



Health and Safety Authority

Function and Scope of the Chemicals Helpdesk

Introduction

The EU Regulation for Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) entered into force on 1st June 2007 while the EU Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP) entered into force on 20th January 2009. Both Article 124 of REACH and Article 44 of CLP require that Member States establish a helpdesk to provide advice on these Regulations.

The Health and Safety Authority (HSA) as the lead Competent Authority for REACH and CLP in Ireland established a REACH Helpdesk in 2007 and subsequently a CLP Helpdesk in 2009 within its Workplace Contact Unit (WCU). In May 2011 these helpdesks merged into one Helpdesk known as the REACH & CLP Helpdesk. Subsequently, in September 2011, the name of the Helpdesk changed to the 'Chemicals Helpdesk' known hereafter as 'the helpdesk'

Although there is no regulatory requirement to do so, the scope of the helpdesk has also extended to answer queries on the Detergents and Export Import Regulations.

Objective of the helpdesk

The objective of this document is to describe the function and scope of the helpdesk and its operation as part of the Authority's WCU. The function of the helpdesk, how it receives and responds to queries and the customers served are defined, and elaborated on, in the text below.

Function and Scope of the helpdesk

The function of the helpdesk is to provide assistance and information to stakeholders, particularly SMEs, on REACH and CLP and to answer questions on stakeholders' responsibilities and obligations under these Regulations. Where necessary, the helpdesk may refer a stakeholder to an alternate source of information such as the European Chemicals Agency (ECHA) helpdesk, their technical guidance documents and/or, industry helpdesk etc. The helpdesk will offer factual information based on the technical guidance documents that exist. Where specific questions go beyond the scope of the helpdesk, the enquirer will be advised of this and shall be referred to further sources of information. The helpdesk will also encourage enquirers to contact their specific industry association for further information and guidance on REACH and CLP.

The helpdesk will focus on providing information on the legal obligations of companies and stakeholders and where to find technical requirements and details, including relevant guidance documents. Importantly, the helpdesk will support industry in defining and understanding its specific role in relation to the Regulations (e.g. manufacturer, importer, distributor, formulator, downstream user, third party). This is in order to allow industry to use the guidance documents according to the role they will have under REACH and CLP.

Additionally, the helpdesk will participate in an EU wide network of Member State helpdesks known as HelpNet⁽¹⁾. The overall aim of this network is to ensure high quality and harmonisation of support and answers to queries on REACH and CLP. The HSA has designated a primary contact point within HelpNet, which forms the basis of an exchange forum known as HelpEx⁽²⁾, through which questions on REACH and CLP can be processed. For example if a question received from a customer cannot be answered by the helpdesk, the question can be posted onto HelpEx for consideration by other Member State helpdesks. In this way, our helpdesk can avail of the entire expert group to receive harmonised answers to particularly difficult questions. If the helpdesk intends to post a query onto HelpEx, the customer will be informed of this prior to the query being posted and assurance given that company specific information will not be included.

It is not within the scope of the helpdesk to give advice which requires detailed industry sector knowledge or substance-specific knowledge. The helpdesk will not provide substance specific advice nor will it work with individual companies to prepare registrations, prepare chemical safety assessments, classify chemicals, or to define compliance strategies. Where the helpdesk receives queries that may be outside its remit, staff will endeavour to indicate to the customer where he/she can find the required information or help.

Accessibility of the Helpdesk

The Helpdesk can be contacted in the following ways;

Telephone: 1890 289 389

Fax: 01-614 7020

Email: chemicals@hsa.ie

Internet: www.hsa.ie/chemicals

The helpdesk will operate during normal business hours; 09:00 to 17:00 hrs, Monday to Friday

Note: The Pesticide Registration Control Service, as joint CA for the CLP Regulation, will answer queries in relation to the CLP of biocides and plant protection products. Such queries can be emailed to CLPPesticides@agriculture.gov.ie

How will the Helpdesk deal with queries?

A customer can make contact with the helpdesk using one of the routes outlined above. The query will be recorded by WCU staff and will then be assigned to the Chemical Business Services unit and then to the Chemicals Helpdesk team.

⁽¹⁾HelpNet: Network of Member State Helpdesks

⁽²⁾HelpEx: Helpdesk Exchange Platform

Every effort will be made to respond to queries within 48 hours. In certain cases, however, more technically difficult questions may take longer to respond to. In this case an interim [holding] response may be provided to the customer, informing them that the query is being dealt with and that a response will be provided as soon as possible. The time frame for response to such queries is up to 14 days, in line with the working procedures within WCU.

As mentioned previously, if the Helpdesk cannot answer a particular query, it can post that query onto HelpEx for consideration and answering.

Customers of the Helpdesk

The main group contacting the helpdesk is the Irish business community, particularly SMEs. This comprises of individual companies in addition to sector organisations or trade associations. Other groups such as employees, licensing bodies, consultants and third parties, consumers and NGOs contact the helpdesk. Companies that contact the Helpdesk from another EU member state will be referred to the helpdesk in their respective member state and companies that contact the helpdesk from outside of the EU will be referred to ECHA, this is in accordance with an agreement between the Member State Helpdesks and ECHA.

Confidentiality

A database of Q&A's received by the helpdesk will be maintained by the Authority. This database will be used to provide information for our web-site on a periodic basis to facilitate accurate and up to date responses to customer queries. The database will be employed for internal HSA use only and, as such, may contain information supplied by customers of the helpdesk considered to be confidential.

The helpdesk Q&A database processes will respect any confidential information given as such. Confidential information will not be included in any document, published on the internet, or in any way be made public. However, confidentiality should not be interpreted as allowing anonymity of the customer with respect to using the helpdesk. The customer must provide basic information to the helpdesk in order to receive an answer to a query.

As outlined previously, the helpdesk may, from time to time, submit queries to HelpEx for assistance and consideration. This network operates in a confidential manner and no information will be made available to any persons outside the network. Additionally, as also indicated above, if the helpdesk wishes to submit a query to the network, the helpdesk will check with the customer that they are in agreement before proceeding if necessary. Confidential information can be removed from the Q&A before it is posted onto HelpEx. All questions submitted to the network and answers agreed on, are stored in a knowledge database within the HelpEx network. ECHA may use the information in this database to form FAQs which will be published on its web-site. ECHA will remove any confidential information from the Q&A's before publishing the FAQs.

Liability

The helpdesk does not take legally binding decisions when providing an answer to a question. The helpdesk provides answers in good faith, but would not know all circumstances of the operation or the substance in question and would not know if the enquirer had correctly framed the question they were seeking to have answered. Therefore the enquiring company remains at all times responsible for compliance with the REACH and CLP Regulations. The helpdesk will answer questions by means of correct and complete information about the Regulations, but in the event of any dispute about compliance, the only legally valid document is the text of the Regulations themselves. The Regulations give companies the final responsibility for their implementation; therefore any enquirer who incurs damage through the possibility of an incorrect interpretation of information about REACH or CLP obtained from the helpdesk will not be able to hold the helpdesk liable.

Enquirers to the helpdesk will be made aware of this by the use of a “disclaimer” on all answers. This disclaimer is as follows:

The information provided here is given as guidance only based on the relevant Regulation(s). The information provided is not, and is not intended to be, a legal interpretation of the Regulations and does not constitute legal advice. The Chemicals helpdesk accepts no liability with regard to how this information may be interpreted or used. Interpretation of, and compliance with, the relevant Regulations in relation to specific substances or mixtures remains the responsibility of those who are manufacturing, importing, distributing or using such substances or mixtures.

Overall Tasks and Responsibilities of the Chemicals Helpdesk

- Accept and record all contacts made for information on REACH, CLP, Export/Import and Detergents.
- Deal with queries that are within the scope of the helpdesk, as outlined above
- Provide responses to helpdesk customers in a timely manner
- Ensure harmonisation and consistency in the answers provided by the helpdesk
- Provide information for the Authority Q&A database, which will in turn be used to keep the information supplied to customers via the internet up to date
- Participate in the workings of the Network of MS Helpdesks (HelpNet) to ensure harmonisation of answers on REACH and CLP at EU level