

Chemical Distributor Duties under REACH and CLP

Information Sheet

April 2021



Distributors of chemicals have duties under EU chemical legislation including the REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) Regulation and the Classification, Labelling and Packaging (CLP) Regulation.

REACH controls the manufacture, import, supply and safe use of chemical substances while CLP requires companies to classify, label and package their hazardous chemicals correctly before placing them on the EU market.

Who is a Chemical Distributor?

A chemical distributor sources chemicals from within the EU, stores them and then supplies them to third parties. Distributors do not use or change the chemical in any way; for example, they do not formulate chemicals or decant chemicals into smaller containers.

Examples of distributors are retailers, for example hardware stores, who sell chemicals in their stores and/or on an online website to both professional users and private consumers, and also storage providers who simply store chemicals for further distribution.

What duties do Chemical Distributors have under REACH?

Distributors must:

- ☑ Provide the safety data sheet for hazardous substances or mixtures to professional customers at point of sale or supply. Distributors unable to distinguish between professional and non-professional customers must provide the safety data sheet on request at point of sale.

- ☑ Pass other vital health and safety information on the hazards and risks of the chemicals they distribute along the supply chain. This could include information on the safe handling of chemicals received from the manufacturer and passed down to the customer or information from the customer regarding his use of the chemicals passed up to the manufacturer or importer.
- ☑ Ensure that the substances they place on the market have been REACH registered by their supplier, noting that REACH registration dossiers submitted by companies from Great Britain prior to their withdrawal from the EU are no longer valid unless successfully transferred to an EU legal entity.
- ☑ Where possible, ensure that the intended use of the substances they place on the market are not restricted from that use in accordance with Annex XVII of REACH.
- ☑ Ensure that if they are supplying articles that contain 0.1% or more of a substance of very high concern (SVHC) (as named by the European Chemicals Agency (ECHA) on the Candidate List), they should provide customers with sufficient information to allow safe use of that article, including as a minimum the name of the SVHC substance.
- ☑ Keep all information required to carry out duties under REACH for a period of at least 10 years after last supply of a chemical.

Chemical distributors also have duties regarding Safety Data Sheets (SDS). Before distributing SDSs for hazardous chemicals, distributors must:

- ☑ make sure that the EU-based supplier is listed in Section 1;
- ☑ ensure that the SDS, and any exposure scenarios which may be attached as an annex to the SDS, are provided in the relevant national language;
- ☑ ensure that the SDS contains details of any required specific national regulations, for example the national poison centre in Section 1.4, national occupational exposure limit values (OELVs) in Section 8.1 or details of national regulations on disposal and waste in Section 13;
- ☑ be aware that if they add their own contact details in Section 1 of the SDS, they are then responsible for the content of that SDS; and
- ☑ ensure that they are compiling their own SDSs that they include information on uses passed on to them by a customer and include all information from the SDS and exposure scenarios supplied to them.

What duties do Chemical Distributors have under CLP?

Distributors must ensure that all hazardous chemicals are correctly labelled and packaged before distributing them on to their customers. This means checking that the label contains:

- ☑ the hazard and precautionary information in the required national language,
- ☑ the EU suppliers contact details,
- ☑ the same information as listed in Section 2.2 of the SDS,
- ☑ the signal word either “Warning” or “Danger”, and
- ☑ the product identifier.

This also means checking that the packaging of the product intended for final sale to the general public is child-resistant and contains a tactile warning of danger if they contain methanol or dichloromethane, or if they display certain hazards. These hazards are listed in the table below.

Hazard Criteria	Child-resistant Fastenings	Tactile Warnings*
Acute toxicity (category 1 to 3)	✓	✓
Acute toxicity (category 4)		✓
STOT single exposure (category 1)	✓	✓
STOT single exposure (category 2)		✓
STOT repeated exposure (category 1)	✓	✓
STOT repeated exposure (category 2)		✓
Skin corrosion (category 1A, 1B and 1C)	✓	✓
Respiratory sensitisation (category 1)		✓
Aspiration hazard (category 1) <i>*Not aerosols or if in container with sealed spray attachment</i>	✓	
Aspiration hazard (category 1)	✓	✓
Germ cell mutagenicity (category 2)		✓
Carcinogenicity (category 2)		✓
Reproductive toxicity (category 2)		✓
Flammable gases (category 1 and 2)		✓
Flammable liquids (category 1 and 2)		✓
Flammable solids (category 1 and 2)		✓

* This provision does not apply to aerosols which are only classified and labelled as “extremely flammable aerosols” or “flammable aerosols”.

Other roles for Distributors

- A company who buys chemicals from outside the EU and then distributes them within the EU is an importer under REACH and CLP and so may have registration or notification obligations.
- A company who buys chemicals within the EU and then blends them with other chemicals, or re-fills or decants them into new containers, before supplying them on, is a downstream user under REACH and CLP and will have additional duties along with their distributor duties.
- A company who sells hazardous chemicals via a website must include the hazard or H-statements from the label in the text of the advertisement or in a readable image of the product's hazard label.

Further Information

- The Health and Safety Authority's website: https://www.hsa.ie/eng/Your_Industry/Chemicals/
- HSA chemicals publications at [https://www.hsa.ie/eng/Publications and Forms/Publications/Chemical and Hazardous Substances/](https://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/)
- Chemicals Helpdesk on 1890 289 389 or email chemicals@hsa.ie
- The European Chemicals Agency (ECHA) website: <https://echa.europa.eu/support/getting-started/distributor>



Further Information and Guidance:

Visit our website at www.hsa.ie, telephone our contact centre on 1890 289 389 or email wcu@hsa.ie

Use BeSMART, our free online risk assessment tool at www.besmart.ie

Check out our range of free online courses at www.hslearning.ie

