ELNI-VMR-VVOR-congress
Talking about the environmental effects of industrial installations:
The European Directive on Industrial Emissions (IED)
Gent, Gent University 17 September 2010

IED + REACH: potential synergy effects

Interfaces between EC Chemicals Legislation
and sector specific Environmental Legislation (IED/WFD)

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Core Question: Benefits from REACh ...

... to IED? ...

... and vice versa?

focus on

- substances under the registration regime

- and their conjunction with sector specific environmental legislation
  (e.g. IPPC/IED, WFD + Waste)
From “toxic ignorance” (*h.s.l.*) …
… to cooperative risk management?

I. Benefits from REACh
II. Contribution of sectoral environmental legislation to REACh-Implementation
III. Establishing “links”: REACh and IED
IV. Dreaming …
I. Output of REACh registration procedure

1. Information on …
   – adverse effects ("hazard identification")
   – quantitative „thresholds“ (PNEC/DNEL)
     • PNEC: Predicted No Effect Concentration (Annex I Section 3)
     • based on standardised tests (Annexes VI-XI + Guidance)
       (carried out in self-responsibility by industry)
   – risk reduction measures + exposure scenario(s)

2. Risk communication
   – „adequately control the risks“, Art 14 (6), 37 (5)
   – safety data sheet (SDS); incl. exposure scenario(s)
   – probably more important: direct interaction (informal) of REACh actors
II. Contribution of sectoral environmental legislation to REACH-Implementation

1. Established implementation and enforcement
   • Environmental permits
   • specific technical provisions (water, air, waste, Seveso) but
     • often based on sum-parameters, not on single substances
   • Problems:
     • lack of manpower
     • (… and understanding of the REACH mechanisms)

2. Good Knowledge of the local situation
   • in the industrial installations
   • regional environmental media

MKB (NL) Skilful, high quality
III. Establishing links: Regulatory options

0. Initial Considerations
   – strict connection → Problem: validity of the information in the registration
   – loose connection → Implementation only on the basis of self-responsibility

Solution: cooperative approach
   using the specific capacity:
   • chemicals law:
     – generating information on substance properties
     – REACh: Initiate cooperation of actors along the value chain
       → substance related risk management
   • sectoral law: strengthening their specific scope of application
III. Establishing specific links

1. EC-level: Regulation/Directive

a) **Interpretation** of IED/WFD
   - Exceeding the PNEC limits would **indicate**
     - EQS Art. 18 IED; Definition in Art. 2 (24): “as set out in Union law”
     - the presence of “significant” pollution, Art. 11 (c) IED?

   *Article 10(3) of the Water Framework Directive: quality objective or quality standard [Art 2 (24)] ... or pursuant to any other Community legislation, requires stricter conditions*

   → CbC: **Evaluate** the scientific foundation of the PNEC (assessment factor)

b) **Amendment** of IED/WFD: Establish specific links explicitly
   - General provision: PNEC/DNEL as **indicative minimum requirement**:
     → “(environmental) quality standard“ (not strict binding),
     - e.g. Art. 10 (3) WFD/Art. 18 IED
III. Establishing specific links

1. EC-level: Guidance Documents
   c) Assistance to national/regional authorities
      - „Translation“ of REACH outcome
      - Supporting priority setting in the implementation of IED/WFD
   d) Incorporation of exposure scenario(s) in BREFs?
III. Establishing specific links

2. National level
   - Legal assumptions (PNEC = env. quality standard)
   - Regulative level (e.g. waste water regulation)
   - Implementation guidelines (Technical Instruction on air quality)
III. Establishing specific links

Results of REACH-EEE Conference WG 2
Evaluating the Environmental Effectiveness of REACH
October 11 & 12, 2007 Berlin

NL-Policy
(water + air); to be included in guidance documents (→ 2010):
- First threshold: DNEL/PNEC equivalent → active action of nat. gov.
- Second threshold: 1% of DNEL/PNEC → negligible risk level

NRW (ongoing process)
NRW-water law + regulation
- water-monitoring: Rhine 400 substances in water
- new licenses: PNEC
- drinking water: stricter values
III. Establishing specific links

3. Monitoring
   – General transparency provisions:
     Emission-/material flows register
     • EPER/PRTR
     • model TRI? → more substances?
   – Installation-/media-specific monitoring provisions
     • WFD
     • IPPC/IED
     • Air quality?

\{ Substances with „critical“ PEC/PNEC
Interfaces: REACH and IED/WFD

Chemicals legislation
Authorization/Restrictions: marketing and use REACH: production
Reg.: PNEC

Water legislation

Industrial Installations IED

Expo scen.: point sources
BAT 11 (b) IED

perm. update 21 (5a+c) IED

EnvQ- Q-Standard

Art. 18 IED 10 III WFD

sign. pollution ?
Art. 11 (c) IED

feed back from monitoring (+ IMPEL) + PRTR ?

????: diffuse sources

indication“?

Art. 11 (c) IED
IV. Dreaming

- bridging ...
  - the gap between IED + REACh experts (two planets)
  - the gap in the implementation

- establishing ...
  - linking clauses: IED/WFD + REACh
  - Guidance: Authorities + REACh actors

- achieving ...
  - industry “ensure that they manufacture, place on the market or use such substances that do not adversely affect human health or the environment”, Art. 1(3) REACh
Thank You for Your Attention

Further Informationen: [www.sofia-research.com](http://www.sofia-research.com)
Selected literature on materials flows institutional framework and the “interface problem”


• Risk management under REACh - Requirements of technical and organisational guidance for producers, importers and downstream users; Führ, M./Krieger, N.; in: elni-review 2006, 7-15.

• REACh as a paradigm shift in chemical policy - responsive regulation and behavioural models; Führ, M./Bizer, K.; in: Journal of Cleaner Production (JCLP), 15, 2007 (4), 327-334, Elsevier, Exeter (UK).

