

HAZBREF



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Outcomes from the Break-out sessions

HAZBREF STAKEHOLDER CONFERENCE

Tallinn 21-22 May 2019



- These are the highlights from the breakout sessions as presented in the plenary session
- The issues discussed will be presented in more detail in the conference report

Topic 1

What are "substances of concern" in industrial emissions?

- Moderator Nannett Aust
- Support Johann Moltmann

Definitions

Substance is **hazardous** if:

- is in CLP Regulation (1272/2008) annex VI
- it is (very) persistent, (very) bioaccumulative and/or toxic – PBT/vPvB
- is an endocrine disruptor
- cause negative impact
- is a Substances of Very High Concern (SVHC)
- is a WFD (2000/60/EC) Annex X priority substance

Substance is of **concern** if:

- is **relevant**
- has the potential to be released into the environment
- has low degradability
- has problematic eliminability
- is mobile (low adsorption)
- and may show toxic properties

Substance is **relevant** for **BREF** if:

- is emitted in certain amounts
- needs emission prevention
- cannot be addressed by production integrated measures

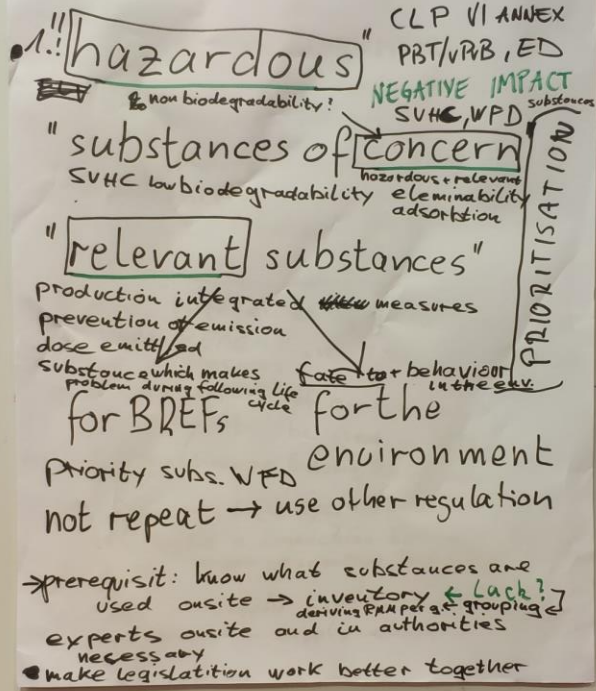
Substance is **relevant** for **environment** if:

- has a specific fate or behaviour in the environment

Statements

- To identify hazardous or relevant substances it is crucial to have an inventory of chemicals used on the specific site.
- Participants noted that less and less chemical experts are working in companies using chemicals in their business (this does not refer to chemical suppliers).
- Do not repeat provisions from existing regulations in BREFs. Referring to relevant parts and findings on other legislation's provisions is good.
- BREF challenge is to combine different relevant provisions in existing regulation and make them work better together. Not to cause double work for any actor / stakeholder.
- Its important in BREFs to focus on developing measures for reducing emissions rather than describing concerns. The latter is task for REACH and to some extent also WFD.
- Reports and other information of priority substances (from WFD) on e.g. uses and release can be used in questionnaires during frontloading stage of BREF revision.
- Its important to integrate lifecycle thinking into the IED
- Its up to buyer to ask for complete chemical safety data sheets (SDS) from the chemical supplier.

TOPIC 1



grouping of chemicals:
↳ focus on developing measures for reducing emissions rather than describing "concern"
↳ That's the job of REACH etc.

- Make reference of regulation under REACH in IED Biocides EPPTR
EPRTA
- how can report of emission of priority/subs. be used in IED
integrate in questionnaire during BREF revision
- Integrate life cycle thinking in IED
 - make a connection between BREFs of respective industry
 - Clarify supply and demand of chemicals in supply chain

Topic 2

IED and other substance-related EU-legislation: Use of available data to enhance implementation

- Moderator Michael Suhr, UBA
- Rapporteur Kaj Forsius, SYKE

Key questions discussed

- What is the role of the IED and BAT conclusions with regard to chemicals management in companies? How do you see the role of REACH, WFD and the POP-regulation?
- Do you have ideas for a practical method how to include more systematically information on hazardous substances in BREFs?
- Should BAT conclusions include routinely an assessment of priority substances identified in the context of the WFD?
- A key tool for carrying out industry's own responsibility for chemicals used in their processes are safety data sheets (SDS) that should contain relevant information from the Chemical Safety Assessments and exposure scenarios.
- If there are gaps in SDS, do you think this should be improved?

Role of BATC in Chemicals management?

- Common view that IED and REACH have similar objective even if the scope is different
- Some were of the opinion that the implementation of the two regulations should be kept-separate.
- Some pointed out that better interaction is however needed because:
 - IED permitting authorities lack tools to get information on provisions from REACH side (conditions for safe use of chemicals)
 - also REACH include some information/requirements on measures
 - consider information in SDS to ensure harmonisation and to avoid possible gaps
- It would help authorities if BATC includes the requirements from REACH

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How to perform better interaction between frameworks in concrete ways?

- There would be a benefit if relevant WFD substances would be flagged in the BREFs and described what would be BAT if the flagged substances are used.
- Also POPs convention substances/measures could be relevant to consider in the BREF process
 - Could be need for BAT-AELs for identified relevant substances
 - Would harmonise implementation of requirements in Europe.
- REACH is the main instrument to consider restrictions for substances.
 - implementation should be more effective within REACH or could also be addressed through consideration in BATC.
- Restricted substances are possible to address in BREFs, but not necessarily by defining BAT-AELs. Substitution issues also possible to address in BREFs
 - but overlap with REACH must be avoided. BREFs could give indication what measures should be applied.
 - Information in BREF can be complementary to REACH risk reduction measures.

How to perform better interaction between frameworks in concrete ways?

- Knowledge on implementation risk reduction measures are incomplete within authorities
- REACH perhaps not concrete enough on how to apply risk reduction measures. BATC develop measures in more detail.
- Some pointed out that restricted substances do not need to be flagged in BREFs. Focus instead on those substances not addressed in REACH

Should WFD substances be addressed in BREF preparation?

- Relevance of WFD substances should be assessed in the frontloading of each BREF preparation
- For downstream WWTPs it is important to know which substances can potentially be released from different sectors
 - information on relevance of WFD priority substances important to include in BREFs.
- Available studies on WFD substances, such as the comprehensive French study is used by EIPPCB, when determining KEI.
 - National and other studies should be provided to BREF processes in frontloading

Use of SDS information in BREF preparation?

- SDS are often incomplete in many ways
- Permit writers do not always have enough knowledge of REACH/or tools to get information from companies and must thereby ask chemical safety experts if draft permit sufficient.
- Companies using chemicals don't have obligation to require more comprehensive SDS. Authorities should support companies to get the necessary information on the chemicals used.
- REACH should improve SDS

Could SDS be improved?

- SDS contain already too much information in some areas. HAZBREF could give guidance what is really needed to reach objective for BREF purpose.
- Some BREFs have general BAT on chemical management plan. However, the key features in more detail need to be specified in the BREFS in order to be effective.
- Operator view is that the safe use of the chemical is the main issue, considering environmental aspects the waste issue is in center

Topic 3

BATs for management of hazardous chemicals

- Moderator Janusz Krupanek
- Rapporteurs Annika Månsson and Timo Jouttijärvi

Topic 3 BATs for management of hazardous chemicals

- Comment: General BATs are already guiding minimisation of hazardous substances discharges.
- All techniques are the most important but the order in selection of techniques should be observed, general management, substitution,, integrated process techniques, abatement techniques
- The chemical management BAT is the most important and can be applied in the whole industry.
- It should be strengthened with requirement for inventory/database of hazardous chemicals, decision tree for selecting BAT techniques/practices. The inventory/database should be provided according to defined standard.
- Chemical management can address local conditions and specific situation of the plant including its size
- There is no need for additional risk assessment procedures if the chemical management is improved accordingly.

Topic 3

- The issue of confidentiality of the data on the chemicals should be considered
- Risk based BATs conclusions should be considered as it is not possible to apply limit values to all hazardous substances
- If we would like to propose substitution not only the requirement but the background information should be included. BAT conclusions has a long life time and it is sensitive to name the substitute
- BREFs should provide a forecast of the future developments in the techniques.

Topic 4 IED and Circular Economy

- Moderator Helena Dahlbo
- Rapporteur Emmi Vähä
- Support Topi Turunen

What could BREFs do?

- Already in the BREFs the **general principle of waste hierarchy**
 - guidance to avoid generation of waste
 - Reduce the hazardousness of waste
 - Promote reuse
 - BUT what is economically feasible?
- Knowledge on the chemicals needed through the whole supply chains: **Inventory of chemicals**
- Could waste treatment BREF set quality criteria for secondary raw materials created from the waste?
- Give good examples on reuse and recycling of waste and utilization of by-products

Problems

- Is there enough demand to use the secondary raw materials in industries?
 - Product legislation sometimes creates barriers for use of secondary raw materials.
 - Unclear classifications of waste/by-product/end-of-waste
 - Could BREFs help with the defining what is by-products and what is waste?
 - For example in textiles the problem with recyclability is not the hazardous substances but the different fibres in same product.
- Maybe it is still too early for additional CE aspects in BREFs?

Conclusion

- REACH, IED and Waste Directive should work closer together.
- Implementation of current legislation could be improved
 - If the new permits are not hindering CE that is already improvement
 - New economic system is needed but we are not there yet: Good examples exist but they are few

**Thank You for
your attention!**



IMPROVING THE MANAGEMENT OF CHEMICALS IN INDUSTRY

PREVENTING EMISSIONS OF
HAZARDOUS SUBSTANCES

TO THE
Baltic Sea

DURATION
OCT 2017—SEP 2020

FUNDED BY
EU INTERREG
BALTIC SEA REGION
PROGRAMME

TOTAL BUDGET
EUR 1.99 MILLION

**EUROPEAN
REGIONAL DEVELOPMENT
FUND: EUR 1.534 MILLION**

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