

Frequently Asked Questions about REACH & Beryllium Alloys

FAQ 111

10/01/2009

What is REACH?

Registration, Evaluation and Authorization of Chemicals or REACH is legislation, approved by the European Union (EU), that is designed to provide safety, health, environmental and use information about chemical substances to European Chemicals Agency (ECHA). REACH requires producers and importers to register chemical substances produced in or imported to the EU market in excess of 1 metric ton per year through a phased approach. After registration, chemicals may be evaluated, subjected to Authorization or restricted by the agency in concert with member states. The ultimate goal of the REACH legislation is to ensure that useful safety information gets to the end users.

How does REACH affect me as a customer of Brush Wellman?

Brush Wellman is committed to making our customer's transition into REACH as simple and straight forward as possible for the products you purchase from us. We have determined that the majority of our metal products, as imported into the EU, are articles. This determination is based on the [Guidance Document on Substances in Articles](#) classifying metals in massive or wrought form as articles. According to this guidance document, substances in articles do not need to be Pre-registered or Registered unless a substance exceeds 1 metric tonne per year per manufacturer or importer and the substance is intentionally released from the article. Normal processing of our products, such as machining, grinding, welding, etc., as well as normal wear and tear, is not considered as intentional releases. It must be noted that if a metal product is in a form that is to be melted, such as ingots whose shape is materially changed, it is considered to be a substance (pure metal) or a preparation (alloy) whose constituents are subject to the requirements relative to Pre-registration and Registration.

I understand that REACH will require Pre-registration of substances. Did Brush Wellman Pre-register?

Even though the majority of our customers buy articles, we have pre-registered all substances in our products using the "Only Representative" process. We have engaged the services of Harlan Laboratories Cytotest Cell Research GmbH to serve as our Only Representative to Pre-register and Register beryllium and have engaged the services of Umwelt Consult GmbH (UMCO) to Pre-register the other alloy constituents that meet the 1 metric tonne threshold. Brush Wellman will have the Only Representative(s) ensure that the uses of our products are Registered and that Data Sheets will be developed and provided in accordance with REACH and the Global Harmonized System (GHS) requirements. We are doing this to ensure the integrity and availability of our products in the marketplace in the event there is a future change in the existing interpretations by ECHA.

What happens after Pre-registration?

It is expected that most importers and manufacturers of beryllium and other metals will organize into metal Substance Information Exchange Forums (SIEF) to share and develop information to comply with the registration requirements. Brush Wellman is taking a lead role in the beryllium consortium and will engage in the SIEF process with the other members of the SIEF for the other metals in the alloys containing beryllium.

Will beryllium be subject to Authorization?

The aim of Authorization is to ensure that the risks from substances of very high concern are properly controlled or substitution is made if economically and technically viable. The publication of the Candidate List is a first step to identify substances that could require that their use be Authorized. The first Candidate List of 15 substances to be considered for Authorization became effective on October 28, 2008. **None of the substances in our products were on this list. Since the European Commission has determined that substances in articles are not subject to Authorization, our customers buying articles will not be subject to use authorizations unless they incorporate a listed substance into one of our products.** If any of our products contain a listed substance, you will be advised accordingly.

We also want to make you aware that Brush Wellman will be seeking a cancer re-classification of beryllium in the EU. The existing classification is not based on the latest health information. The most recent scientific evidence clearly supports a re-classification of beryllium and we are confident that beryllium can and will be re-classified as non-carcinogenic in humans. We will be in a position to effectively communicate why beryllium merits re-classification long before the authorization process for beryllium begins.

In all respects, Brush Wellman will continue to supply all of its products to customers who either reside in the EU or export their products to the EU. We are committed to ensuring that the required information for all the metals used in our products is submitted in accordance with the requirements of the REACH legislation. Beryllium is a strategic substance that also provides unequalled performance characteristics to alloys. The properties beryllium imparts to these alloys cannot be substituted by any other metal. Brush Wellman is committed to making compliance with REACH simple and easy so manufacturers, importers and all downstream customers can continue to take advantage of the beneficial properties and high performance you have come to expect from beryllium containing alloys.

What obligations do manufacturers and importers of articles have under REACH?

For an article containing a substance that is listed by the REACH Agency as a substance of Very High Concern (SVHC) and when the substance is present in the article in a concentration above 0.1% by weight, the manufacturer/importer is required to inform the recipients of the article in the EU about these substances and how the article can be safely used. None of the substances in our alloy products were listed on the first Candidate List that became effective on October 28, 2008. If any of our products contain a listed substance, you will be advised accordingly.

For an article containing a SVHC in concentrations above 0.1% by weight and when the substance exceeds 1 metric tonne per year per manufacturer/importer, the manufacturer/importer is required to notify the REACH Agency. However, the manufacturer/importer is not required to notify the REACH Agency if the manufacturer/importer can exclude exposure to humans or the environment during normal or reasonably foreseeable conditions of use and disposal of the article, or if the substance has already been registered for that specific use.

How can Brush Wellman assist me?

If you have any questions regarding the information provided above, would like a copy of any of the documents described in this summary or wish to provide feedback, please contact Terry Civic, Manager of Environmental Health and Safety, our point of contact for REACH, via phone at +1 (216) 383-3698 or e-mail at Terence_Civic@brushwellman.com. You may also contact Hans Ulrich Büttner, Director Environmental, Health & Safety Europe at +49 (0)711 8309318 or email Uli_Buettner@brushwellman.com or call the Brush Wellman Product Safety Hotline at (800) 862- 4118.