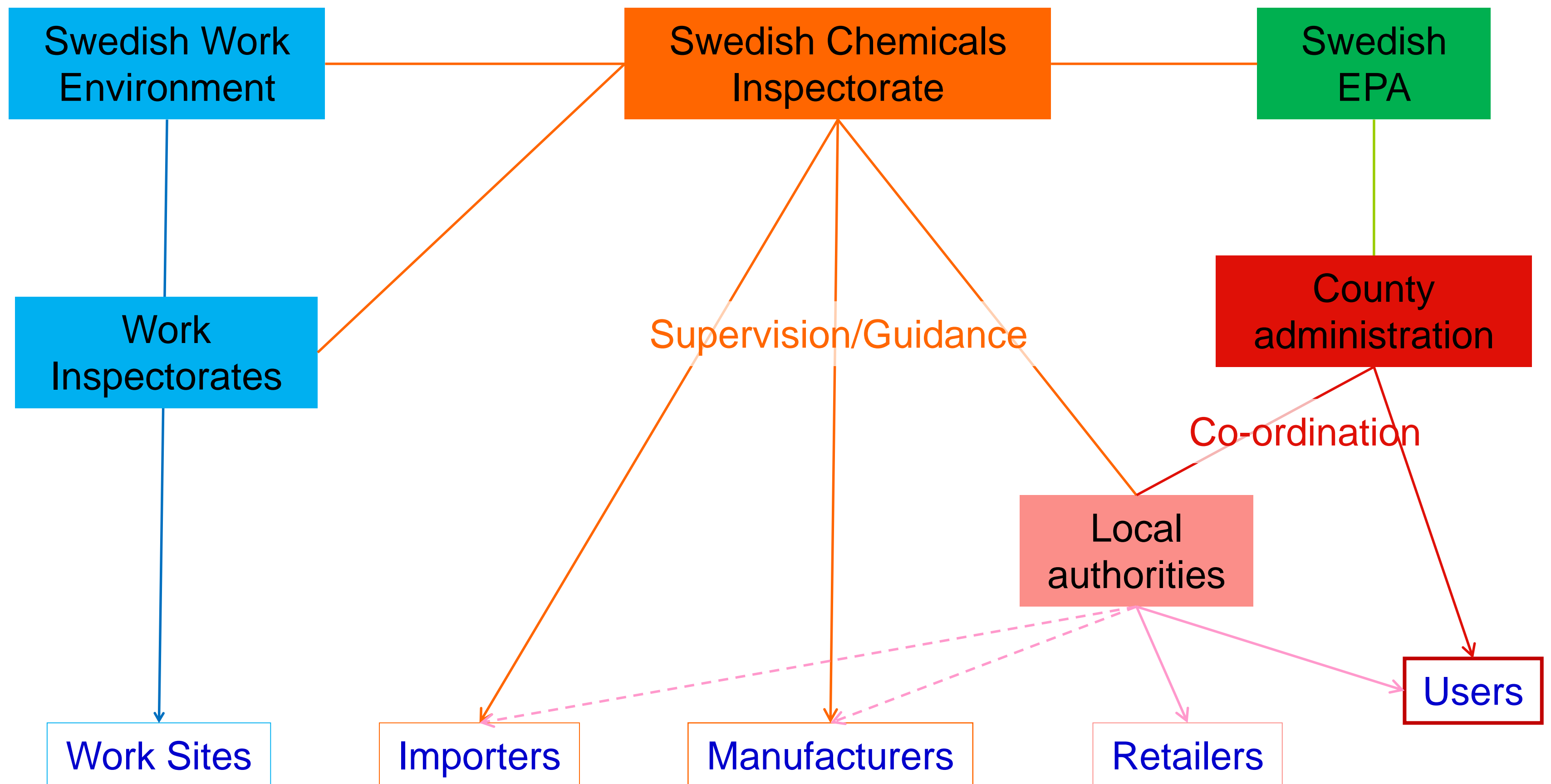
Swedish Chemicals  
Agency

**”Inside”**  
– inherent  
properties

Swedish Work  
Environment  
Authority

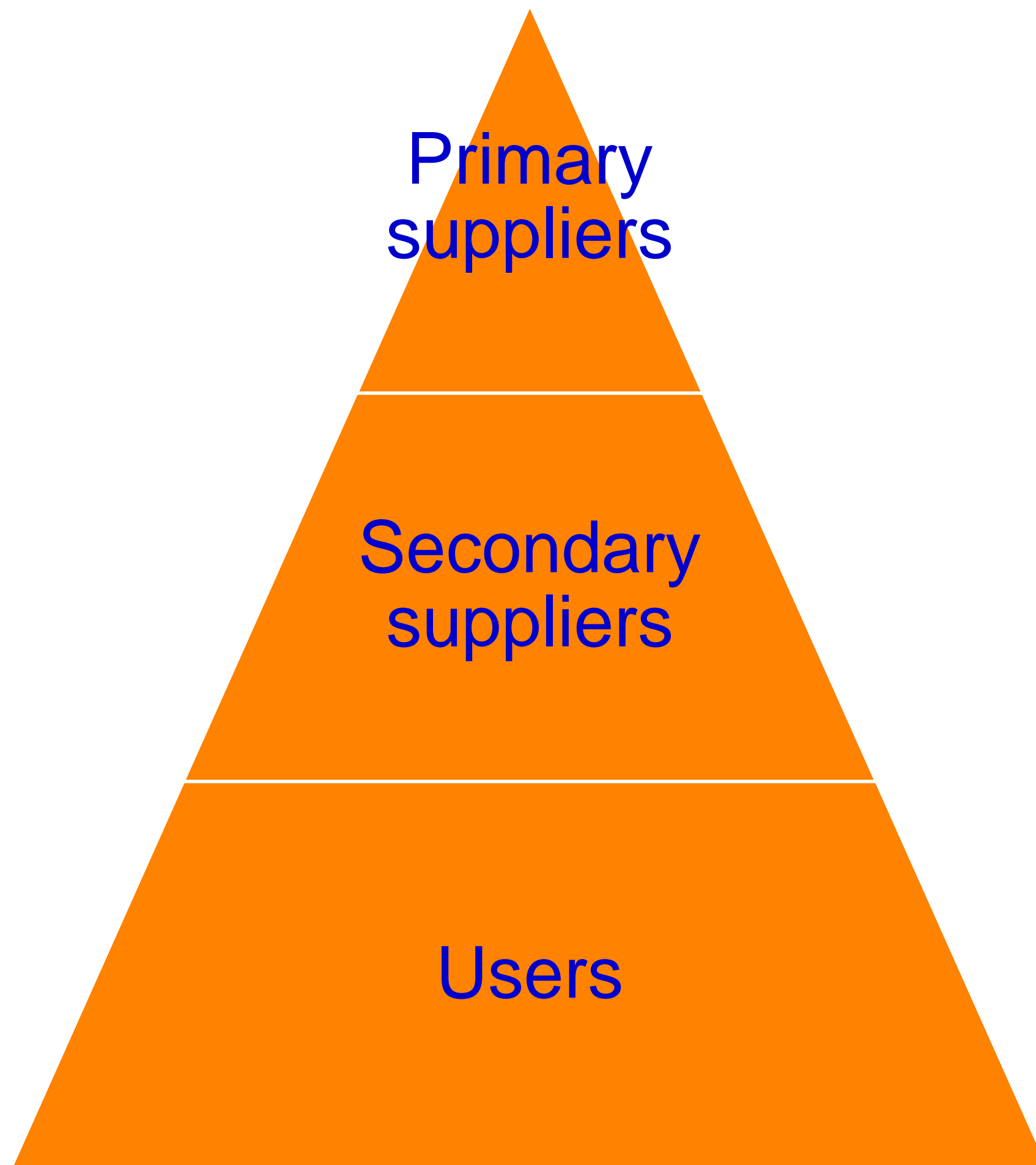
**”Workside”**  
– workers  
protection

# Inspection levels and cooperation





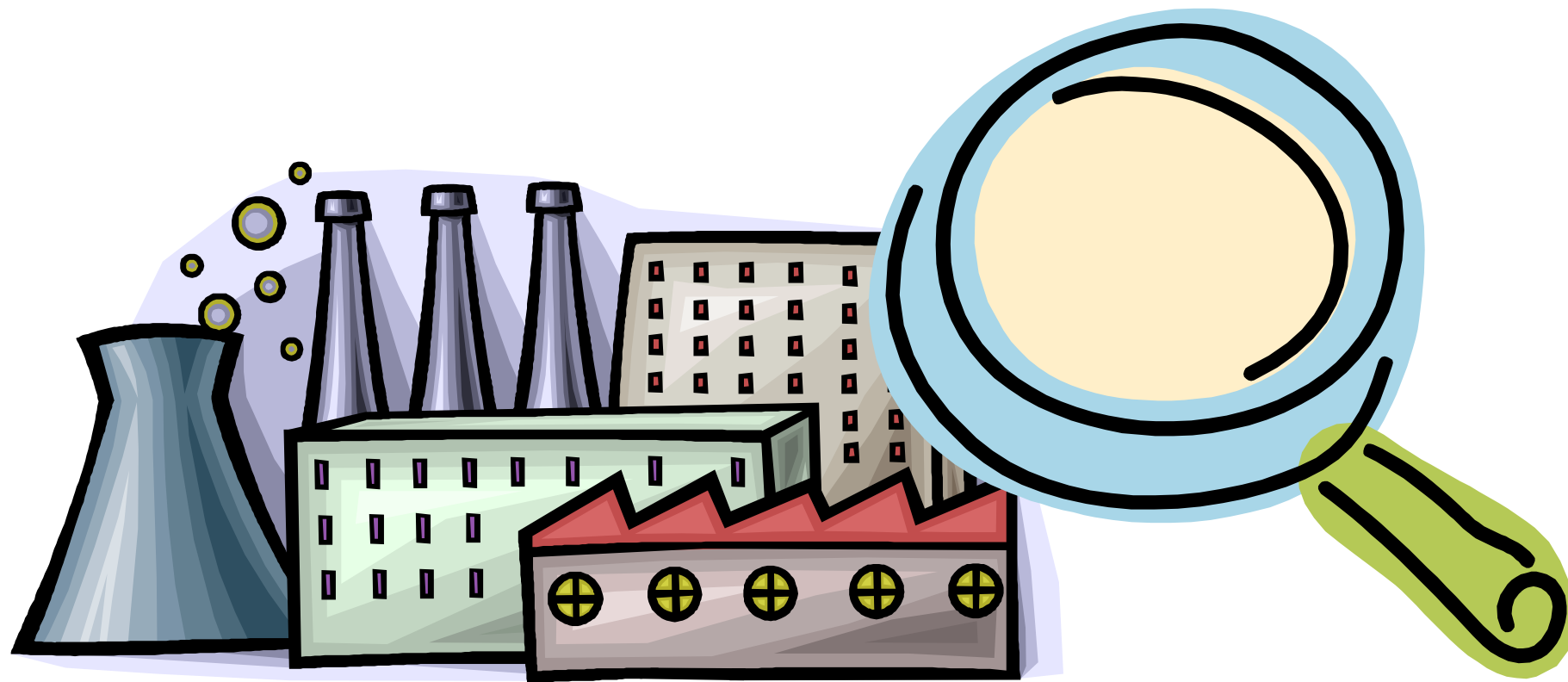
# Control of producer/importer or user?



- Relatively few producer/importer compared to retailers/users
- Producers and importers have better knowledge of a chemicals properties
- Product information should be written by P/I and be given to retailers/users



# Inspections



**The companies have the responsibility**

- KemI/Enforcement dep
  - Monitor companies' compliance with legislation and regulations (manufacturers/importers)
  - Inspections all over Sweden

# Degree of control

High

Low



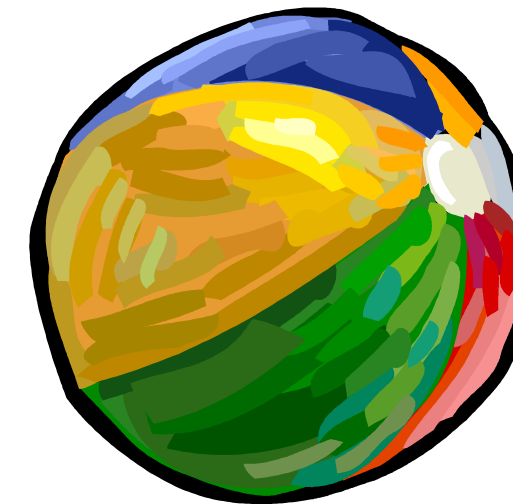
## Pesticides

- Approval
- Registration
- Labelling/SDS
- Enforcement



## Chemical products

- Registration
- Labelling/SDS
- Enforcement



## Articles

- Reach Article 33
- Product directives
- Enforcement

# Parts for Chemicals Control

- **Gather information** on hazardous substances
- **Legislation:**
  - **Classification / Information** system of hazards and how to use chemicals in a safe way – **GHS**
  - **Clear legal responsibilities**
- **Bans / Restrictions**
- **Enforcement** ***No enforcement = "no law"!***
- **Sanctions** in case of violation of legislation

# Enforcement and tools

- Legislation
- Legal experts at Keml
- Other (scientific) experts at Keml
- Databases (ex [GHS/CLP](#))
- Products register
- Pesticide register [“Spider”](#)
- Internal steering documents....

# Planning of activities

- Governmental instructions
- KemI internal planning
- Own ideas
- Poison centre
- Research
- Other Authorities

# Inspections - strategy (1)

- Information from products register
- Type of products/Product groups
  - Number of products (large number, high priority)
  - Large volumes
  - Widely spread
  - Hazardous substances
  - Industrial as well as consumer use
  - E.g. Detergents, Paints, Car-care products....

# Inspections - strategy (2)

- Specific regulations
  - Pesticides, VOC-content (limit values), permits, restrictions – substances (eg toluen), package
- Geographic area
  - coordinate inspections with guidance of local authorities
- Urgent objectives
  - evaluation of tips and hints from occupational authorities and others

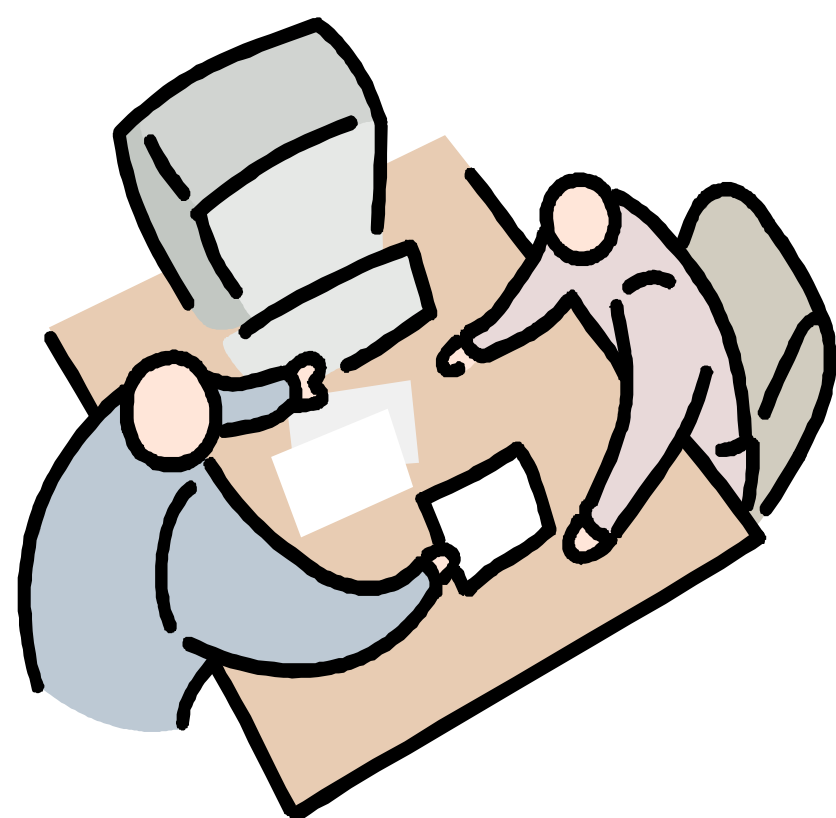


# Analysis

- to check if the products are in compliance with restrictions in REACH legislation ex toluene in glue intended for private consumer, HCB in fireworks...
- to check that the active ingredient (and the amount) in Pesticides are in compliance with the Authorisation
- to control the content of substances in articles

# Inspections methods

- On site
  - Product investigation
  - Tactile warning
  - Child resistant fastening
  - Permits
  - Classification
  - Products register
  - SDS and labelling
  - Distribution system
  - Product substitution
- By mail
  - Classification
  - Products register
  - SDS and labelling
  - Product substitution



**Inspection  
by visit**

**Inspection  
by mail**



**Action taken**

**Environmental  
sanction fee**

**Report to  
prosecutor**

**Case closed**

**Case closed w  
minor remarks**

**Injunction**

**Injunction  
and  
prohibition**

**Injunction  
with fine**

# Example of sanctions

## Environmental Sanction Fee

- Lack of tactile warning (20 000 SEK)
- Not reporting annual amount to Product register (5 000 SEK)
- .....

## Reported to prosecutor

- Lack of child resistant fastening
- Violation of restrictions
- Selling non-authorized pesticides
- No labelling or not in Swedish
- Not providing SDS
- .....

# RAPEX

- EU rapid information system of hazardous consumer products
- Member states report products found
- Nearly 2000 notifications in 2010
- Chemical risk was the most common reported risk (2010)
- Toys was the most reported category (2010)

[http://ec.europa.eu/consumers/consumers\\_safety/safety\\_products/rapex/alerts/main/?event=main.search](http://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/main/?event=main.search)

# Support to industry from state authorities?

- General information and advice on
  - regulations and on their interpretation
  - where to find data on chemicals
  - how enterprises may organize their work....
- Specific information/advice from authorities to enterprises
  - hazardous effects of chemicals
  - how to classify, label, make SDS - how to solve problems

**is OK!**

- is normally not possible in practice and
- is legally problematic - transfer responsibility from enterprises to authorities.....

**is NOT OK!**



# Guidance for other authorities

- Written guidance material (e.g. [report publications](#), Fact Sheets,.....)
- [Newsletter](#) (e-mail - every month)
- Invitation as observers at KemI Inspections
- Co-operation projects (central and local level)
- Annual conference (Regional Authorities)
- Seminars (e.g. REACH & CLP)



# Education

- External
  - University Course
  - Seminars at Universities
- Internal
  - “Guidance for Inspectors”
  - Mentorship
  - Internal education (legal, REACH,CLP)

# Guidance for companies

- ALL legislation available on [webpage](#)
- Fact sheets
- Brochures
- Newsletter
- [PRIO – A tool for Risk Reduction of Chemicals](#)
- Sector dialogues



# Helpdesks



- Inspectors are involved in Helpdesk-work
  - CLP
  - Reach
  - Other chemical questions

# Main challenges

## Government / Authorities

- Establish legislation on chemicals management / organise a cost efficient institutional set up for management of legislation
  - *in order to make enterprises take their responsibility*

## Enterprises

- Organise internal chemicals management to be able to comply with legislation and regulations





**Thank  
You!**

