



HEALTH AND SAFETY
AUTHORITY

2018 Survey on Chemical Usage

in Irish Companies
including an assessment
of the potential impact
on Irish Companies
following the UK exit
from the EU



Final Report 2019

Our Vision:
Healthy, safe and
productive lives
and enterprises

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Executive Summary

The Health and Safety Authority (herein after referred to as “the Authority”) 2018 *Chemical Usage Survey on Irish Workplaces* is a follow up to previous Chemical Usage Surveys carried out in 2012 and 2007 by the Authority. The survey was conducted in the latter half of 2018 with 147 responses received from Irish companies involved in chemicals usage and/or trade.

The main objectives of the survey included a follow up on key findings from the 2007 and 2012 surveys to establish if there has been a greater focus on management of chemical safety in the 6 year period between the two surveys. The survey aimed also to determine the potential impact on Irish companies regarding responsibilities under the chemicals legislation should the United Kingdom (UK) withdraw from the European Union (EU).

The results of the 2018 survey established that the Authority is a valuable source of information for Irish businesses, and this is demonstrated by a significant increase in usage of the Authority's website and Chemicals Helpdesk since the last survey was conducted in 2012.

However, while there is a greater focus and improvement in chemical management in Irish workplaces, the responses show that more work on specific workplace chemical product risk assessments is required. This is important as the survey shows there is usage of high risk chemicals such as carcinogens within Irish companies.

While knowledge on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation (EC No. 1907/2006¹) and the Classification, Labelling and Packaging (CLP) of substances and mixtures Regulation (EC No. 1272/2008²) is better than noted in previous surveys, there are still gaps in knowledge in relation to roles and requirements of imported products under REACH and CLP. There are also gaps in awareness of the requirements of the Prior Informed Consent (PIC) Regulation (EC No. 649/2012) on the export and import of hazardous chemicals³.

With the current signals that the UK plan to exit the EU market and Customs Union and associated trade agreements, Irish businesses sourcing chemicals from the UK will need to be prepared for the potential regulatory and trade implications of continuing to source chemicals from UK suppliers. In the event of the UK withdrawal from the EU, roles of Irish companies will change meaning that those with limited duties under the Regulations currently, will need to take on added responsibilities of importers under REACH & CLP.

While companies partaking in the survey indicated that they have started investigating new suppliers, many will continue to source and supply to/from the UK/Northern Ireland (NI). As the UK prepare to leave the EU, this will have a significant impact on the supply chain obligations of Irish companies.

Recommendations set out, from the survey findings, are aimed at both the Authority and the chemicals industry. The Authority should continue to prepare simplified, informative guidance with regard to companies' requirements under the REACH, CLP and PIC Regulations including up to date information on potential impacts of the UK withdrawal from the EU.

¹ [Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\) Regulation 1907/2006](#)

² [Classification, Labelling and Packaging \(CLP\) of substances and mixtures Regulations 1272/2008](#)

³ [Export and Import of hazardous chemicals Regulation 649/2012](#)

Executive Summary

It is recommended to continue presenting this information via the Authority's website, as the survey highlighted that a high volume of companies use the Authority's website as an information resource.

Irish companies should scrutinise the supply chain of chemical products they are using to examine consequences of the UK withdrawal from the EU on continued supply. After the UK withdrawal from the EU, if Irish companies continue to source chemicals from the UK, their role under REACH may change to an importer. This means they may have registration and other REACH obligations and they will not be able to rely on REACH registrations and authorisations granted to a UK company in their supply chain. Companies should continue utilising the Authority's website and Chemicals Helpdesk to obtain up to date information regarding the trading of chemicals.

In follow up to the survey, the Authority will:

- develop a plan to implement the agreed recommendations as set out in this report particularly for the impact on companies should the UK exit the EU,
- continue to increase Irish companies' awareness of their obligations under the REACH/CLP/PIC Regulations,
- continue to update the Authority's webpages on the UK exit from the EU with information to clarify any awareness gaps identified,
- monitor the trends in trade between Ireland and the UK/NI, EU & non-EU countries,
- establish what actions can be taken from the results of the survey, and
- address knowledge gaps particularly with regard to awareness of duties under the PIC Regulation and companies' roles under the REACH Regulation.



The Health and Safety Authority undertook the 2018 Chemical Usage Survey to establish companies' awareness of their roles and responsibilities in relation to the REACH, CLP and Prior Informed Consent (PIC) Regulations in addition to determining current trade of chemicals between Ireland and the United Kingdom (UK) and Northern Ireland (NI).

The questionnaire was targeted at companies who supply and/or use chemicals as part of their business and was conducted between October and December 2018. The findings are set out in Chapter 3 of this report.

The main focus of this survey was to explore if awareness of chemical safety management has improved since the Authority carried out the 2007 and 2012 Chemicals Usage Surveys and how chemicals are now being managed by companies on-site. Where similar questions were put to companies during the previous surveys, comparisons to the findings from the 2018 survey are made in Chapter 3 of this report.

Additionally, in light of the UK vote to leave the EU, the 2018 survey provided the Authority with an opportunity to explore the potential impact which the UK's exit from the EU may have on the supply chain obligations of Irish companies. The importance of understanding how companies trade with the UK/ NI including the quantities traded, whether there is a reliance from Irish companies on substances registered in the UK along with future plans for trading is necessary as the UK plans to leave the EU and Customs territory. The responses to the relevant questions will guide the Authority in providing advice and support to Irish companies as the UK prepare to leave the EU.

The main objectives of the survey were:

- to follow up on the key findings from the 2007 and 2012 surveys on chemical usage in Irish workplaces and establish if there has been a greater focus on the management of chemical safety over the past six years,
- continue to establish companies' awareness of their roles and responsibilities in relation to REACH and CLP Regulations as well as awareness of the Prior Informed Consent Regulation on the export and import of hazardous chemicals,
- to identify improvements in companies awareness of REACH, including specifically authorisation requirements,
- to gauge the extent of use of high risk chemicals including carcinogens, mutagens, reproductive toxins (CMRs) and skin and respiratory sensitisers,
- to establish the potential impact on Irish companies regarding responsibilities under the chemicals legislation following the UK withdrawal from the EU,
- to identify whether companies intend to continue trading with the UK/NI after the UK exit, and
- to ascertain the potential impact and regulatory duties on companies/business/trade following the UK exit from the EU.

In support of the findings from this survey, the Authority included information gathered during on-site inspections focusing on REACH and CLP Regulation duties. These findings are included in Chapter 3 as supportive data.

The 2018 survey was undertaken in line with the implementation of the Authority's strategy. As detailed in the 2018 Health and Safety Authority Programme of Work⁴, ensuring the safe and sustainable use of chemicals as well as fulfilling strategic priority 5 of the 2016–2018 Strategy, which provides for promoting the safe and sustainable management of chemicals and goal 1 to enable employers, employees and other duty-holders to reduce risks to safety, health and welfare.

The findings from the 2018 survey will allow the Authority to focus on areas where awareness needs to be heightened and will also assist the Authority in fulfilling goals outlined in the 2019–2021 Strategy Statement⁵. The 2019–2021 strategy goals include increasing knowledge and awareness of the hazards from applicable products and hazardous chemicals along with partnering with Government to provide support to businesses in preparing for and dealing with the UK withdrawal from the EU.

1.1 Background

Follow up to previous surveys:

The 2018 Chemical Usage Survey is a follow up to two previous surveys conducted by the Authority. Each survey focused on yielding findings and information to help the Authority steer their efforts in advising and guiding companies facing new obligations under the relevant chemical legislation. The findings from the 2018 survey are compared to those from the previous two surveys as detailed in Chapter 3 below.

The aim of the 2007 survey⁶ was to produce a profile of chemical usage in Irish workplaces as the REACH Regulation came into force. The Authority used the findings to inform and direct the implementation of subsequent chemical safety policy. It was concluded in the 2007 survey that the level of knowledge on the type and quantity of chemicals used in Irish workplaces was generally poor, as was the development of appropriate on-site safety management measures.

In follow up to the 2007 survey, the Authority undertook a number of initiatives to help companies increase their awareness, including the preparation of a number of specific pieces of guidance, factsheets and toolkits on chemicals; publication of a chemical e-bulletin and newsletter; improvement of the chemical pages on the Authority's website as well as holding seminars and webinars on REACH and CLP. It was evident that these efforts had increased and improved knowledge amongst the workforce following a review of the follow up Chemical Usage Survey⁷ findings in 2012.

The 2012 survey also established the level of awareness and knowledge on the requirements of the, at that time, new EU Regulation on the Classification, Labelling and Packaging (CLP) of chemicals.

Although chemical awareness and knowledge of the REACH Regulation was higher in 2012 than had been the case in 2007, there were still gaps in knowledge around the safe management of chemicals amongst those surveyed. Many companies were still unaware of their role within the supply chain in 2012 (22%), a quarter of respondents stated that they did not record chemical details on site while almost half of the companies who took the survey were not even aware of

⁴ [HSA Programme of Work 2018](#)

⁵ [HSA 2019–2021 Strategy Statement](#)

⁶ 2007 Survey on Chemical Usage in Irish Workplaces

⁷ [2012 Survey of Chemical Usage in Irish Workplaces](#)

the presence of a Candidate List⁸. It was also clear from the responses that knowledge of the CLP Regulation needed to be increased.

Based on the results from 2012, it was apparent that the Authority was a valuable source of information for Irish workplaces, evidence that the efforts invested in providing guidance and advice steered by the findings in 2007 were of benefit.

In follow up to the 2012 survey, the Authority continued to provide guidance in the form of information sheets and through dedicated chemicals e-bulletins and newsletters. The Chemicals and Prevention Division carried out workshops for Irish companies on complying with CLP requirements and also developed e-Learning modules on "Chemical Safety in the Workplace", "Chemical Safety in the Workplace-Level 2", "Chemical Agent Hazards" and "Managing Safety and Health in the Science Laboratory". To further enhance general awareness of chemicals, the Authority produced simple guidance on the hazards and meanings of pictograms for CLP. The Authority continues to participate in REACH/CLP projects co-ordinated by ECHA's Forum for the Exchange of Information on Enforcement and continues to undertake targeted inspections. Since 2012, the Authority's website has been updated to make information easier to obtain and in a simplified manner.

In 2018, six years on from the last survey, the Authority wished to determine whether these efforts had made an impact on company's management of chemicals and their awareness of requirements under REACH and CLP. Since 2012, there have been additional obligations for companies to comply with under REACH such as an increase in the number of substances subject to authorisation and two registration deadlines for manufactured and imported substances. Therefore, questions were included in the survey on awareness of the Annex XIV authorisation list in REACH, on companies use of these substances and on requirements for importing substances.

Questions were also added to determine companies awareness on the Prior Informed Consent (PIC) Regulation. PIC was established to allow countries to monitor and control the trade and use of certain hazardous chemicals. It puts in place a process where countries that are importing certain hazardous chemicals can refuse them or set out conditions that the imported chemicals must meet. The basic principle of the PIC Regulation is that the export of a banned or severely restricted chemical, which is included in Annex III to the Convention, can only take place with prior informed consent (PIC) of the importing party.

Implications of the UK withdrawal on the trade of chemicals

On 29 March 2017, the United Kingdom submitted its intention to withdraw from the European Union.

Potential significant implications for Ireland and Irish companies are anticipated due to our shared market with the UK. While there is still some uncertainty over the outcome of the UK withdrawal negotiations, the Authority is nonetheless anticipating that the UK will become a third country.

The obligations under the EU chemicals legislation will continue to apply to Irish companies and interactions with UK-based business partners will be impacted by the UK withdrawal. In relation to the REACH Regulation, there may be implications for Irish companies sourcing chemicals from the UK and NI suppliers.

⁸ [Candidate List of Substances of Very High Concern](#)

REACH requires (with some exemptions) that any substance manufactured in, or imported into, the EU at greater than 1 tonne per annum be registered with the European Chemicals Agency (ECHA). Registrations that are currently in place by UK companies will no longer be valid should the UK withdraw from the EU (as only EU legal entities can register under REACH).

The withdrawal of the UK from the EU may cause changes in roles for companies in Ireland. At present, if an Irish company sources its substances from a UK/NI supplier, then its role under REACH is as a downstream user or distributor and as such, has no registration obligations. However, should the UK withdraw from the EU, any substances imported into Ireland from the UK/NI (including substances in mixtures) will be deemed as being imported from outside the EU. Thus, any Irish company that continues to source its chemical products from a UK/NI supplier after a UK withdrawal will lose its downstream user/distributor status, will have a role as an EU importer and may, depending on tonnages imported, have registration obligations under REACH.

There may also be other added responsibilities under REACH as well as under the CLP and PIC Regulations. For example, importers will be responsible for ensuring compliance of safety data sheets (SDSs). UK based REACH authorisations will be invalid if the UK withdraws from the EU, meaning that the use of a substance subject to authorisation under an authorisation holder in the UK would no longer be permitted in the EU-27⁹/EEA¹⁰.

With respect to the CLP Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures, any Irish company currently involved in the trade of chemicals with the UK needs to plan ahead and be prepared for the potential UK withdrawal from the EU. Companies should be aware that continued trade from the UK after a withdrawal would result in added responsibilities as an importer including ensuring that all hazardous chemicals placed on the Irish market are classified, labelled and packaged and, for certain hazardous mixtures, notified to the National Poisons Information Centre. There may also be duties with respect to notification to the classification and labelling inventory at ECHA.

It is important Irish companies should keep up to date with developments in the UK in relation to chemicals legislation and should review their supply chains to establish which products may be affected because of their connection to a UK supply chain.

Sources of trade related data

While conducting this survey, the Authority undertook research¹¹ to establish the extent of chemical trade between Irish companies and the UK in order to gain an understanding of the numbers of companies potentially affected by the UK withdrawal from the EU. The CSO data was found to be the most useful for this report as it contained updated information in relation to trade between Ireland and the UK/ NI for relevant chemical sectors.

The Central Statistics Office's (CSO) merchandise trade data¹² shows that in 2018 the Pharma-Chem sector accounted for 29% of all merchandise exports to the UK¹³ and 17% of all merchandise exports to Northern Ireland.

⁹ 27 member states in the European Union after the UK leave the EU

¹⁰ EEA is the European Economic Area which enables an extension to EU's single market to non-EU members

¹¹ All documents reviewed are referenced in the References section of this report

¹² <https://www.cso.ie/px/pxeirestat/Statire/SelectVarVal/Define.asp?maintable=TSA10&PLanguage=0>

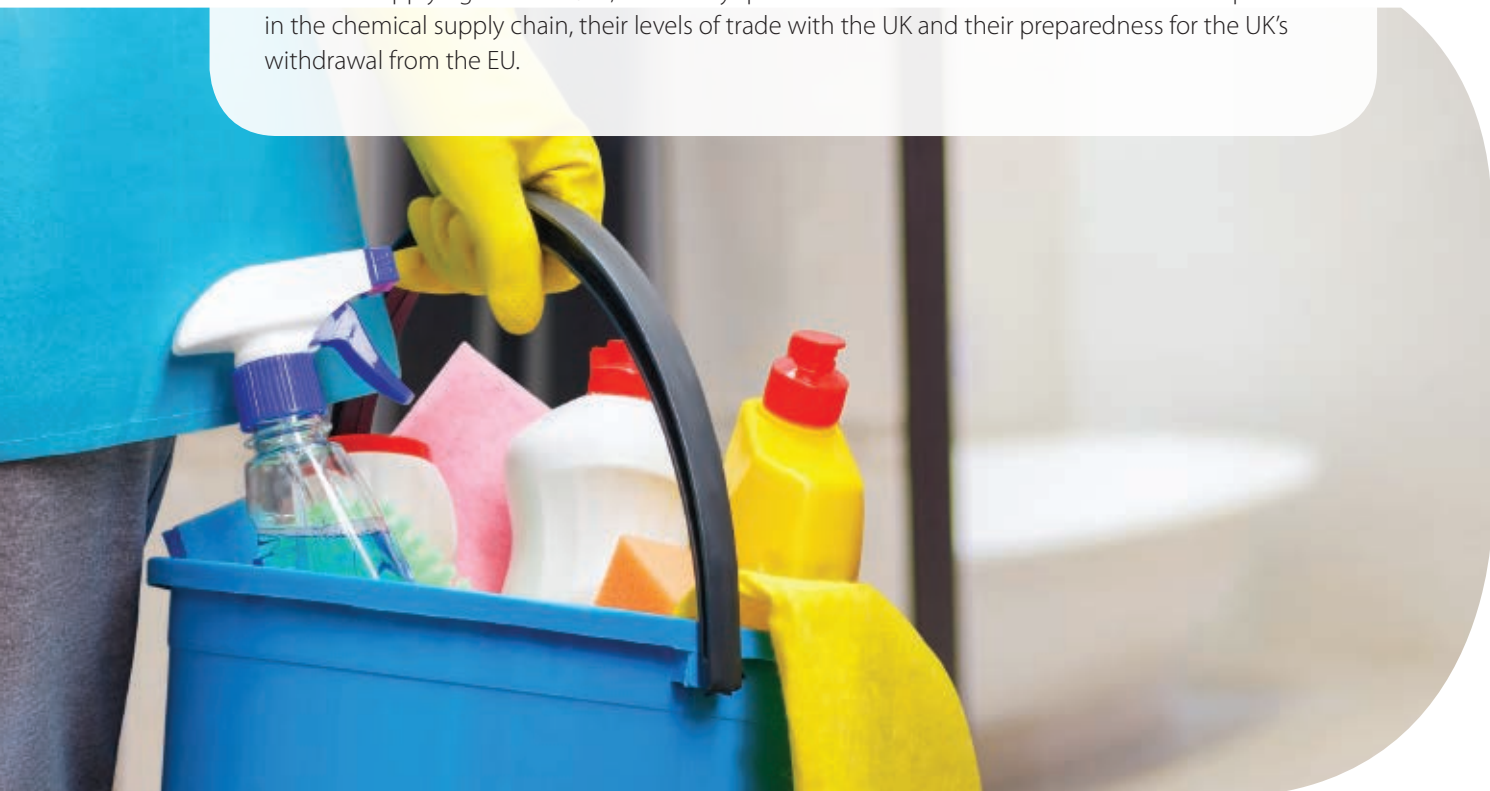
¹³ As measured in value (rather than volume) terms

The Pharma-Chem sector is the largest single sector when it comes to exports to the UK with a value of around €4.4 billion. In terms of imports, the Irish Pharma-Chem sector is less exposed: 14% of all merchandise imports from the UK are in the Pharma-Chem sector while the corresponding figure for Northern Ireland is 4% in 2018.

The Pharma-Chem sector accounted for almost 10% of total Gross Value Added¹⁴ in the Economy in 2014¹⁵ (CSO, National Income and Expenditure Accounts). The CSO's External Trade Statistics show that in 2018, Chemicals and Related Products accounted for 61% of Ireland's €141 billion of goods exports while it accounted for 22% of the €91 billion in goods imports. For both imports and exports, pharmaceutical products dominate the chemicals and related products category. 12% of all Pharma-Chem imports within this category came from the UK in 2018, while 5% of all Pharma-Chem exports are destined for the UK (CSO, External Trade Statistics). The trade figures in the CSO data show that potentially a significant amount of companies may be affected adversely should the UK leave the EU, as there are significant imports and exports between Ireland and the UK in the Pharma-Chem sector.

Following a withdrawal from the EU, the UK would become a third country and chemicals listed in the Annexes to the PIC Regulation if exported to the UK would require notification. The European Chemicals Agency (ECHA) have indicated they will implement a temporary procedure to cover EU exports to the UK, during the first 35 days of the UK withdrawal from the EU with no deal in place.

As there are a number of potential consequences for Irish companies both sourcing chemicals from and supplying to the UK/NI, the survey questions were set to establish the role of companies in the chemical supply chain, their levels of trade with the UK and their preparedness for the UK's withdrawal from the EU.



¹⁴ This is a measure of economic activity used by the CSO. It is essentially the same as Gross Domestic Product (GDP). They both measure the added value generated in an economy by the production of goods and services.

¹⁵ More recent data suppressed for confidentiality purposes.

02

Survey Methodology

2.1 Survey Description

The survey consisted of a concise set of 30 questions (see Annex I for questionnaire) on Survey Monkey which was made available via hyperlink on:

- the Authority's Chemicals e-bulletins,
- responses to Chemicals Helpdesk queries,
- responses to requests for information within the Chemicals and Prevention Division,
- the Authority's website front page, and
- the Authority's social media accounts.

The survey was promoted through the Chemicals Helpdesk, the Authority's parent governmental department, the Department of Business, Enterprise and Innovation (DBEI), the inspectorate as well as through the Authority's communication channels e.g. social media, with the support of the Authority's communications unit.

Relevant stakeholders were also asked to share the survey among their own circulation list, e.g. Department of Business, Enterprise and Innovation (DBEI), Environmental Protection Agency (EPA), Department of Agriculture, Food & the Marine (DAFM), Revenue and Irish Business and Employers Confederation (IBEC).

Additionally, hard copy questionnaires were provided to attendees of the Authority's events "Brexit and the Implications on Supply and Use of Chemicals in Irish Businesses" in Q4 2018.

Companies identified through an internet search for distributors of chemicals in Ireland, were also contacted by phone for their willingness to participate in the survey. Following agreement from the participants by phone, the survey link was then emailed to the nominated contact for completion.

The survey went live on 26th September 2018 and closed on the 31st December 2018 having received 147 responses. All responses to the survey have been collated and are provided in Chapter 3 and the findings have been evaluated and compared against the findings from the 2007 and 2012 surveys on chemicals usage.

2.2 Survey Ethics

Strict professional standards, ethics, confidentiality and the researcher's duty of care were upheld throughout the survey, in particular and in relation to:

- protection of the identities and interests of those participating in the survey,
- guaranteeing confidentiality of confidential information supplied throughout the survey, and
- protection of data obtained during the course of this survey.

2.3 Supporting Information

Data gathered by inspectors during routine inspections over the past four years supported the findings from the survey results in relation to actors in the chemical supply chain, the level of compliance with REACH/CLP and in identifying the percentage of chemicals being sourced from UK/ NI. Details on this information are provided in Chapter 3 for further comparison.

Information sourced from external reports provided insights into Irish/ UK trade and how the Irish Pharma-Chem industry may potentially be impacted as the UK prepares to leave the EU.



03

Results of 2018 survey & comparison with related data

Companies were categorised into the relevant NACE sector¹⁶, the majority of respondents (54) were involved in sector “C – Manufacturing”, followed by sector “G - Wholesale and Retail Trade; Repair of motor vehicles and motorcycles” which accounted for 26 respondents.

The main participants of the survey were involved in:

- Supply & Distribution of Chemicals
- Pharmaceuticals
- Manufacturing of Chemicals
- Chemical Formulators
- Medical Devices

Other sectors represented include:

- Construction
- Education
- Polymer manufacturing
- Health services
- Local authorities

The company size of participants in the survey is as follows:

- 30% of respondents were involved in large enterprises (> 250 persons employed)
- 26% in medium enterprise (50 to 249 persons employed)
- Almost 24% of participants in small enterprises (employing 10 to 49 persons)
- Nearly 9% in micro-enterprises (< 10 persons employed)
- 11% of respondents were self-employed

Within this chapter, the detailed results from the 2018 Chemical Usage Survey have been analysed and as relevant, the responses were compared with the findings from 2007 and 2012 surveys, data collated from inspections and any relevant supporting documentation.

¹⁶ NACE is the system for coding European industrial activity (NACE Rev.2) and has been approved by the European Commission. The list of codes can be found at [European Commission List of NACE Codes](#)

3.1 Roles in the supply chain

A number of questions asked in the survey related to companies' roles within the supply chain under REACH, the respondents understanding of those roles and knowledge of the REACH and CLP Regulations. The results from these questions are provided in 3.1.1 - 3.3.2 below.

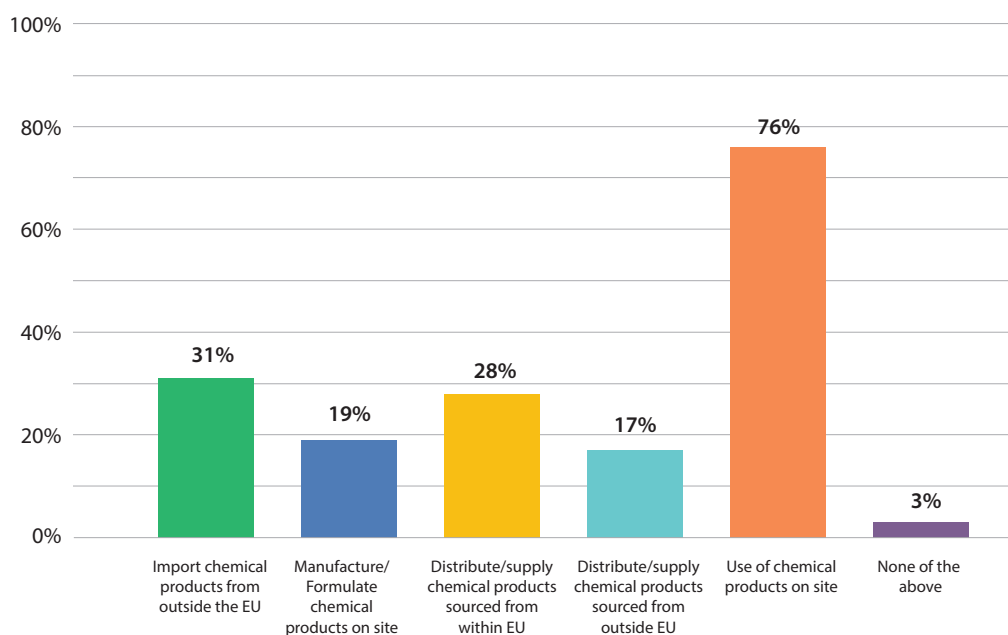
3.1.1 Results of 2018 survey

Participants were asked to select activities relevant to their workplace and their role in the chemical supply chain. Several respondent companies are involved in more than one activity listed below in Figure 1 i.e. importer and downstream user of the chemical.

- The majority of respondents (76%) indicate that they use chemical products on site (downstream users)
- 31% of respondents import chemical products from outside the EU
- 28% distribute/ supply chemical products sourced from within the EU
- 17% distribute/ supply chemical products sourced from outside the EU
- 19% of participants manufacture/ formulate chemical products on site
- 3% claim they do not have a role in the chemical supply chain

The 3% of respondents who claimed that they do not have a role did not complete the rest of the survey. This group are mostly involved in the provision of professional services/ consultancy.

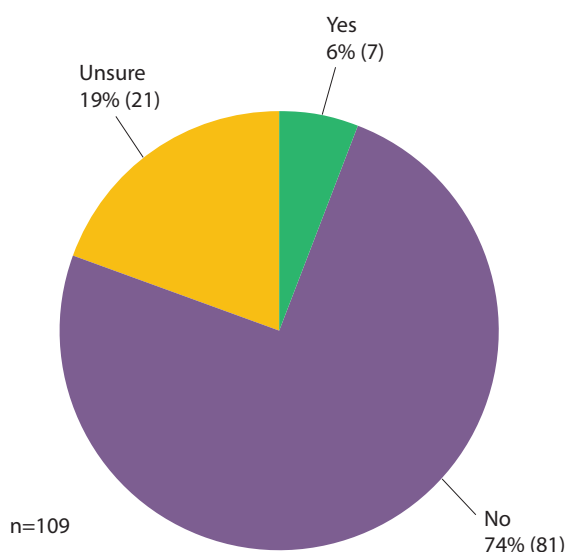
Figure 1: Company role in the chemical supply chain in 2018



Only Representative Role

6% of respondents act as REACH Only Representatives. 74% indicated they do not act as an Only Representatives under the REACH Regulation and 19% of respondents answered they were unsure.

Figure 2: REACH Only Representative Role



3.1.2 Comparison with related findings

The Authority compared findings on roles within the supply chain with the 2007 and 2012 survey findings and inspector data collected over a four-year period.

Downstream users:

From data gathered through the three chemical usage surveys, as well as information collected by inspection activities, it is evident that downstream users (DUs) are still the most common supply chain actor in Ireland.

In 2018, 76% of respondents considered themselves to be DUs. In 2012, the figure was 66% whereas in 2007, 41% respondents identified themselves as chemical users. In the 11 year period, the percentage of respondents identifying as DUs has significantly increased.

From data collected through inspection activities in 2018, 86% of companies inspected were reported to be DU's. Looking at the data on company's roles within the supply chain collected by inspectors during inspection activities from 2015 to 2018 inclusive, the findings of the 2018 Chemical Usage Survey (76%) are similar to the inspectors' findings in respect to DUs where it has been recorded that they account for 77-90% of actors annually (see Figure 3 below).

Importers:

Over the 11 year period since the first survey, more businesses have reported that they are importing chemicals from outside the EU. From the findings of the 2018 survey, 31% of respondents import chemical products from outside the EU, 13% imported in 2012 with 11% stating that they sourced chemicals from non- EU suppliers in 2007.

Data gathered by inspectors in 2018 indicate that of the 195 companies inspected for duties under REACH and CLP, 9% had a role as an importer and this figure is indicative of data gathered over the period between 2015 and 2018 by inspectors which was 3-9% (as shown in Figure 3 below).

Manufacturers:

The number of manufacturers of substances in Ireland is low as is evident from the data gathered in previous surveys and from inspection activities. In the 2007 survey, 2% of respondent's manufactured chemical substances in house, in the 2012 survey, 5% of respondents indicated that they manufactured substances. The information collected in the 2018 survey included both manufacturers and formulators (downstream users), therefore, it is not possible to indicate the number of manufacturers of substances alone who responded.

According to the 2018 inspection findings, 6% (11) of companies had the role of a manufacturer, with figures from 2015-2018 inspections indicating that 1-6% of companies acted as manufacturers.

Distributors:

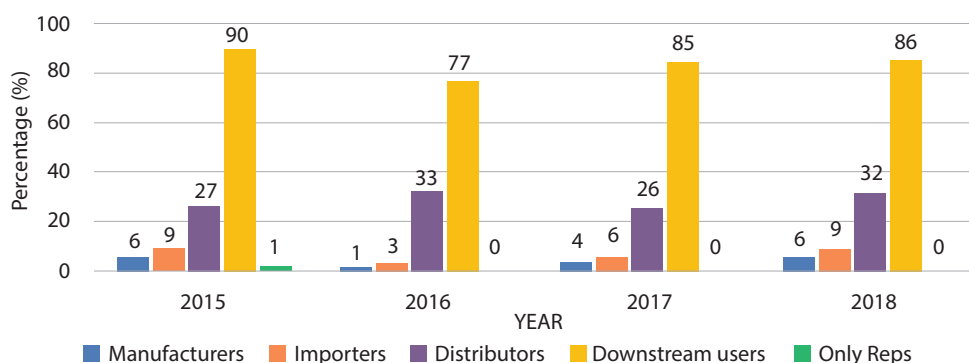
In the 2018 survey, 28% of participants state that they distribute/supply chemicals from within the EU and 17% distribute/ supply chemicals sourced from outside the EU (import). While data was not specifically collected previously in 2007 and 2012 in relation to distribution/supply within the EU and outside the EU. In the 2012 survey, 17% of respondents were distributors and 6% of respondents in the 2007 survey acted as a chemical supplier.

32% of companies inspected in 2018 by the Authority were distributors. Similarly, inspection data collected from 2015-2018 showed that distributors accounted for 26-33% of actors in the supply chain, a similar number to the 2018 survey findings (28%).

Only Representatives:

In the 2018 survey, 6% (7) stated that they act as an Only Representative (OR) responsible for registering substances for non-EU companies. In 2012, 2% of survey respondents indicated that they were an OR under REACH. From information recorded from inspection activity between 2015 and 2018, the figure for inspecting ORs annually is 0-1%.

Figure 3: Supply Chain Roles from Inspector Question Sets 2015-2018

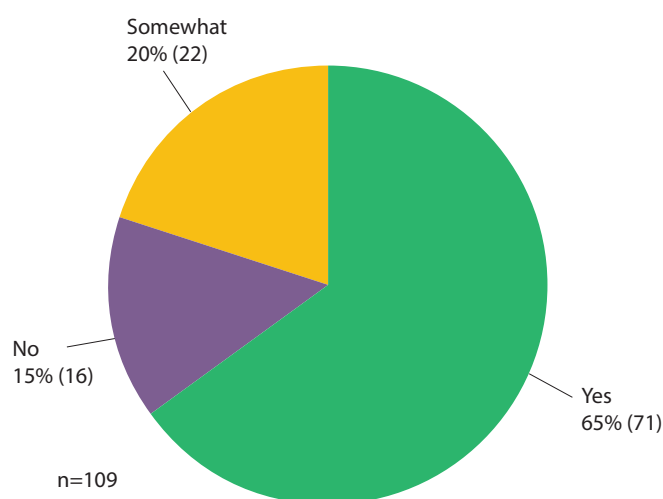


3.2 Understanding of role under the REACH Regulation

3.2.1 Results of 2018 survey

Respondents were asked whether they understand their role under the REACH Regulation. 65% indicate that they understand their role under REACH. 20% of respondents advised they are somewhat aware of their role in the chemical supply chain, while 15% indicate that they did not understand their role under REACH. The majority of those who did not understand their role are downstream users, with the remainder of companies involved in importing and distribution activities.

Figure 4: Understanding of company's role in the REACH Regulation



3.2.2 Comparison with related findings

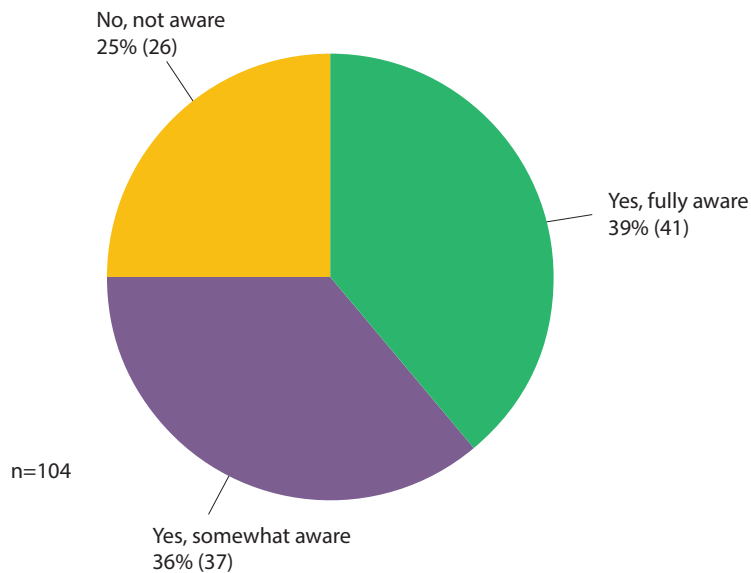
It is evident that there has been a significant increase in the understanding of roles under the REACH Regulation. In 2012, 22% of survey respondents and 44% of respondents in the 2007 survey indicate that they did not understand their role under REACH in comparison to 15% of respondents in 2018. The majority of these respondents in 2018 were downstream users, however, also companies involved in importing and distribution activities stated that they did not understand their role.

3.3 Awareness of the REACH and CLP Regulations

3.3.1 Results of 2018 survey

Companies were asked whether they were aware of the requirements under REACH and CLP if they import chemicals from outside of the EU. 39% of respondents are fully aware of the REACH and CLP Regulations in relation to import of chemicals from outside the EU. 36% of respondents indicate they are somewhat aware of the Regulations while 25% claim that they are not aware. The sectors who claim they are not aware of the REACH and CLP Regulations include Manufacturing (predominantly Medical Devices), Healthcare, Agriculture and Training Services.

Figure 5: Awareness of REACH and CLP Regulations for chemical imports sourced from outside the EU



3.3.2 Comparison with related findings

Importers of chemicals from outside the EU have responsibilities under the REACH, CLP and PIC Regulations, namely, registration of substances imported at one tonne or more per year, notification to the classification and labelling inventory to the European Chemicals Agency (ECHA) and complying with notification requirements under the PIC Regulation for the export and import of hazardous chemicals. Additionally, importers must prepare a REACH compliant safety data sheet (SDS), ensure correct classification, labelling and packaging and be aware of the requirements regarding restrictions and authorisations.

Following a UK withdrawal from the EU, companies continuing to source chemicals directly from UK/NI would become importers with the added responsibilities mentioned above. The fact that over 50% of respondents to this survey are currently not aware or fully aware of the role of an importer indicates that overall the chemicals industries knowledge needs to be improved to ensure that legal obligations can be met. The vast majority of survey participants who are not aware or fully aware are downstream users (DUs).

3.4 Duties under the REACH Regulation relating to registration and authorisation

In Ireland over 1800 companies have registered substances under REACH¹⁷.

Companies were asked to provide information on whether they registered substances as well as on their knowledge of the list of substances subject to authorisation under REACH. They were also asked to indicate if they use high-risk chemicals such as carcinogens, mutagens, reproductive toxins (CMRs) or sensitisers, that is, chemicals which may potentially be subject to risk management processes under REACH such as authorisation. The results of these questions are provided in 3.4.1.1 – 3.4.3.2.

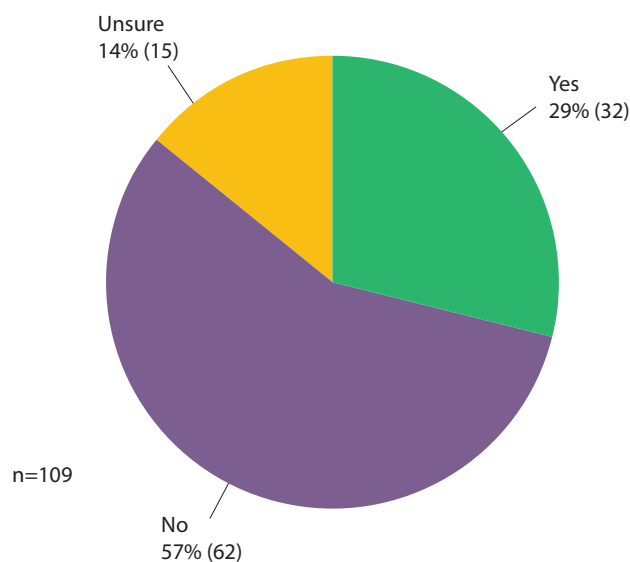
¹⁷ <https://echa.europa.eu/registration-statistics-infograph#>.

3.4.1 Results of 2018 survey

3.4.1.1 Requirement to register substances

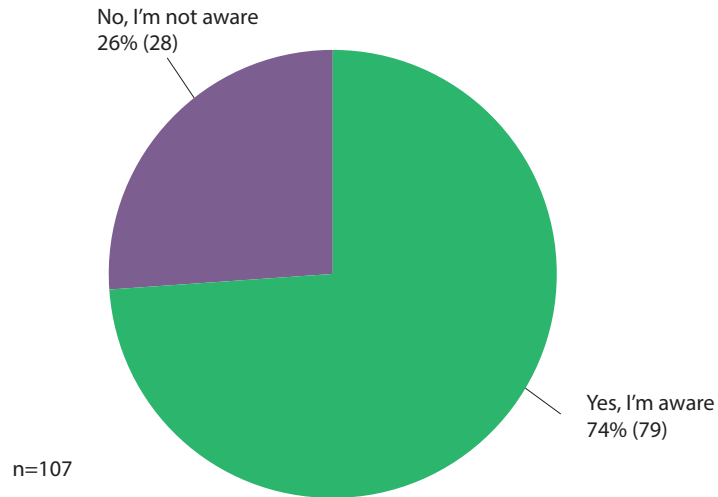
29% of respondents indicate that they have registered chemical substances under REACH. 57% of respondents advised that they did not register substances under REACH and 14% are not sure. Those who advised they are not sure are mostly downstream users who do not have a role in registering substances under REACH.

Figure 6: Company REACH registration of chemical substances

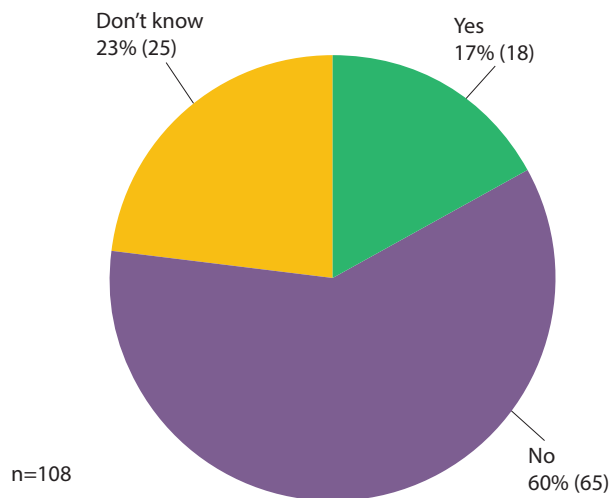


3.4.1.2 Awareness of Authorisation under REACH

Respondents were asked whether they are aware of the list of hazardous substances that cannot be used without an authorisation in place under REACH. 74% of respondents state that they are aware of the Annex XIV list of substances subject to authorisation with 26% of respondents stating that they are not aware of the list. Looking at the role in the supply chain of those who claim that they are not aware were predominantly downstream users but also included a small number of importers and distributors.

Figure 7: Awareness of Authorisation List of Hazardous Substances under REACH

Companies were also asked to indicate whether they use any chemical products containing any of the substances subject to authorisation. 17% of respondent companies use chemical products containing substances on the REACH authorisation list (Annex XIV). These respondents are involved in importing chemicals. 60% of respondents do not use products containing substances on the authorisation list and 23% of respondents do not know if they are using substances subject to authorisation. The majority of these respondents are downstream users.

Figure 8: Use of chemical products containing any of the substances on REACH Authorisation List

3.4.2 Comparison with related findings

3.4.2.1 Requirement to register substances

According to the 2018 survey findings, 29% (32) of respondents have registered chemical substances under REACH. From the data gathered by inspectors during inspection activities in 2018, 6% of registrants were inspected (12 out of 195 inspections). This is representative of data collected during previous years REACH inspection activities. In 2017, 7 (3%) of the 254 companies inspected had registration duties, in 2016, 3% (7 of the 260 companies) inspected had registration duties and in 2015, 5% (19 of the 376 companies) inspected had registration duties.

In addition to the manufacturers, importers and ORs, i.e. those actors who may have registration duties under REACH, who indicated in this survey that they have registered substances, a number of downstream users and distributors responded stating that they also have registered substances. However, DUs and distributors have no requirement to register substances, therefore, the higher figure of 29% as seen in the 2018 survey, higher than annually recorded by the Authority could be attributed to error or lack of knowledge in responding to the question.

3.4.2.2 Awareness of Authorisation under REACH

In the 2018 survey, 74% of respondents state that they are aware of the REACH authorisation list (Annex XIV) and 17% claim they use chemical products containing substances on the authorisation list. 26% of respondents claim they are not aware of the authorisation list under REACH and 23% of respondents do not know if they are using substances subject to authorisation, some of whom are importers.

In 2012 there were few substances on Annex XIV, therefore, participants were questioned regarding their awareness of substances of very high concern (SVHC) on the Candidate List (substances on the Candidate List may be recommended for inclusion on the list of substances subject to authorisation (Annex XIV) dependent on their dispersive use and volumes on the EU market).

Only 3% of respondents indicated that they used SVHCs in 2012, 55% indicated they did not and 42% of respondents did not know whether they were using substances on the Candidate List.

In 2018, the awareness is high, a positive point given that there are many substances on Annex XIV and the number of granted authorisations for use is constantly increasing. Regarding use, 17% (18) of 2018 survey respondents state that they use chemical products on the authorisation list. Over the past four years, inspectors have assessed the use of substances subject to authorisation at workplaces as part of routine inspection activity. From 2015-2018 inspections findings, 5%-14% of inspected workplaces used substances on Annex XIV. Workplaces were inspected to check if they were operating as per the granted authorisation for use. The data obtained from the 2018 survey compares well with the data collected through inspection activity.

3.4.3 Use of high risk chemicals

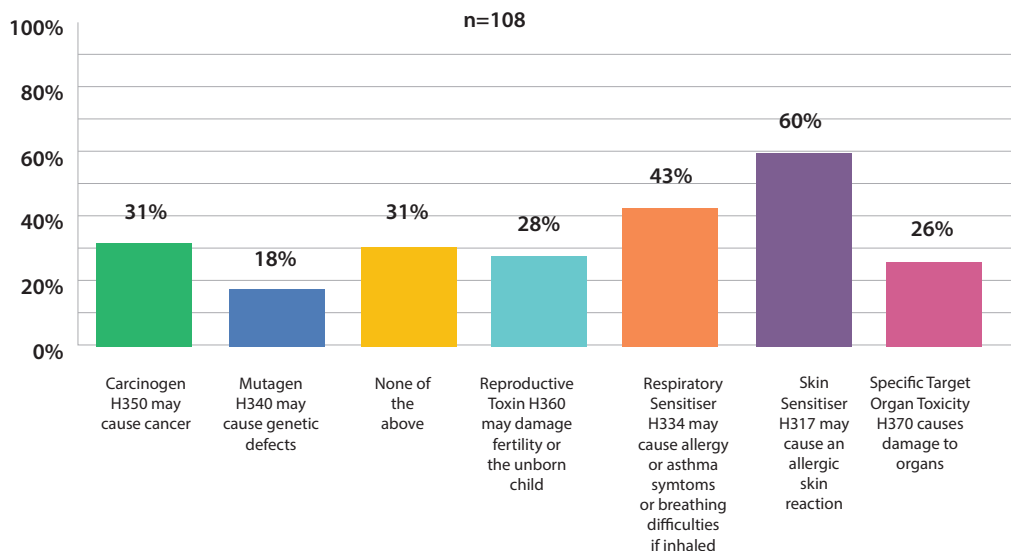
The Authority asked participants in the 2018 survey about the use of chemicals classified as Sensitisers, Carcinogens, Mutagens, Reproductive Toxins (CMRs) and for Specific Target Organ Toxicity (STOT) to establish use of high-risk chemicals in Irish workplaces. Such high risk chemicals may be subject to risk management processes under REACH such as authorisation, therefore, a profile of usage is of benefit to the Authority.

3.4.3.1 Results of 2018 survey

- The most commonly used chemical products (60%) are those classified as skin sensitisers (H317 May cause an allergic skin reaction)
- 43% of respondents state that they use products classified as respiratory sensitisers (H334 May cause allergy or asthma symptoms or breathing difficulties if inhaled)
- 31% respondents state that they use carcinogens (H350 May cause cancer)
- 18% of participants use mutagens (H340 May cause genetic defects)
- 28% use products classified as reproductive toxins (H360 May damage fertility or the unborn child)
- 26% of respondents use products classified for Specific Target Organ Toxicity STOT (H370 Causes damage to organs)
- 31% use chemical products not in the hazard classification groups provided in the survey

*Please note that companies may use a number of chemicals with more than one hazard classification resulting in multiple endpoints being selected in the survey.

Figure 9: Hazard classification groups of chemical products



3.4.3.2 Comparison with related findings

In previous surveys, the Authority asked Irish companies what chemicals were being used in their workplace. In 2007, 5% of respondents claimed to use carcinogens, 3% used mutagens and 5% of survey respondents used reproductive toxins. In 2012, 11% of respondents use carcinogens, 3% use mutagens with 8% using reproductive toxins. In respect to usage of sensitisers, almost 47% of

respondents in the 2012 survey used skin sensitizers and 28% used respiratory sensitizers. This shows an increase in use of sensitizers in the six year period.

Over the past four years, through data gathered during inspection activities, companies indicated that they use or supply between 13-20% carcinogens, mutagens and/or reproductive toxins (CMRs) Cat. 1A or 1B. 25-44% of companies inspected supplied or used skin or respiratory sensitizing substances/mixtures. It should be noted that since 2012 the CLP Regulation has been adapted to technical progress 8 times, thereby adding a significant number of additional substances to the CMR and sensitizer classification categories which may partly account for the increase reported in this survey.

3.5 Companies Chemical Management Awareness

Questions were asked in the 2018 survey relating to chemical management and by what means companies manage their products on site. This was to establish how and to what extent Irish companies are managing chemical products on site. The responses are detailed in 3.5.1.1- 3.5.2.2 below.

3.5.1 Results of 2018 survey

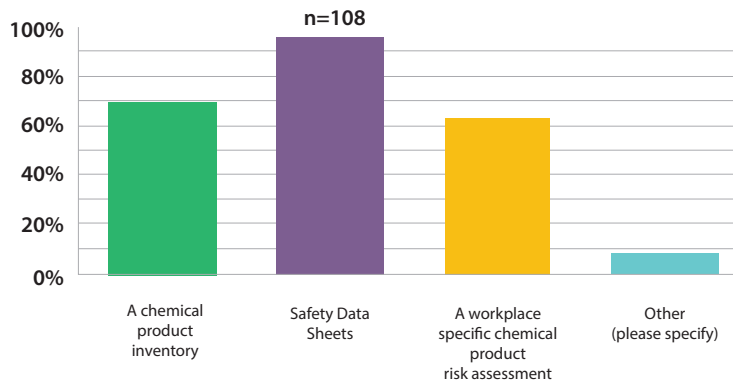
3.5.1.1 Chemicals Management

Participants were asked how they manage chemicals in the workplace. The majority (97%) of respondents use safety data sheets to manage use of their chemicals. 70% use a chemical product inventory while a substantial number (63%) use a workplace specific chemical product risk assessment for chemical management purposes.

7% of respondents indicate they use other means including:

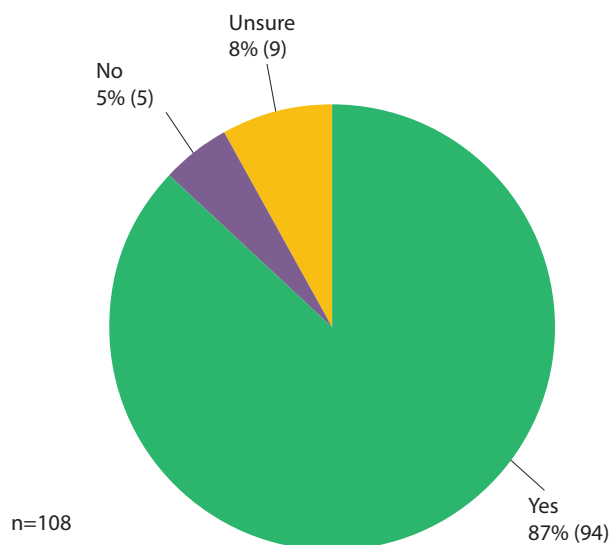
- chemical management safety training,
- chemical approval process,
- completion and maintenance of a chemical register,
- use of ECHA portal,
- Chemtrac Global portal,
- DGSA function, and
- use of online chemical safety management system's e.g. Safedoc.

*Please note that more than one means of chemical management was selected in the majority of responses.

Figure 10: Management of chemical products in the workplace

3.5.1.2 Chemical Inventory use

Companies were asked to indicate whether they had an inventory of chemical products in the workplace. 87% of respondents have an inventory of chemical products on site. 5% do not have a chemical inventory with 8% who are not sure if the company keeps an inventory of chemical products on site.

Figure 11: Inventory of chemical products on site

3.5.2 Comparison with related findings

3.5.2.1 Chemical Management

The 2018 survey has concluded that awareness of chemicals legislation has improved in the six year period since the Authority's last survey in 2012. There is a greater improvement on how chemicals are being managed on-site. There has been a significant improvement since the last survey (2012) of respondents who keep a chemical product inventory and an increase of respondents utilising safety data sheets (67% in 2012). While chemical risk assessment use has risen, 37% of Irish companies who responded indicated that they do not have a specific workplace chemical product risk assessment in place.

3.5.2.2 Chemical Inventory Use

There has been a significant improvement in chemical management in 2018 when compared to the findings from the surveys in 2007 and 2012. More Irish companies keep a chemical inventory of products used which would indicate a better awareness of what products they are using. In 2018, 87% participants reported keeping a chemical product inventory. Whereas in 2012, only 59% respondents advised that they kept a chemical inventory and 40% of survey participants in 2007 had a chemical inventory.

3.6 Sourcing knowledge on Chemical Regulations

Specific questions were asked to gauge how companies source knowledge on regulatory requirements and whether they are members of a trade organisation. The responses are outlined below in 3.6.1 - 3.6.2.

3.6.1 Results of 2018 survey

3.6.1.1 Sources of information on chemical regulatory requirements

Companies were asked in the survey to indicate where they source information on chemical regulations.

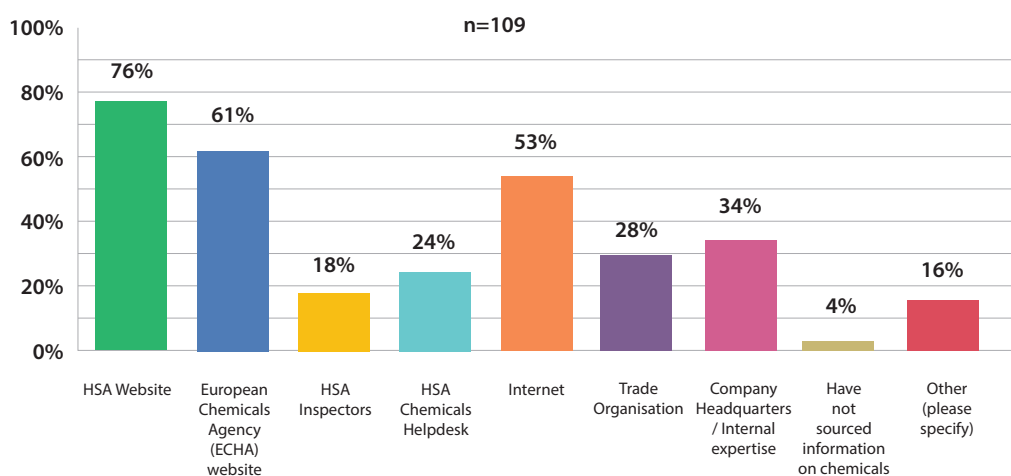
The survey indicates that:

- the majority of respondents 76%, use the Authority's website to source information on chemical regulations,
- 61% of respondents obtain information from the European Chemicals Agency (ECHA) website,
- 53% source from internet sites other than ECHAs,
- 34% source information in relation to chemical regulations from their company headquarters or internal expertise,
- 28% use a trade organisation for information purposes,
- 24% rely on information from the Authority's Chemical Helpdesk,
- 18% gather knowledge from Health and Safety Authority inspectors,

- 16% of respondents advise they source information from other means including; Irish Statute Book, external provider of legislation updates, literature reviews, suppliers, OHSI, IASIS, Laboratoire Previor (FR) and external consultants including DGSA, and
- 4% claim that they have not sourced information on chemical regulations.

*Please note that in many cases respondents have selected more than one source of information.

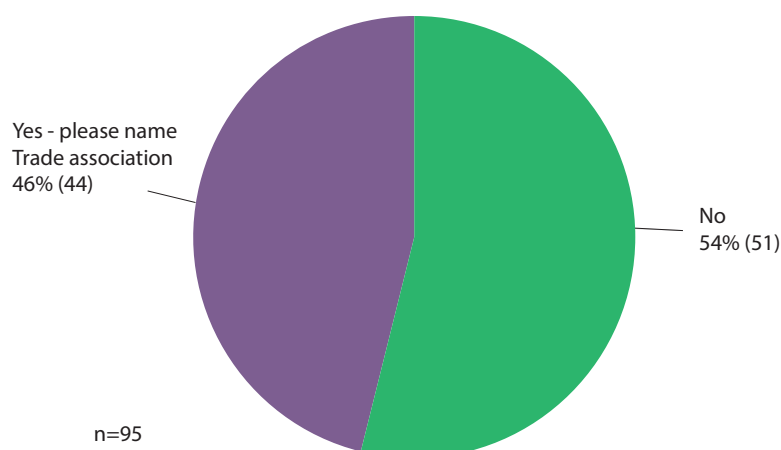
Figure 12: Where do companies source information on chemical regulations



3.6.1.2 Knowledge from Trade Associations

As can be seen from the responses in 3.6.1.1 above, of those surveyed, 28% of Irish companies state that they source information on chemical regulations from trade associations. When asked about membership of a trade organisation, 46% of respondents advise they are members.

Figure 13: Membership of a Trade Association



Those companies who state that they are members of a trade organisation (46%) were asked to indicate which one.

- 34% are members of Irish Business and Employers Confederation (IBEC)
- 18% are a member of IACI (Irish Association of Chemicals & Ingredients)
- The remaining respondents advise they are members of FEICA, BASA, IMDA, ISME, CIF, Pharmachem Ireland, NISO, HAE, EIGA, FTA, BPCI, IWMA, CHSA, SFA, WUKNA, Cork Chamber of Commerce, National Bed Manufacturers, Eurochlor and The Guild of Cleaners and Launderer
- 54% of survey respondents are not a member of a trade association

3.6.2 Comparison with related findings

3.6.2.1 Sources of information on chemical regulatory requirements

Based on the responses received in 2018, the Authority's website has been regarded as a valuable source of information for Irish workplaces and usage has increased since 2007. In 2018, 76% of survey respondents used the Authority's website; in 2012, 65% indicated that they used the Authority website with only 7% of respondents in 2007 using the website as a source of chemical information. This shows a significant increase in the 11 year period.

The use of the Chemicals Helpdesk has also increased significantly with 24% of respondents using this as a resource in 2018 in comparison with 15% in 2012. This shows a greater reliance on receiving information from the Authority's Chemicals Helpdesk.

Information from the Authority's inspectors has been maintained with 18% of respondents in 2018 stating that they source their knowledge from Authority inspectors. The corresponding figure in 2012 was 17%.

3.6.2.2 Knowledge from Trade Associations

28% of respondents stated that they source information on chemical regulations from trade associations in 2018. The majority of companies (34%) were a member of IBEC and 18% were members of IACI. In comparison with previous years, 24% of respondents sourced information on REACH and chemical legislation from a trade association in 2012. In 2007, 3.3% of those surveyed sourced initial awareness of REACH from their trade association, the top three trade associations included; The Irish Concrete Federation, IBEC and The Society of the Irish Motor Industry (SIMI). There has been a significant increase of Irish companies sourcing information in respect to chemical regulation from trade associations since 2007.

3.7 Trade with the UK and NI – Sourcing chemicals

In order to establish the level of trade between Irish companies who have a role within the Irish chemicals supply chain and the UK/NI, a number of questions were asked of those taking part in the survey relating to supplying to UK/NI and sourcing from UK/NI. As there may be additional regulatory requirements for companies sourcing from the UK/NI after a UK withdrawal from the EU, participants were asked about quantities of chemicals traded, current registrations held in the UK and future plans for sourcing chemicals.

Data gathered through inspection activities has been evaluated to further support the responses to the questions on trade and build a wider picture of the extent of possible consequences for the Irish chemicals industry.

3.7.1 Sourcing chemicals

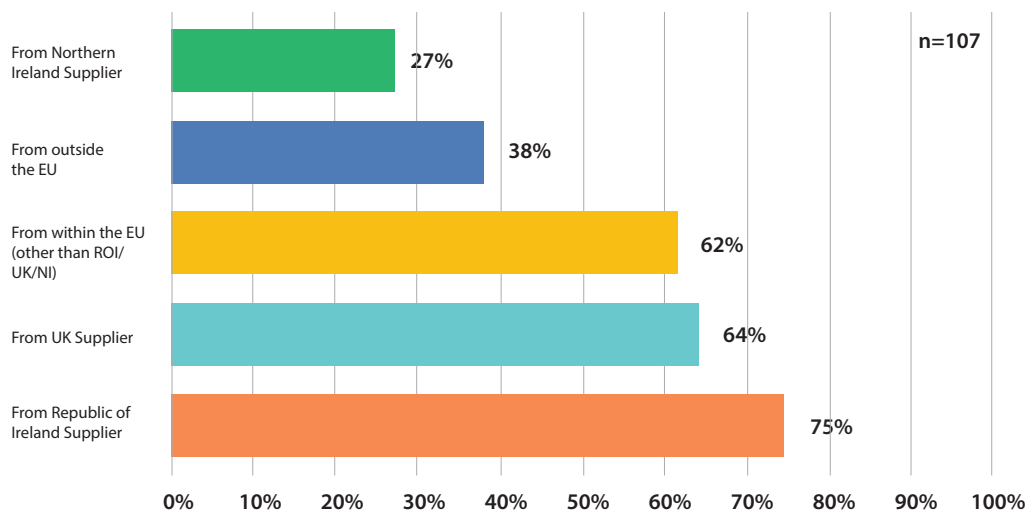
The responses to questions below in 3.7.1.1 to 3.7.1.9 provide the Authority with an estimation of where Irish companies dealing with chemicals source those chemicals from, in what quantities and the importance to business. Questions concerning registrations currently based in the UK as well as questions relating to companies plans for trading after the UK withdrawal from the EU were asked.

3.7.1.1 Where Irish companies source their chemicals from

Many respondents source their chemical products from a number of supply chains:

- 75% source chemical products from suppliers in the Republic of Ireland (ROI)
- 64% of respondents source chemicals from suppliers in the United Kingdom (UK)
- 27% from Northern Ireland (NI) suppliers
- 62% source chemical products from within the EU (excluding ROI and UK/NI)
- 38% of respondents import chemicals from outside the EU

Figure 14: Where companies source chemical products



Many companies source chemicals from more than one location. Information from the survey in relation to sector breakdown is summarised below:

- Breakdown of sectors and company role for those who source chemicals from the UK:
 - 37% of Irish Chemical Distributors source chemicals from the UK
 - 12% in Pharmaceutical Sector
 - 10% are Chemical Manufacturers
 - 7% are Formulators
 - 34% Other (including education, health, construction and local authorities)

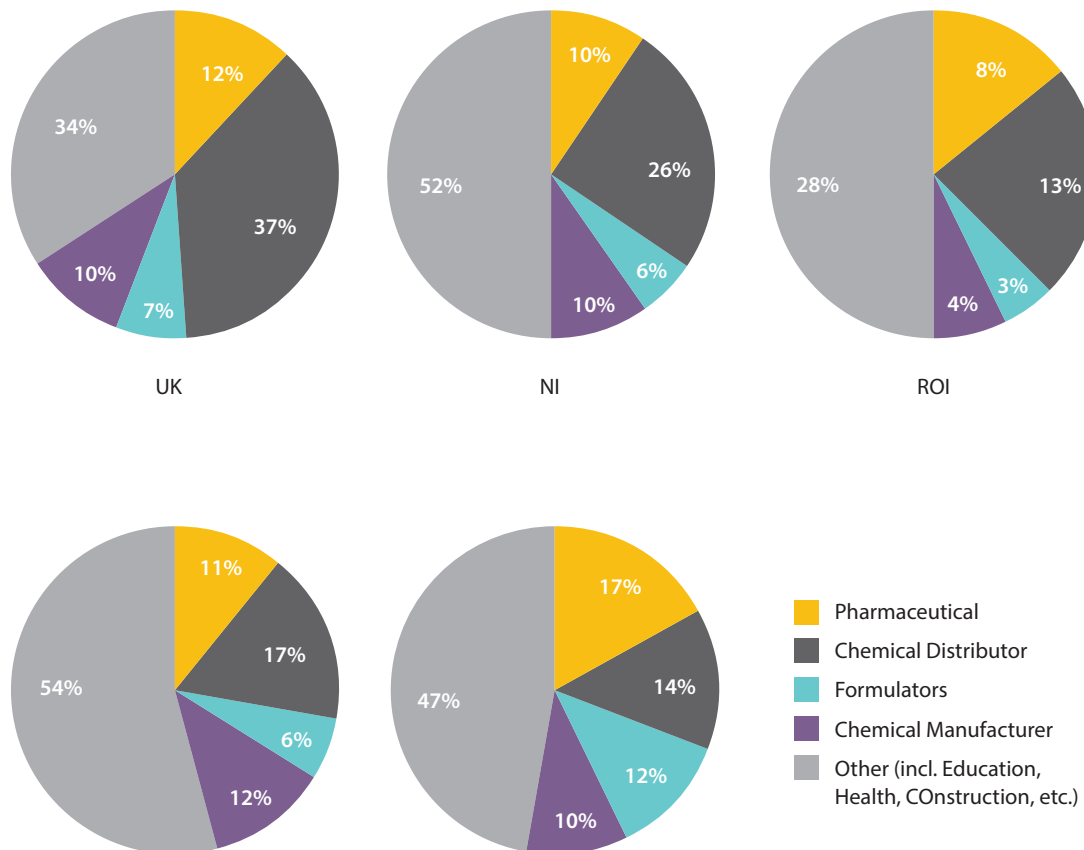
- Breakdown of company role for those who source chemicals from NI:
 - 26% Distributors source chemicals from NI
 - 10% Chemical Manufacturers
 - 10% Pharmaceuticals
 - 6% Formulators
 - 52% Other

- In relation to sourcing from the Republic of Ireland:
 - 13% are chemical distributors
 - 8% Pharmaceutical
 - 3% Formulators
 - 4% Chemical Manufacturers
 - 28% remaining sectors source from ROI

- Those who source within the EU (excluding UK/ NI and ROI) include:
 - 17% chemical distributors
 - 11% Pharmaceutical
 - 6% Formulators
 - 12% Chemical Manufacturers
 - 54% Others

- In respect of importing from outside the EU:
 - 17% respondents are involved in the Pharmaceutical sector
 - 14% Chemical Distributors
 - 12% Formulators
 - 10% Chemical Manufacturers
 - 47% others import chemicals from outside the EU

Figure 15: Breakdown of sourcing per sector



10% of those participating in the 2018 survey who claimed that they source from the UK are manufacturers while 12% are involved in the pharmaceutical sector. Within this sector there is expected to be knowledge of REACH duties including an understanding of registration. Similarly, manufacturers of substances should be knowledgeable of the obligations under REACH. Therefore manufacturers and the pharmaceutical sector should already be aware of the consequences of importing from the UK should it become a non-EU country.

Of the 75% of companies sourcing chemical products from suppliers in the Republic of Ireland, it is not known where the original source of the chemicals is but if sourced from the UK/NI, many distributors and downstream users could find their supply chain disrupted following a UK withdrawal from the EU.

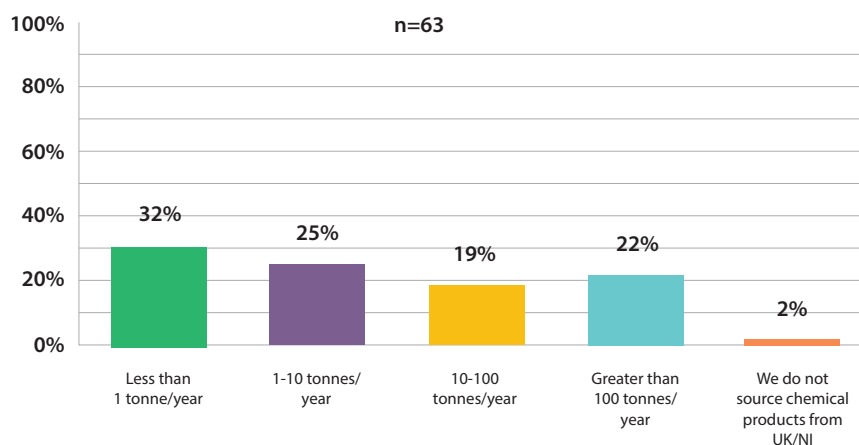
3.7.1.2 Highest volume of chemicals sourced from UK/ NI

44% of the survey participants provided information regarding the highest volume of chemical products sourced from the UK/NI.

- 32% of respondents source less than 1 tonne per annum from UK/NI
- 25% source between 1-10 tonnes
- 19% source between 10-100 tonnes
- 22% of respondents source > 100 tonnes from UK/ NI per annum

Most of those (66%) sourcing chemicals from UK/ NI in quantities greater than 1 tonne per annum are importers and distributors with the remainder identifying themselves as manufacturers and users. This means that continued sourcing at this tonnage after the UK withdrawal from the EU will result in these actors becoming importers for these chemicals with registration obligations.

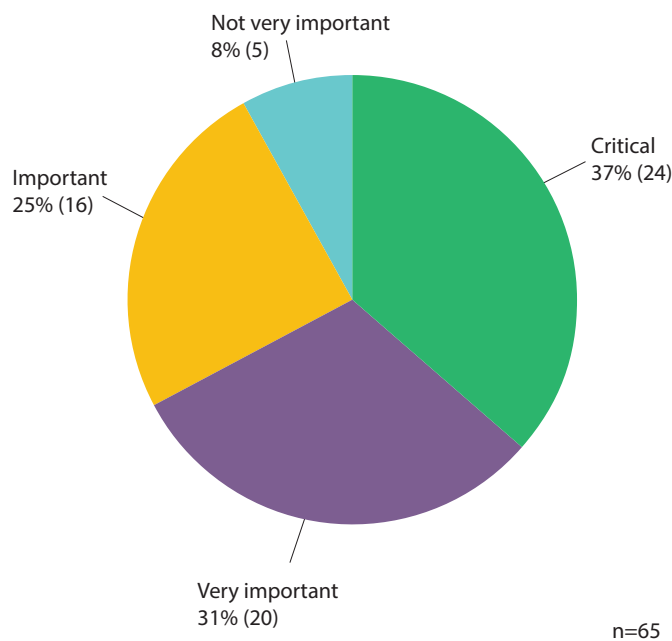
Figure 16: Estimation of quantity of highest volume of chemicals sourced from UK/ NI



3.7.1.3 Importance of chemical products sourced from UK/ NI for business

Almost 37% of respondents state that chemical products sourced from UK/ NI are critical for their business. 31% of respondents claim chemical products sourced from UK/ NI are very important, 25% state that the products sourced from UK/ NI are important and nearly 8% of respondents do not feel that the chemicals sourced from UK/ NI are very important for their business. Two thirds responded to the previous question stating that they source greater than a tonne of products per year from UK/ NI: if these businesses don't have plans in place to register substances, or do not secure new supply chains within the EU, they may find that their business will be severely affected after the UK's withdrawal from the EU.

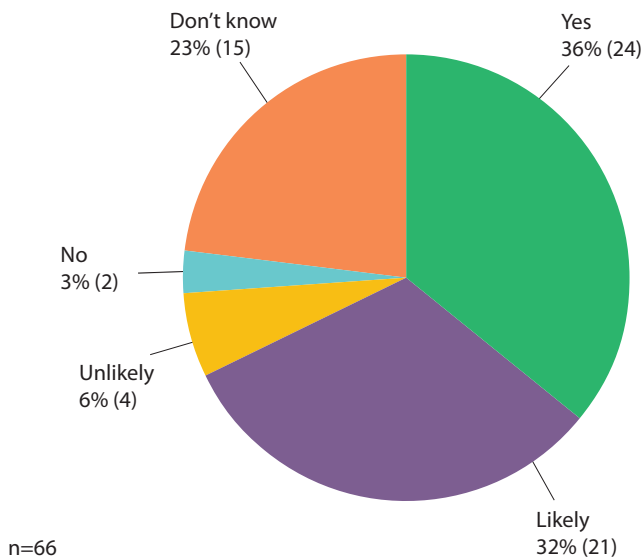
Figure 17: Importance of chemical products sourced from UK/ NI for business



3.7.1.4 Future plans for sourcing chemicals after the withdrawal date

Those who stated that they source greater than one tonne of chemicals per annum also advise that they intend to continue sourcing from the UK/NI. This means that importer duties under the REACH, CLP and PIC Regulations would apply to these companies following the expected withdrawal of the UK from the EU, bringing with it greater regulatory responsibilities and costs.

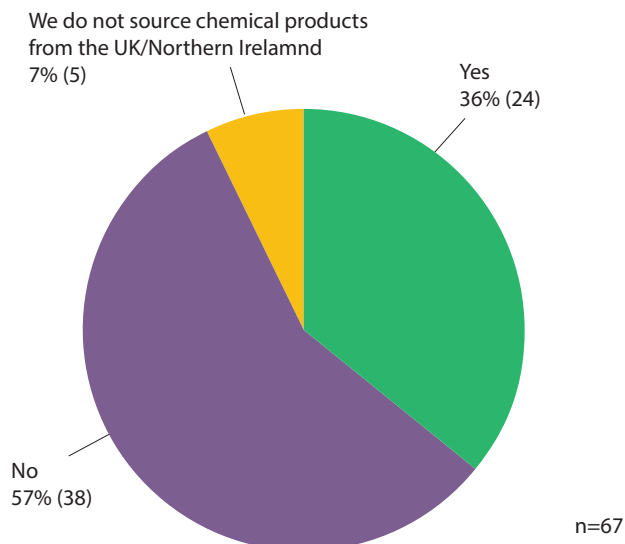
Figure 18: Intent to continue sourcing chemicals from UK/ NI following expected withdrawal of the UK from the EU



3.7.1.5 Supply of chemicals sourced from UK/NI to Irish users

36% of respondents supply chemical products that are sourced from the UK/NI to other users in Ireland, taking up the role of a chemical product distributor. Many Irish importers, manufacturers & distributors have advised they are supplying chemicals sourced from the UK to Irish suppliers. The majority of respondents (57%) do not supply chemical products sourced from UK/NI to other users in Ireland and 7% do not source chemical products from the UK/NI.

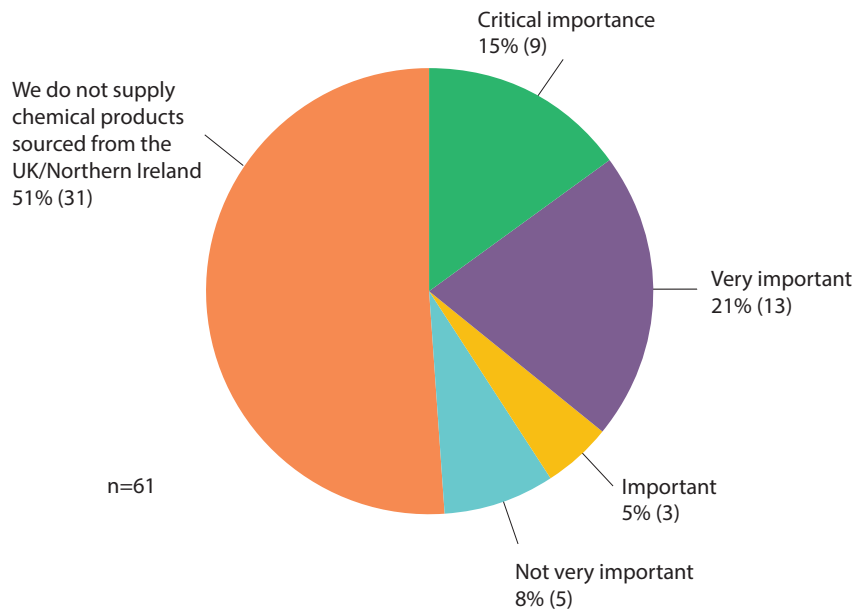
Figure 19: Supply of chemical products sourced from UK/NI to Irish users



3.7.1.6 Importance of supplying chemicals sourced from UK/NI to Irish users

Of the 36% of companies who do supply chemicals to Irish users, 15% state that the supply is of critical importance for their business, 21% respondents claim it is very important for their business, 5% respondents feel it is important and 8% of respondents do not think it is very important for their business. Over half of the survey respondents (51%) do not supply chemical products sourced from UK/NI to users in Ireland.

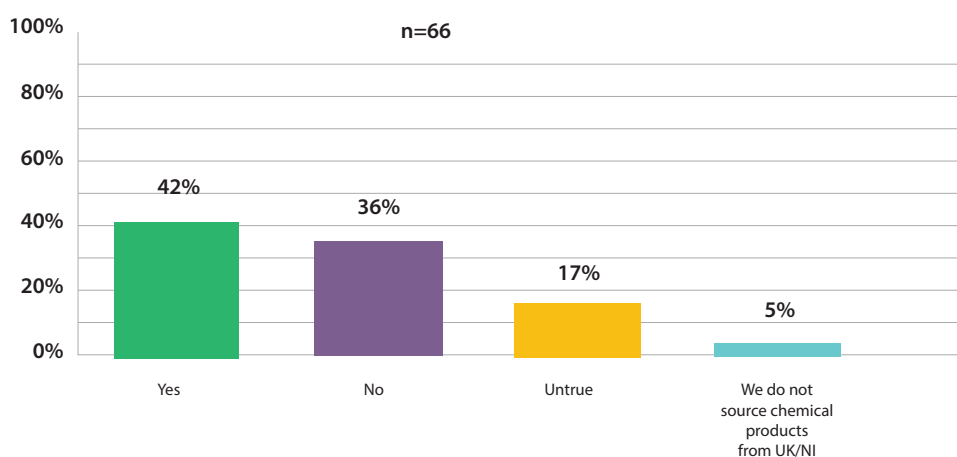
Figure 20: Importance of supply to ROI of UK/NI sourced products for business



3.7.1.7 Investigating new suppliers to replace UK/NI sources

While many companies have begun looking for alternate sources for their chemicals, over one third had not started seeking new EU based suppliers (36%) to replace UK/NI suppliers with a further 17% unsure.

Figure 21: Investigating new suppliers of chemical products to replace UK/NI sources.



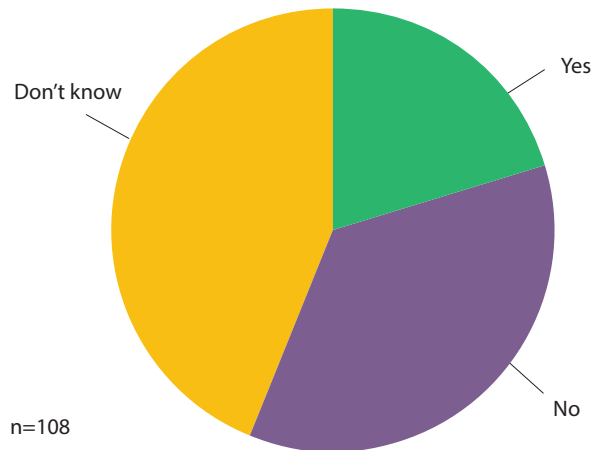
3.7.1.8 UK Lead Registrant under REACH Regulation

Due to the impact that the UK's withdrawal from the EU may have on Irish companies trading chemicals with the UK/ NI, participants in the 2018 survey were asked whether the lead registrant for their registered substance(s) is located in the UK.

20% of respondents advise that the lead registrant for their registered substance is located in the UK. These respondents are predominantly distributors but also importers and manufacturers. 35% of respondents confirmed that the lead registrant is not in the UK. Almost 45% do not know if the lead registrant for substances which they use is located in the UK.

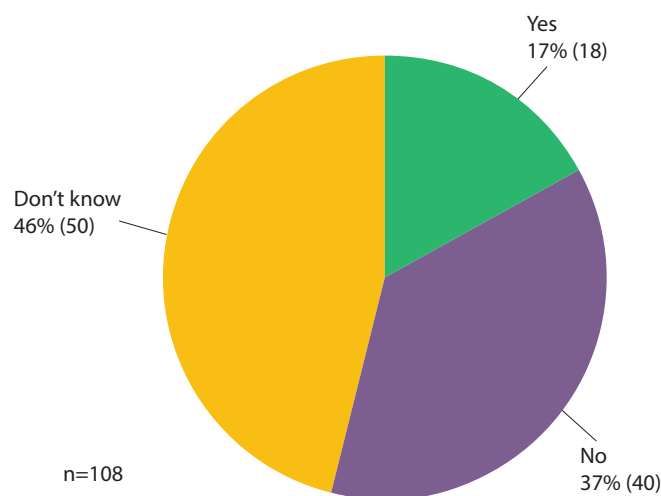
The European Chemicals Agency (ECHA)¹⁸ has provided a list of substances registered only by UK companies. To keep these registrations valid, the UK company can either transfer their business to, or appoint an Only Representative in, one of the EU-27/EEA countries. If such steps are not taken, these registrations become invalid after the withdrawal date.

¹⁸ [ECHA List of Substances registered only by UK Companies](#)

Figure 22: UK Lead Registrant under REACH

3.7.1.9 Registrations covered by Only Representative located in the UK

A question was asked to ascertain the effect on companies whose registrations are currently covered by an only representative (OR) located in the UK. 17% of the respondents claim an OR located in the UK is responsible for their substances registration, 37% advise they do not use a UK OR and 46% do not know. If an Irish company is considered as a downstream user under REACH due to the appointment by his non-EU supplier of an OR, and that OR is based in the UK, then the Irish company needs to be aware that once the UK leaves the EU, the UK based company can no longer act as OR. In such a case, the OR would need to move its business to an EU-27/EEA country, or a different OR in EU-27/EEA would need to be appointed by the non-EU manufacturer.

Figure 23: Registrations covered by an OR located in the UK

3.7.2 Supportive information on trade with the UK

As part of inspectors' routine activity, information in relation to sourcing chemicals from the UK/NI and registration duties are noted and figures from 2018 inspections are as follows:

- 60 of 195 companies (31%) source from the United Kingdom (9 with registration duties of which include 1 manufacturer, 5 importers and 3 manufacturer & importers). 51 are assumed to have roles as distributors and downstream users with no current registration duties. They could, however, potentially be affected by a UK withdrawal from the EU.
- 10 companies (5%) source from Northern Ireland. None of these companies currently has registration duties.

3.8 Trade with the UK and NI – Supplying chemicals

3.8.1 Supplying chemicals to the UK/NI

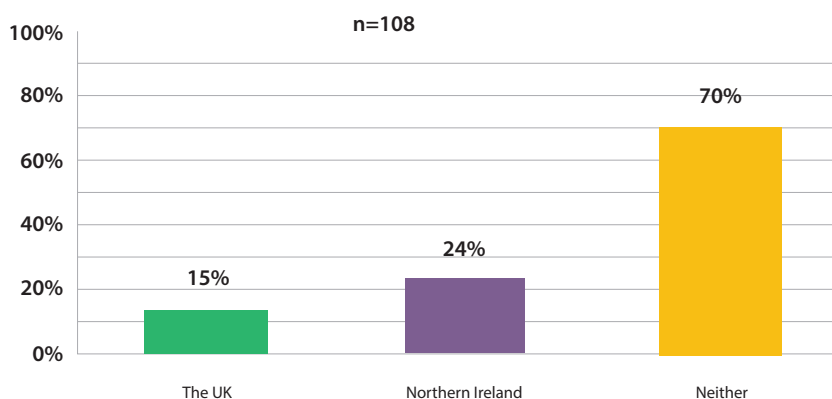
The responses to questions below in 3.8.1.1 to 3.8.1.6 provide a picture of the countries to which Irish companies supply their chemicals, in what quantities and how important that trade is for their business. Responses to the questions relating to future plans for supplying to the UK/NI, as well as companies preparedness for the expected UK withdrawal from the EU, are detailed below. As the PIC Regulation requirements will apply after a UK exit from the EU, companies were also questioned about their knowledge of the Regulation.

3.8.1.1 Supply of chemical products to UK and NI

Of those surveyed, 15% of respondents who answered the question on whether they supply chemicals to the UK or NI, indicate that they supply chemical products to the UK and 24% supply to Northern Ireland. 70% of respondents supply to neither UK nor NI.

As shown below, several respondents indicate that they supply to both UK and NI.

Figure 24: Supply of chemical products



3.8.1.2 Tonnage supplied to UK/NI

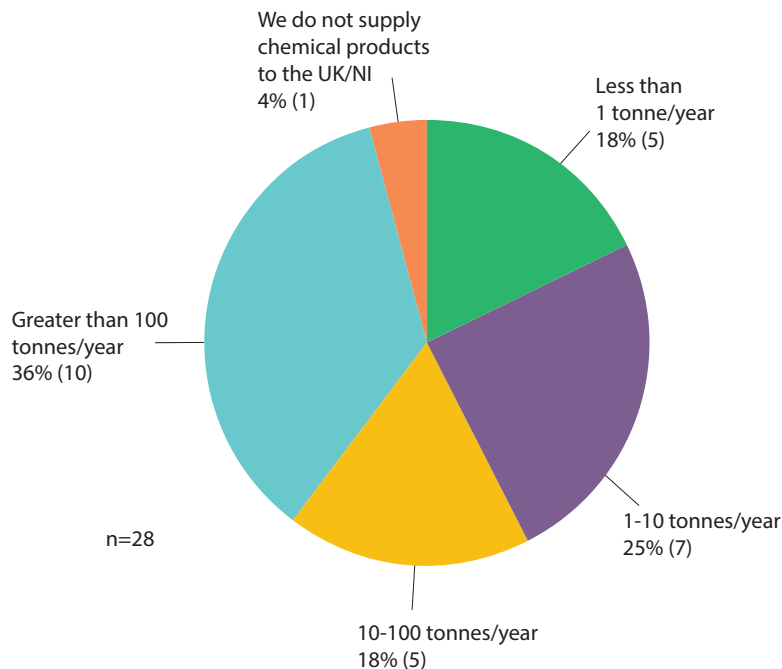
The survey wanted to establish tonnage of chemical products being supplied to the UK/ NI.

- Almost 36% estimate that they supply greater than 100 tonnes per annum to UK/ NI
- Approximately 18% estimate they supply 10-100 tonnes per annum to UK/NI
- 25% estimate they supply 1-10 tonnes per annum
- Almost 18% supply less than 1 tonne per annum
- Nearly 4% of respondents do not supply chemical products to the UK/NI

There was a low response rate for the question relating to the quantity of chemicals supplied to the UK/NI per year. This may be an indication that companies are not aware of how much they are supplying to UK/NI, or that companies do not supply to the UK, or the questionnaire was not completed by the relevant person with such knowledge.

Approximately 96% of respondents supply chemicals to the UK. These companies should make themselves aware of and familiar with developments in UK legislation with respect to chemicals should they continue to place chemicals on the UK market after the withdrawal date.

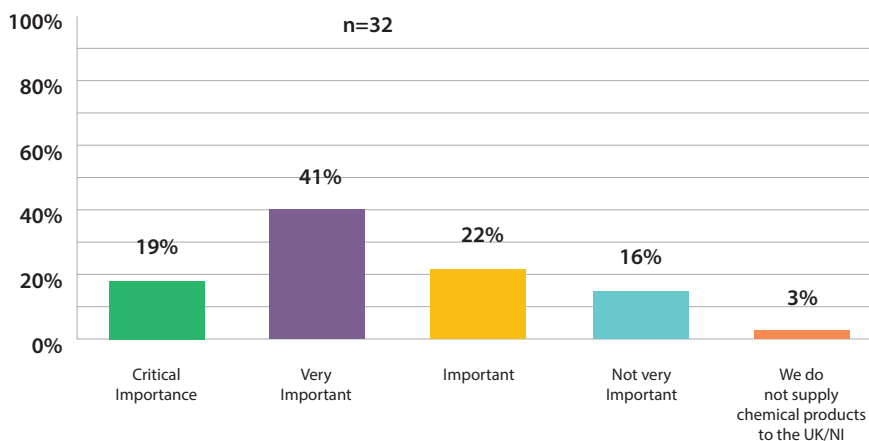
Figure 25: Estimation of quantity for the highest volume of chemical product supplied to UK/NI



3.8.1.3 Importance of chemical products supplied to the UK/NI

There was a low response rate to the question on the importance to Irish businesses regarding supply of chemicals to the UK/NI with 32 replies. Of those, 82% stated that supply was important or critical for their business (see breakdown in Figure 26 below). Preparing for trade after the UK withdrawal from the EU and understanding the requirements of the UK's equivalent legislation to the REACH and CLP Regulations and the PIC Regulation with regard to exporting chemicals is vital for these companies to ensure continued trade.

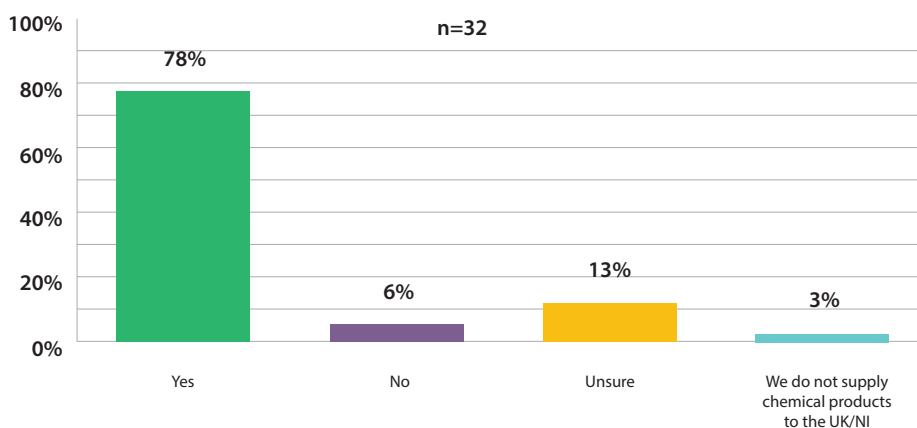
Figure 26: Importance of chemical products supplied to UK/NI for business



3.8.1.4 Intent to continue to supply to the UK/NI

The majority of respondents, 78% intend to continue to supply chemical products to the UK and NI following the expected withdrawal of the UK from the EU. 6% of respondents do not intend to continue supply to UK/NI while 13% of respondents are unsure whether they will continue to supply chemical products to the UK. 3% do not supply chemical products to the UK/NI. Preparation for ensuring supply is the key to continuation of trade.

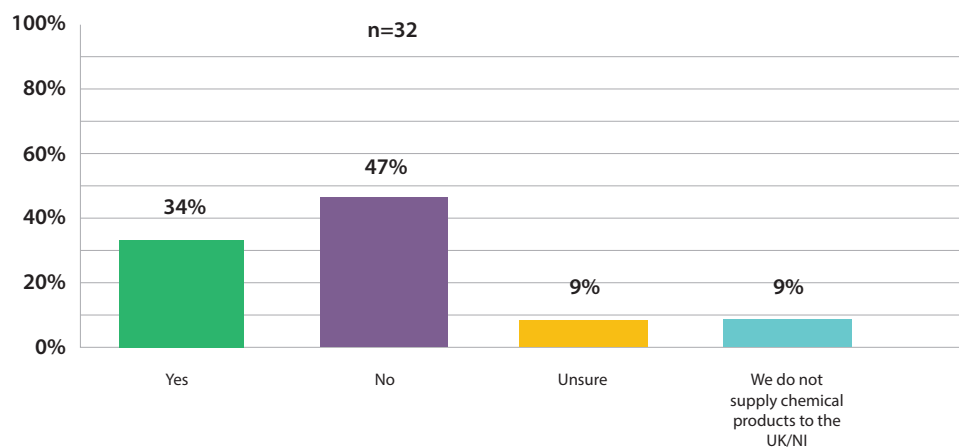
Figure 27: Intent to continue supply to UK/NI following expected withdrawal of UK from EU



3.8.1.5 Preparedness in seeking new customers

When questioned on their preparations for trade after the UK withdrawal from the EU, approximately one third (34%) of survey participants has commenced seeking new customers for their chemical products to replace UK/NI business. Almost half (47%) has not started a search for new customers and a further 9% are unsure whether new customers were being sought. 9% of companies are not sure whether preparations had commenced for seeking new customers.

Figure 28: Started seeking new customers to replace UK/NI business

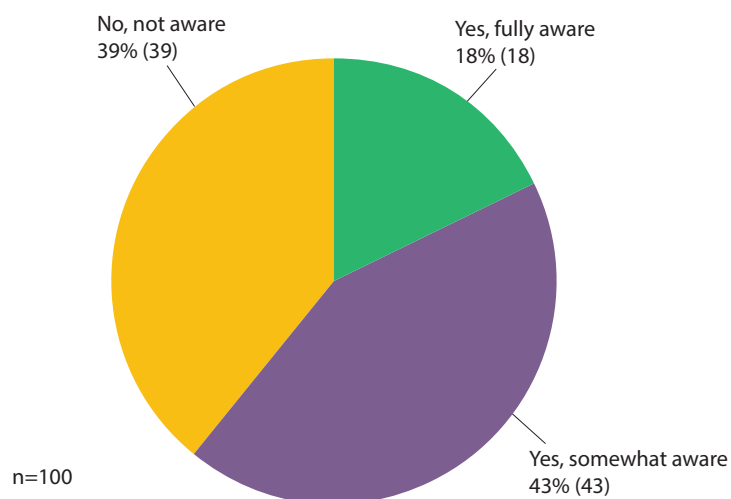


3.8.1.6 Awareness of the Prior Informed Consent Regulation

As supply to and sourcing from the UK and Northern Ireland would become export and import to a non-EU country following the UK withdrawal from the EU, the Authority asked whether Irish companies were aware of the requirements of the PIC Regulation referring to control of the export and import of certain hazardous chemical products outside the EU and into the EU.

Only 18% of companies are fully aware of the requirements contained in the PIC Regulation. 43% of respondents are somewhat aware of the PIC Regulation with over one third (39%) of those surveyed not aware of the PIC Regulation. This is of particular interest due to potential importer and exporter obligations on Irish companies who supply/ source PIC listed chemicals to/from UK/NI.

Figure 29: Awareness of the Prior Informed Consent (PIC) Regulation



3.8.2 Supportive information 2018 survey questions on trade with related findings

As part of inspectors' routine activity, information in relation to supplying chemicals to UK/NI and registration duties are noted and figures from 2018 inspections are as below.

- 23 companies inspected (12%) supply to UK (of 195 inspections) of which 5 have registration duties (3 importers and 2 companies had both manufacturer & importer duties).
- Potentially 17 companies identified currently do not have registration duties and are distributors or downstream users with basic knowledge in relation to registration and importer duties.
- 6 (3%) supply to Northern Ireland: 1 Manufacturer with registration duties and 5 identified as currently having no registration duties.

The findings from the 2018 survey and inspector data for chemicals supplied to UK/NI are similar where a significantly greater number supplying to NI was reported in the survey than in the inspector data.

The main business sectors identified in the survey who supply to the UK/ NI are chemical suppliers and distributors and pharmaceutical companies, which supports information from studies completed by other bodies.

From the expected withdrawal, Revenue has summarised rules in relation to exported goods on their [website](#).

04

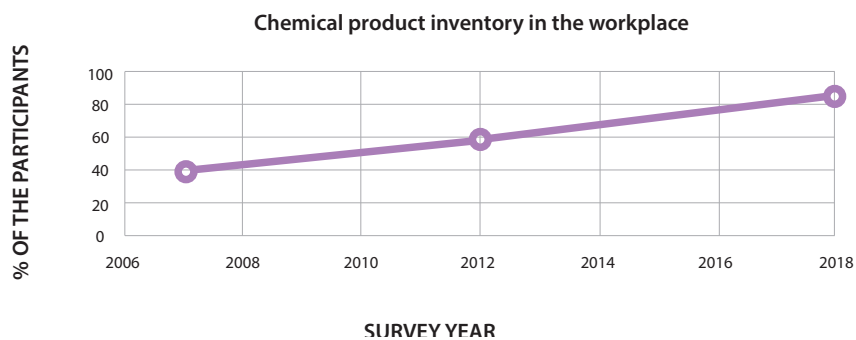
Conclusions from 2018 survey

As in previous surveys (2007 and 2012), participants were asked to describe their principle business. The majority of participants were involved in the Manufacturing sector followed by Wholesale and Retail Trade. This is in line with findings from 2007 and 2012 indicating that company sectors taking part in the chemical usage survey has not significantly changed over the 11 year period.

The main business sectors represented in the 2018 survey included; Supply & Distribution of Chemicals, Pharmaceuticals, Manufacturing of Chemicals, Formulators, Health and Medical Devices.

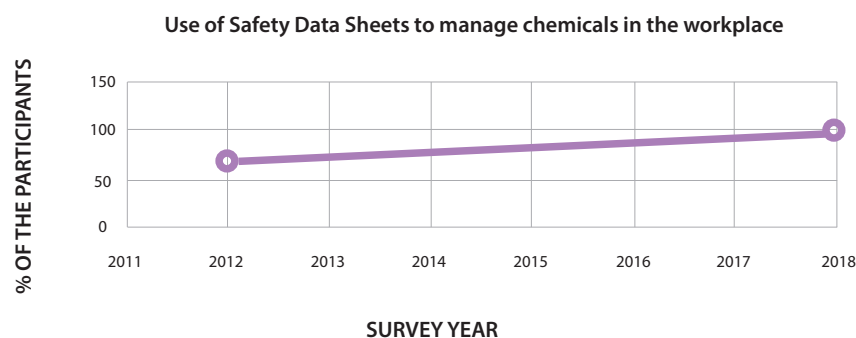
The findings of the 2018 survey suggest that chemical safety management in Irish workplaces has significantly improved over the past 6 years since the 2012 survey. More Irish workplaces are keeping chemical product inventories in 2018, a substantial rise from figures reported in 2012. This finding is encouraging especially as it is noted that the majority of respondents indicated that they are downstream users (76%).

Figure 30: Increased trend in keeping a chemical product inventory in the workplace



The use of safety data sheets has increased since 2012 and more companies are using a specific workplace chemical product risk assessment since 2012, which is further progression. It can be concluded that while chemical management has improved, approximately one third of Irish companies indicated that they do not have a specific workplace chemical product risk assessment.

Figure 31: Increased trend in use of safety data sheets to manage chemicals in the workplace



The results from the questions on the level of companies' awareness of their roles and responsibilities in relation to the REACH and CLP Regulations show that the level of understanding has increased in 2018.

In 2007 44% of respondents were not aware of their role when in 2018 this had reduced to 15%. This increase in the understanding of the roles under the REACH Regulation is of significant interest as these downstream users and distributors may potentially be impacted by the UK withdrawal from the EU, if they source chemicals from the UK/NI.

As these actors currently have few responsibilities under the Regulations, following the UK withdrawal from the EU, they may incur additional regulatory duties and, therefore, need to be planning for future trading.

It is also of concern that companies who claim to import chemicals, thereby potentially having current responsibility for registration, are not aware of their role under REACH.

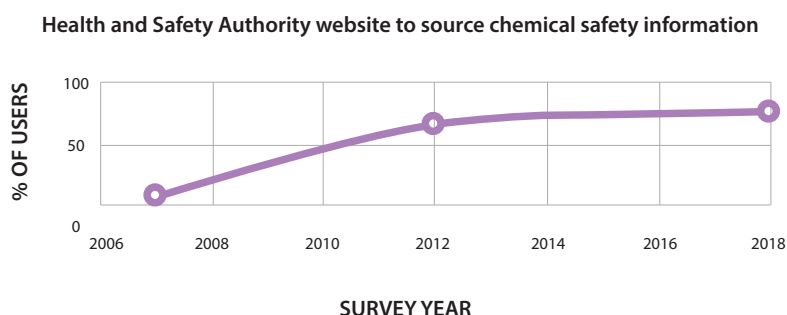
Similarly, 19% of respondents in 2018 indicated that they are unsure if they act as a REACH only representative. This would indicate that further information on Only Representative (OR) should be communicated to Irish workplaces.

In 2018, almost one third of respondents stated that they import chemicals from outside the EU. When asked if they were aware of the requirements of importing chemicals under REACH and CLP, one quarter claimed they were not aware while a further 36% were somewhat aware. This indicates that over 10 years on from the entry into force of the REACH and CLP Regulations, a number of Irish companies may be unclear of their responsibilities as importers. When asked about the registration of substances, a number of downstream users and distributors stated that they have registered substances. However, downstream users and distributors have no requirement to register substances, therefore, the findings of 29% may be overestimated and can be attributed to error or lack of knowledge in responding to the question.

Over one third (39%) of survey participants were not aware of the PIC Regulation on the export and import of hazardous chemicals. Potentially Irish companies will have notification requirements in relation to import and export of PIC listed chemicals should the UK leave the EU.

The survey has shown that Irish companies are using resources that are made available by the Authority. The Authority's website usage has significantly increased in the 11 year period from 6.5% in 2007 to 76% in 2018.

Figure 32: Increased trend in utilising the Authority website to source chemical safety information



Irish companies are seeking more information from the Authority's Chemicals Helpdesk with 24% of 2018 survey respondents using this resource, a significant increase since 2012.

Through the work of Member States under the CLP Regulation the classification of additional substances as CMR's and sensitisers has increased significantly since 2007 as has the use of CMRs and sensitisers in Irish workplaces. Due to the hazardous nature of these chemicals, appropriate risk management processes must be in place. Many CMR's are subject to Authorisation for use under REACH.

In the 2018 survey, 74% of respondents indicated that they are aware of the REACH authorisation list (Annex XIV). Of the respondents who were not aware of Annex XIV (26%), some state they are importers. This is of concern as these actors, i.e. importers should be aware of all requirements under the relevant legislation.

17% of respondents indicated they use substances on the authorisation list. This aligns to information from Authority inspectors who have noted similar numbers of users over the past four years. It is positive for the Authority to note that companies are knowledgeable of the authorisation list and appear to be managing chemicals better than in previous years.

Another main objective of the survey was to examine the potential regulatory impact on Irish companies trading with the United Kingdom (UK) and/or Northern Ireland (NI) following the expected withdrawal of the UK from the EU. As the Authority deals with many small and micro chemical businesses through enforcement and advisory work, it is aware that the exit of the UK from the EU could have major financial and business continuity impacts on companies. Those companies currently sourcing chemicals from the UK who now have roles as downstream users and distributors under the Regulations would become importers if the UK exit the EU, bringing many responsibilities and additional obligations.

This survey has identified companies who may be affected by the UK exit from the EU and their role within the supply chain. 64% of respondents source chemicals from the UK and 27% from NI. It is noted that over one third of Irish companies indicate that chemical products sourced from the UK/NI are critical for their business while one third of businesses have not started to investigate new chemical suppliers to replace current UK/NI suppliers at the time of the survey.

Of the companies surveyed in 2018, 20% advised that the lead registrant for their registered substance is based in the UK with almost 45% being uncertain of whether the lead registrant is in the UK.

These Irish companies need to be aware of the consequences following the UK withdrawal if the REACH registration is not transferred to an EU-27/EEA based legal entity and they continue to source from the UK i.e. obligation to register the substances they import from the UK themselves to ensure REACH compliance.

Additionally, according to the findings of this survey, 17% of respondents are currently covered by an Only Representative (OR) based in the UK and 46% of respondents do not know if their registration is covered by a UK OR.

An Irish downstream user relying on a UK appointed OR needs to be aware that should the UK leave the EU, the UK based company can no longer act as OR. In such a case, the OR would need to move its business to an EU-27/EEA country, or a different OR in EU-27/EEA would need to be appointed by the non-EU manufacturer in order for the registrations to remain valid.

There may also be implications for companies using substances subject to authorisation post the UK withdrawal from the EU.

Where an Irish company relies on a REACH authorisation granted to a UK supplier (or a pending application for authorisation), their use will no longer be covered should the UK leave the EU. REACH authorisations granted to UK entities will lose their legal effect as of the date of the UK withdrawal. This means that an Irish company would need to rely on a supplier with a valid authorisation from amongst the EU-27/EEA. If this is not possible, and the Irish company should wish to continue using the substance after the date of the UK withdrawal, they would need to apply for an authorisation themselves.

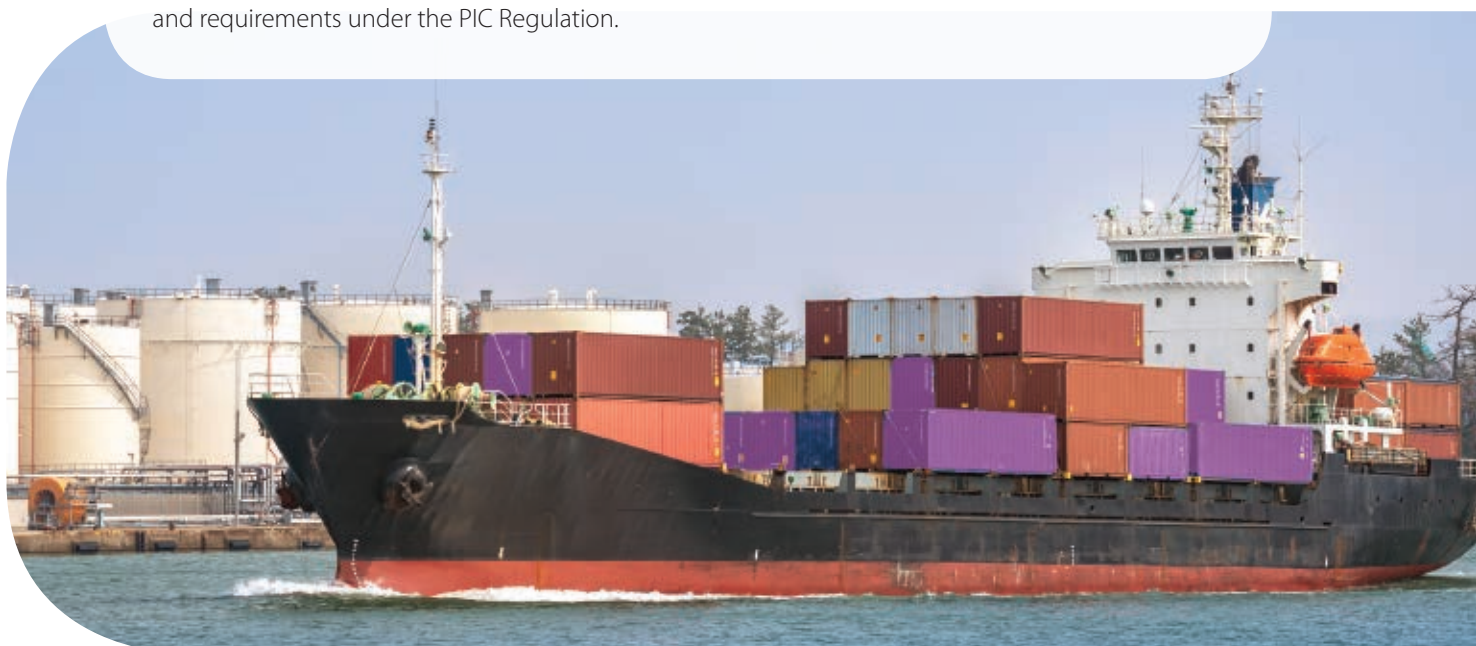
Distributors, downstream users and, in particular, end users, will be most affected by the UK departure from the EU if they continue to source from the UK/NI. Currently, they have few responsibilities under the REACH, CLP and PIC Regulations.

Continued distribution within Ireland could be affected if Irish distributors continue to source from the UK/NI following the UK's withdrawal as, tonnage dependent, they may become importers and will be required to register substances imported if they import greater than 1 tonne per substance per year. Where substances are required to be registered after the UK withdrawal from the EU, the knock on effects for Irish companies may have significant impacts for their business.

In relation to supply, 15% of companies supply chemical products to the UK and 24% supply to NI. It is noted in the findings that 19% indicate that supply to the UK/ NI is critical for business and that many (47%) have not sourced new customers outside of the UK. These companies will need to ensure that they are aware of and understand the obligations under the UK's REACH and CLP equivalent regulations as well as the PIC Regulation.

Supply to the UK/NI following the UK's withdrawal from the EU will bring added responsibilities for Irish companies. As the UK will have divergent legislation, Irish companies should ensure that they remain aware of UK requirements. Additionally, exporters of chemicals that are listed in the Annexes to the Export Import Regulation from Ireland to the UK will have obligations under the PIC regulation (e.g. notification requirements). A lack of forward planning leaves companies open to potential supply chain disruption with potential costs to their businesses.

There has been a significant improvement in how Irish companies are managing chemicals in the workplace and overall understanding of the REACH and CLP Regulations has increased; however there are still gaps in awareness around roles under REACH particular those with importer duties and requirements under the PIC Regulation.



5. Recommendations

The conclusions in Chapter 4 have identified gaps in current knowledge and areas for improvement in ensuring compliance with the REACH, CLP and PIC Regulations.

Chemical trade to and from the UK/NI will be affected and Irish companies need to be aware of their supply chain and be knowledgeable of UK requirements after the UK withdrawal from the EU. The Authority urges Irish workplaces who trade and use chemicals to examine their supply chains and be prepared for the potential changes should the UK exit from the EU.

5.1 Recommendations for the Authority

1. In light of the fact that 15% of survey respondents indicated that they did not understand their role under the REACH Regulation, the Authority will continue to review information made available for Irish chemical companies to assist them in improving their knowledge.
The Authority will explore the possibility of developing a chemical “role finder tool” and supporting e-learning to aid SMEs and micro businesses understand their role(s) under chemical legislation.
2. The survey findings indicated that 37% of respondents do not have a specific workplace chemical product risk assessment in place.
Therefore, to improve knowledge on the need for specific chemical risk assessments, the Authority will continue to promote chemical risk assessments with employers during inspections, while engaging with third level institutions/SOLAS to integrate health and safety modules with focus on chemical safety into relevant courses/apprentice programmes.
3. As a large number of companies have advised they will continue to source chemicals from UK and NI, it is recommended that the Authority:
 - (i) Continues supporting Brexit awareness initiatives and prepare simplified, informative guidance with regard to companies’ obligations and responsibilities under the REACH, CLP and PIC Regulations and how they may be impacted by the potential exit of the UK from the EU.
 - (ii) Keep the dedicated chemicals webpages and Brexit information pages updated.
4. Promote awareness of duties placed on importers and exporters of hazardous substances. Continue to engage with companies who may potentially be importing and exporting PIC chemicals under the Prior Informed Consent (PIC) Regulation to the UK/ NI. Review content and simplify PIC webpage.

5.2 Recommendations for Industry

1. Identify their role(s) under REACH, CLP and PIC Regulations and ensure compliance with relevant duties.
2. Continue to keep chemical inventories up to date to aid with identifying high risk chemicals and substances subject to authorisation.
3. Use the Authority's BeSMART¹⁹ tool and relevant guidance to ensure that chemical risk assessments are carried out effectively.
4. Continue to use the Authority webpages and Chemicals Helpdesk to seek information in relation to chemical safety. Utilise the ECHA website, European Commission notices, HSE (UK), trade associations and Irish Government Departments & Agencies to determine future obligations and support available.
5. Explore options to ensure continuity of supply of chemicals, including sourcing from a different EU-27 based supplier. Companies can continue to source from UK based suppliers but need be aware of potential importer requirements and registration and authorisation duties, if doing so.
6. Speak to their UK suppliers now to determine their plans post Brexit.
7. Companies dependent on a UK-based OR, should speak to the OR and/or the non-EU supplier to determine their intentions post Brexit.
8. If they source chemicals from the UK, companies should determine if the exemption from registration for re-imported substances (REACH Article 2(7)(c)) would apply to them.
9. Companies should ensure that a competent person familiar with REACH, CLP & PIC Regulations is at their disposal to ensure that the supply of chemical products onto the EU market is compliant with EU legislation.
10. Companies should make themselves familiar with the chemicals listed in the PIC Regulation and register in ePIC (IT Tool) if they trade in chemicals containing those substances. <https://echa.europa.eu/support/dossier-submission-tools/epic>.

¹⁹ [BeSMART website](#)

Useful References

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Classification, Labelling and packaging (CLP) what you'll need to do in a no-deal scenario
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Annex 1

Survey Questionnaire

This survey is relevant only for those workplaces using, manufacturing, importing, formulating, or placing on the market, chemical products.

A chemical product includes any chemical substance (acid, solvent) or chemical mixtures (detergents, paints, glues, oils, sealants/fillers, process chemicals etc). For the purpose of this survey, chemical product does not include final cosmetic products, personal care products, pesticides, medicinal or veterinary products.

Q1. Company Name and address

Q2. Describe your principle business

Q3. Describe your company size (One answer to be selected).

- Self-employed;
- micro-enterprise (fewer than 10 persons employed);
- small (10 to 49 persons employed);
- medium enterprise (50 to 249 persons employed);
- large enterprise (greater than 250 persons employed)

Q4. For your workplace, select those activities that are relevant (more than one can be selected).

- Import chemical products from outside EU
- Manufacture/formulate chemical products on site
- Distribute/Supply chemical products sourced from within the EU
- Distribute/Supply chemical products sourced from outside the EU
- Use chemical products on site
- None of the above

(If none of the above, you do not need to proceed)

Q5. Do you understand your role under the REACH Regulation?

Yes Somewhat No

Q6. Have you had to register any of your chemical substances under REACH?

Yes No Unsure

Q7. Do you act as a REACH Only Representative?

Yes No Unsure

Q8. Do you have a lead registrant under REACH located in the UK for any of your chemical products?

Yes No Don't know

Q9. Do you currently have a REACH Only Representative located in the UK for any of your chemical products?

Yes No Don't know

Q10. Are you aware of the list of hazardous substances under REACH that cannot be used without an Authorisation?

Yes No

Q11. Does your company use chemical products containing any of the substances on the REACH Authorisation list?

Yes No Don't know

Q12. Does your company use any chemical product, which may fall into one of the following hazard classification groups? (Select all that apply)

- Carcinogen (H350 may cause cancer);
- Mutagen (H340 may cause genetic defects);
- Reproductive Toxin (H360 may damage fertility or the unborn child);
- Respiratory Sensitiser (H334 May cause allergy or asthma symptoms or breathing difficulties if inhaled);
- Skin Sensitiser (H317 May cause an allergic skin reaction);
- Specific Target Organ Toxicity (H370 causes damage to organs)
- None of the above

Q13. Do you have an inventory of chemical products on your site?

- Yes No Unsure

Q14. Which of the following are routinely used to manage chemical products at your workplace? (Select all that apply)

- A chemical product inventory
- Safety Data Sheets
- A specific workplace chemical product risk assessment
- Other- please specify

Q15. With regard to information about chemical regulations, where do you source your knowledge? (Select all that apply)

- HSA website;
- European Chemicals Agency (ECHA) website;
- HSA Inspectors;
- HSA Chemicals Helpdesk;
- Internet;
- Trade Organisation;
- Your Company headquarters;
- Have not sourced information on chemicals;
- Other – please specify

Q16. Please indicate where you source your chemical products? (Select all that apply)

- Republic of Ireland supplier;
- From UK supplier
- From N. Ireland supplier;
- From within the EU (But not UK/N. Ireland);
- From outside the EU;

Q17. For the highest volume of chemical product sourced from the UK or Northern Ireland, estimate the quantity per year.

- < 1 Tonne/year;
- 1-10 Tonne/year;
- 10-100 Tonne/year
- >100 Tonne/year
- I do not source chemical products from the UK or Northern Ireland

Q18. Of the chemical products sourced from the UK or Northern Ireland, how important are they for your business?

- Critical
- Very important;
- Important;
- Not very important;
- Do not source chemical products from the UK/Northern Ireland

Q19. Following the expected withdrawal of the UK/Northern Ireland from the EU in March 2019, do you intend to continue sourcing chemical products from UK/Northern Ireland?

- Yes
- Likely
- No
- Unlikely;
- I currently do not source chemical products from the UK/Northern Ireland

Q20. Do you supply chemical products that you sourced from the UK/Northern Ireland to other users in Ireland (i.e. are you currently a chemical product distributor)?

- Yes No I don't supply chemical products sourced from the UK/Northern Ireland

Q21. Where you do supply chemical products sourced from the UK/Northern Ireland to other users in Ireland, how important are they for your business?

- Critical
- Very important;
- Important;
- Not very important;
- I don't supply chemical products sourced from the UK/Northern Ireland

Q22. Are you aware of the legal requirements under the REACH and CLP Regulations if you import chemicals sourced from outside the EU (e.g. India, USA, China, and Switzerland)?

- Yes, fully aware Yes, somewhat aware No, not aware

Q23. Do you supply chemical products to?

- Yes No Neither

Q24. If you supply chemical products to the UK/Northern Ireland, how important are they for your business?

- Critical
- Very important;
- Important;
- Not very important;
- I do not supply chemical products to the UK/Northern Ireland

Q25. If you supply chemical products to the UK/Northern Ireland, estimate the quantity per year for the highest volume chemical product supplied

- < 1 Tonne/year;
- 1-10 Tonne/year;
- 10-100 Tonne/year
- >100 Tonne/year
- I do not source chemical products from the UK or Northern Ireland

Q26. Following the expected exit of the UK from the EU, will you continue to supply chemical products to the UK/Northern Ireland?

Yes No Unsure I do not supply chemicals products to the UK/Northern Ireland

Q27. Are you aware of the requirements contained in the Export Import Regulation controlling the export and import of hazardous chemical products outside the EU? (The Export Import Regulation is also known as the Rotterdam Regulation or Prior Informed Consent (PIC) Regulation)

Yes, fully aware Yes, somewhat aware No, not aware

Q28. Have you commenced investigating new suppliers of chemical products to replace UK/NI sources?

Yes No Unsure I do not source chemical products from the UK/Northern Ireland

Q29. Have you commenced seeking new customers of chemical products to replace UK/NI business?

Yes No Unsure I do not supply chemical products to the UK/Northern Ireland

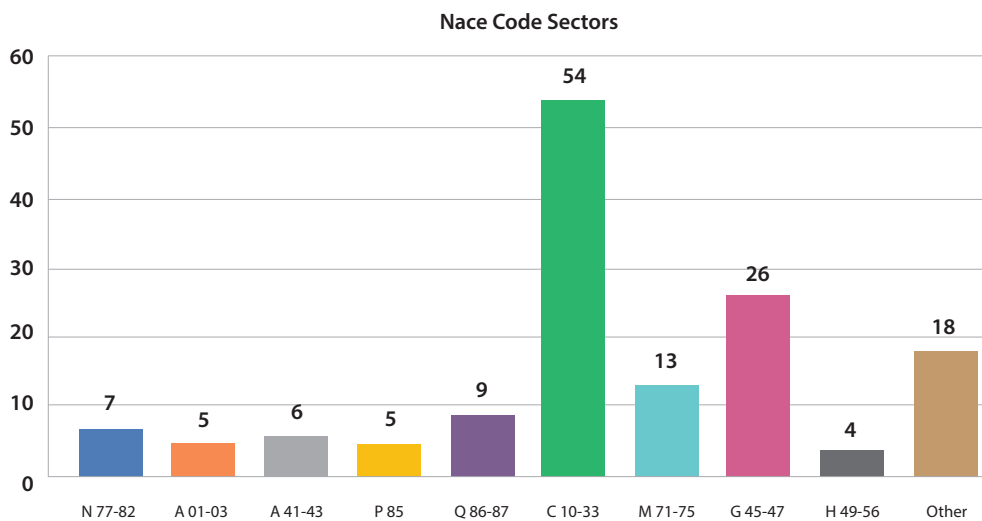
Q30. Are you a member of a trade association? If so which one

Yes No If Yes, Name of association _____

ANNEX 11

NACE Codes

Breakdown of NACE Codes Sector of participants of the 2018 Chemical Usage Survey



Sector Code	Sector Name- Description	No. of Respondents
I 55-56	Accommodation and Food Service Activities	1
N 77-82	Administration and Support Service Activities	7
A 01-03	Agriculture, Forestry and Fishing	5
F 41-43	Construction	6
P 85	Education	5
Q 86-87	Human Health and Social Work Activities	9
C 10-33	Manufacturing	54
B 05-09	Mining and Quarrying	1
S 95-96	Other Service Activities	3
M 71-74	Professional, Scientific and Technical Activities	13
O 84	Public Administration and Defence, Compulsory Social Security	3
E 36-39	Water Supply, Sewerage, Waste Management and Remediation Activities	2
G 45-47	Wholesale and Retail Trade, Repair of Motor vehicles and motorcycles	26
H 49-56	Transportation and Storage	4
D 35	Electricity, Gas, Steam and Air Conditioning Supply	2
R 90-93	Arts, Entertainment and Recreation	2

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



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