

Detailed Questions

December 2008

Now that the REACH Regulation is in place, will all Johnson Matthey products continue to be available?

It is not anticipated that significant product withdrawals will occur which are specifically due to the impact of the REACH regulation. Johnson Matthey has a track record of stable product lines which are well supported in terms of regulatory compliance.

Which Johnson Matthey products are in scope of REACH registration requirements?

These are typically manufactured or imported substances placed on the market at volumes at or above 1 tonne per annum. Some isolated intermediates intended only for chemical transformation are also in scope. It should be noted that all pre-registration and registration procedures operate at the level of substances, rather than products since the latter may contain more than one substance.

Does this mean that all Johnson Matthey products are themselves in scope of REACH requirements for registration?

No – nearly all articles placed on the market by us fall outside the scope of registration procedures (this includes fabricated automotive catalysts and other engineered assemblies). However Johnson Matthey has taken steps to ensure that the substances used to manufacture such articles have been covered. Other products not falling within registration requirements include some of our specialist chemical products (e.g. used for scientific research) where volumes placed on the market are below 1 tonne per year. Certain exemptions also apply, such as in the case of the medicinal products marketed by our pharmaceutical operations and those covered by the PPORD exemptions for 'Product and Process Oriented Research and Development'.

How can I be certain that substances contained in the products I procure from you will be pre-registered and then registered?

On request, product specific confirmations can be provided via the relevant Johnson Matthey business unit REACH coordination contacts. However to ensure business continuity we have already pre-registered all of the substances within the scope and tonnage band requirements of REACH which are either manufactured within the EU or imported into the EU. As registrations become available our downstream customers will be informed of their existence and updated hazard communication information (e.g. revised safety datasheets) will be provided at this time.

What will be the timeline for these registrations?

Full registration of any substances in scope of this requirement will follow in accordance with the transitional provisions of the Regulation i.e. during the period from 2010 to 2018. However in many cases Johnson Matthey anticipates that registrations will be available well in advance of these deadlines.

Will Johnson Matthey provide specific pre-registration numbers to its customers or suppliers?

We do not feel that such action is beneficial to our supply chain partners and the REACH regime does not impose a duty to do so (whereas registration numbers will be notified as these are granted). In isolation, a pre-registration number cannot be verified by those outside of a specific Substance Information Exchange Forum (SIEF). Furthermore, if this action was repeated across industry such a vast cascade of information would divert resources away from higher value actions in REACH supply chain communications. However Johnson Matthey does provide a firm assurance that all substances in scope of registration have been pre-registered on time.

I currently source one or more products from Johnson Matthey at low volume (<1 tpa) is it necessary for me to make a precautionary pre-registration just in case my required volumes increase in future?

Where produced or imported volumes for a substance aggregate across multiple customers to 1 tonne or more per annum (tpa), we will undertake the necessary pre-registration and registration actions. In the case of low volume (phase-in) substances where tonnages placed on the market are currently <1 tpa but increase in future there is a provision in REACH for deferred pre-registration. You should discuss anticipated future requirements with our sales teams but in most circumstances sufficient flexibility exists so that precautionary pre-registration by downstream users is not required.

What about refinables-related material streams such as those for precious metals recovery?

Where these are categorised as non waste and within scope of REACH, Johnson Matthey has developed a specific strategy to address these materials which is harmonised across the non ferrous metals sector. REACH has provisions to prevent redundant extra registration of recovered substances, and this has been taken into account. As appropriate, pre-registrations and registrations for refinables related substances will be progressed according to the tonnage deadlines.

Do I need to ensure – by directly approaching Johnson Matthey now – that my downstream uses are covered in the registration dossier?

Johnson Matthey is participating in industry sector programmes to develop tools to gather information on the uses and possible exposure scenarios for our substances. The objective is to achieve this in a standardised and efficient manner which is not burdensome for those involved. At this time it is preferred that you await contact from our REACH compliance specialists and industry consortia teams rather than attempt to provide such information now. In due course a listing of known uses for each substance will be established and you will have an opportunity to check whether your specific circumstances are included. In the event that any specific use(s) is not covered in the proposal, you may request that it is supported, but are not obliged to do so. Please also note that:

- (1) Information on use and exposure conditions is not required for the early stages of the sequence around the REACH pre-registration stage.
- (2) Exposure scenarios and related risk assessments will only be needed for substances classified as dangerous and placed on the market at volumes of 10 tonnes or more per year, and those categorised as having PBT and vPvB¹ properties. Other less hazardous substances are not in scope of this requirement.
- (3) Where possible Johnson Matthey is developing generic exposure scenarios (GES) within relevant trade associations and consortia to avoid duplication of effort.

¹ Persistent, Bioaccumulative and Toxic, or very Persistent and very Bioaccumulative

Will all my product applications be supported?

From existing knowledge about our product applications it is anticipated that we will develop a preliminary listing of supported uses which will form part of each registration. These are expected to cover all routine applications of our products. As indicated in the response to the previous question, there will be an opportunity for downstream users to contribute to this effort as part of specifically directed supply chain contacts to our customers. In line with the REACH Regulation itself, no absolute undertaking can be provided in advance that any conceivable downstream use will be covered. This is because all parties involved need to make an informed decision on this matter, e.g. taking into account use-related exposure and related risks.

What happens if I develop new uses and applications in future for a product obtained from Johnson Matthey – will these be prevented by REACH?

REACH allows for the inclusion of new or amended uses even after initial registration. If this change of circumstances occurs after you have furnished information on your particular uses of a substance then it is recommended that you reinitiate a contact to us for further discussion.

I am a non-EU based customer, what are the implications of REACH for me in terms of supplied products?

Substances manufactured and supplied by EU-based Johnson Matthey operations will be REACH compliant and registered in line with the Regulations requirements. This covers the situation of export outside of the EU and then re-importation by another party. Those substances manufactured or otherwise placed on the market outside of the EU by Johnson Matthey are not within the scope of the REACH regime. In the latter case, if such a substance is then destined for export into the EU, then the third party EU importer has the obligation to ensure appropriate registration under REACH.

What plans does Johnson Matthey have for communication of REACH compliance information within the supply chain?

We understand that downstream users of chemicals will need certain information to enable them to fulfill their own REACH duties. This includes information on supported uses for each substance, and on hazards and risk management measures, e.g. for workplace hazard communication purposes, or for cascade in datasheets compiled by downstream product formulators. Since Johnson Matthey will comply with supply chain communication requirements in REACH, we intend to provide all relevant information by compiling and providing updated safety data sheets following on from registration actions. Where appropriate, these will be reformatted to make available the extended safety datasheet containing exposure scenario information.

What is the risk that substances or products I source from Johnson Matthey will need Authorisation under REACH?

REACH Authorisation procedures are intended to control the use of substances of very high concern (SVHC) such as Category 1 and 2 carcinogens, mutagens and reprotoxic substances, together with very ecotoxic substances (PBTs and vPvBs²). Some other substances identified as having potential for serious and irreversible effects on human health and the environment may also be included, such as endocrine disruptors. A limited number of substances that fall into one of these categories will be fed into the REACH Authorisation system in a prioritised manner each year. Authorisation will be required for each use of such a substance, and will be granted if it can be demonstrated that the risk from the use of the substance is adequately controlled, or if socio-economic benefits are shown to outweigh the risks.

Very few substances (estimated at <2%) within the Johnson Matthey product portfolio potentially fall within scope of these provisions of REACH and even fewer are likely to be identified as early candidates for Authorisation. Where SVHC which have not already been phased out, this is typically because suitable alternatives have not yet been identified, or they are used in closed loop or low exposure applications where they can be maintained under a system of secure containment and control.

² Persistent, Bioaccumulative and Toxic, or very Persistent and very Bioaccumulative