

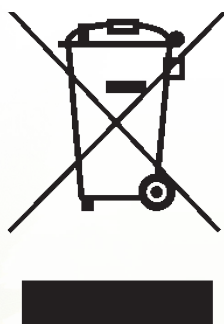
Frequently Asked Questions

Why is everyone asking about REACH for my products when they have no intended release?

Basically, REACH covers three different aspects:

- substances, which can be noted by CAS number
- preparations or mixtures, which are several CAS numbers or substances mixed together
- articles, which are finished goods.

Articles have to be analyzed to see if they have any of the candidate SVHCs in excess of 0.1%. Articles should also be evaluated for the content of SVHCs that may be released. A good example of that would be a pen or an ink cartridge—the substance to be released (ink) could fall under REACH registration requirements if the volumes of the particular substances exceed one metric ton per year or are classified as a CMR Category 1 or 2. So in summary, we need to first look at the article which is the carrier, and then if a component is intended to release, it has to be evaluated from a substance angle. These are separate considerations.



What does the WEEE symbol on my product mean? How should it be labeled?

A very good question, and one that a lot of people don't know about, they just place the WEEE symbol on the product because "it has to be there." The crossed-out trash can means 'do not throw away with household waste,' and also that the product has been registered in the country in which it was sold. OEMs and producers (distributors, retail outlets, or your company represented in the EU) are responsible for registering the product in each country. The symbol falls under EN50419 (a very important document, one that every OEM and producer should have) the only standard that we know of for WEEE directive.

The symbol also means the product fully complies under the recycle and recovery targets for the product category in the WEEE directive. If challenged, and the disassembled product comes up to 80% recyclable & recoverable materials, it is in compliance. If it can only meet 60% then the WEEE symbol on the product is incorrect, it does not meet the WEEE directive.

The WEEE symbol placed on a product should also be mentioned in your operator's manual. As of today, there is no harmonized registration process for WEEE, however potential modifications of the directive in 2018 may include such a registration harmonization.

Finally, an interesting trivial fact: the black bar underneath the trash can symbol signifies the product was made after 2005 when the WEEE came into effect. An item without the black bar was made prior to 2005 and is considered "historic WEEE."

Are there any marking requirements for RoHS and REACH?

A few years back you may have noticed products marked with RoHS, a little green leaf and a check mark. This is not mandatory, it is not required. Indeed, it was fully voluntary—and because of this, a quick online image search for "RoHS Mark" will show a large variety in mark designs. It appears everyone created their own marking to denote RoHS compliance.

As of January 2013, the CE mark on your product means you are fully RoHS compliant, there is no other label mandatory or required.

REACH has no labelling instructions, no marking requirements.

What is the REACH restriction list and what does it apply to?

Currently there are 163 substances on the REACH restriction list. These substances can be on their own, in a mixture, or within an article. If a product contains one of these substances, it will not be allowed for sale or use in the EU. This is similar to RoHS which also has restrictions. The substances listed in Annex XVII are based on specific applications or specific types of products. For the most part, cadmium and organotin are two substances applied to polymeric materials that most people are concerned about, unless you have a special application.

How long will they continue to add REACH SVHCs to the candidate list?

The European Chemical Agency's website has a roadmap through 2020. Certain substances to be covered are CMRs, sensitizers, TBTs, VPVBs, endocrine disruptors, and some other specialized CMRs.

How do I get REACH compliance documentation on a Custom part?

Because high-volume manufacturing of components can absorb testing costs into the overall manufacturing costs, it is generally seen as easier to get REACH compliance certification. Because custom or short-run parts are harder to justify the testing costs, 3rd party testing houses are the best bet. TÜV Rheinland can test all of the 163 SVHCs under REACH, generally in 14-21 business days. Final test report will pertain to the custom part, and that report can be rolled up into your full product. When building a custom part with various suppliers, say, building a proprietary battery with a number of different alloys, it can be difficult to get each supplier to provide documentation, so an independent testing service should be able to provide documentation for the custom piece.

Does California Prop 65 apply to all products?

Yes, it does apply to everything being sold into California that touches water or could potentially (upon disintegration in a landfill) come in contact with groundwater. Because it is practically impossible to test for every substance (currently 800 listed chemicals, and the list is updated annually) in every single product, the State of California tends to use litigation to challenge a product it feels may be outside of compliance. If/when high levels of phthalates are found on a product, (a board game or a TV, for example) California will sue the producer, claiming the product was not labeled correctly, stating "Warning: this product contains phthalates, known to the state of California to cause cancer, birth defect, and other reproductive harm."

TÜV Rheinland has a chemicals database and toxicologists on hand, allowing us to reference your product or product category to determine any prior litigation concerning similar or identical products, and if so what were the levels that triggered those lawsuits. We then develop a risk assessment on your product and advise you which substances to test to see if they're at or below those values so you know whether or not your product requires a label.

Why do I have to do REACH SVHC testing for my products?

Article 33 of the REACH regulation states that you need to know if the product contains any of the 163 SVHCs on the candidate list in excess of 0.1% by weight of the product. If the product does contain more than 0.1% by weight of any of the SVHCs, the producer is obligated to provide safety instructions and identify the SVHC by name to the downstream user. Additionally, there is a clause which allows consumers to request SVHC information from the producer, and proof must be provided within 45 days. If you're placing a finished good on the market, REACH does apply and you need to know where your product stands in regards to these 163 SVHCs moving forward.

Regarding REACH...Is it .01% of the article - or each individual part?

The definition of above or below 0.1% by weight of the article is dependent on the article itself. We have to define an article as per the ECHA guidelines. For example, a laptop computer is an article, an external power supply with a cord is another article, and the packaging for the laptop is also an article because it's separate from the other articles and must be calculated separately from the others. The definition of 'article' is the toughest part of evaluation testing. The concern is that now the ECHA wants to define an article as a component—a switch, a cable, a power supply, a light, a housing—which will make the standards tougher to meet and will require quite a lot of producers to go back and reevaluate their products.



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