

## Compliance check for UK-based formulator

### Challenge

REACHReady was approached to carry out a compliance check by Company B, a business mainly involved in blending substances into final products for professional and consumer use, but also marketing some finished products for their US operations.

Many of the US-imported specialist products were less than 1 tonne per annum, but this did include a number of hazardous products. All substances used in blending were purchased from EU companies.

### Solution

REACHReady visited the company as part of our Consultancy service, spending a day on site. During the course of the day a number of key compliance issues became apparent which included:

1. It had been assumed that all the substances purchased in the EU were already covered by REACH and CLP. However, labelling of some indicated that they had originated from outside the EU and some were incorrectly labelled under CLP. The incorrect labelling (and SDS) suggested that the company receiving these goods was actually the importer and orders were being placed with an Only Representative (OR). As importer, the company receiving the goods is 100% responsible for correct labelling, but the OR is responsible for providing the necessary details for correct SDS and classification; however, these substances were not yet registered and only pre-registered. The OR had not made any group CLP notifications.
2. The US supplier of finished products felt that the formulations were too confidential to share with their EU colleagues; the company was told that they should not make any further sales without knowing the precise compositions as assurances that 'there is nothing hazardous' are insufficient. The importer is fully responsible for everything. Because formulations were not known, it was possible that not all CLP notifications had been made. Also, since some of the 'non-hazardous' inert components were probably present across the range of products, their cumulative tonnage was very likely over 1 tonne. The importer had no system to record this.

### Results

A plan of action was identified with the company including:

1. The 'importing' company should make CLP notifications and ensure correct labelling on receipt, or the OR would need to ensure that they had the status as 'importer' and therefore labels and SDS showed them as importer.
2. It was recommended that they obtain the precise formulations from the US as soon as possible and update CLP notifications as needed. They also needed a system to log the quantities of imports to check cumulative tonnages for solvents present in several of the products.

### Further information

REACHReady can review your compliance activities to ensure that you've considered all the potential issues. Following an initial free telephone consultation, pricing is based on a day-rate of £1300 plus VAT and any associated expenses. We aim to provide a value-for-money service of the highest quality and the flexibility to fit your budget.

**For more information please call +44 (0) 20 7901 1444 or email [enquiries@reachready.co.uk](mailto:enquiries@reachready.co.uk)**