

## Options for electronic delivery of a Safety Data Sheet (SDS) and the Exposure Scenarios in Annex (final version 6 April 2012)

### Introduction

This paper explores (for discussion purposes) the possibilities for electronic delivery of a SDS and processing of information, using modern communication tools.

It deals only with providing SDS [and their revisions/updates] that have to be provided mandatorily according to article 31 of REACH:

- no later than the date on which the substance or mixture is first supplied;
- or
- at the request of the recipient.

Its purpose is *not* to cover other issues related to SDS like *when* a SDS has to be provided or revised.

Information technology offers new ways of communicating information in the supply chain. REACH allows for SDSs to be provided electronically. Both the regulation as well as the guidance provides some criteria and guidance as to the possibilities for companies to provide SDSs electronically.

The [ECHA SDS Guidance](#) states:

### **3.13. Ways in which, and by when, the SDS must be provided**

*According to Article 31 (8) of REACH “A safety data sheet shall be provided free of charge on paper or electronically no later than the date on which the substance or mixture is first supplied.”*

*Thus, the Safety Data Sheet can be provided on paper, for example by letter, by fax or electronically, for example by email.*

*It should be noted however that in this context the wording “shall be provided” is to be understood as a positive duty on the supplier to actually deliver the SDS (and every required update) rather than just make it available passively, for example on the internet or reactively by delivering it on request. Therefore, ECHA’s Forum comprising national enforcement representatives agreed that, for example, simply posting a copy of an SDS (or an update to one) on a web site alone would not be considered as having complied with the duty to “provide”. In the case of electronic “provision”, supply of the SDS (and any corresponding exposure scenario attachments) as an attachment to an e-mail in a format which is generally accessible to all recipients would therefore be acceptable. By contrast, sending an e-mail with a link to a general web-site where the SDS (or latest updated SDS) needs to be found and downloaded from would not be acceptable. Options for when a specific link leading directly to the SDS (or updated SDS) might be acceptable and conditions which would need to be applied to allow this in future (in particular as a means to deal with increasing numbers of attached exposure scenarios) are under discussion.*

*Once an SDS has been supplied for a first delivery of a substance or mixture to a particular recipient there is no need to supply a further copy of the SDS with subsequent deliveries to the same recipient unless the SDS is revised. Further information on communication of changes resulting from revisions is given in 3.9 above.*

This paper intends to contribute to the above mentioned discussion by proposing practical solutions.



## **The electronic delivery in practice –options available**

The supplier is free to choose the most appropriate way to provide the SDS (on paper or electronically). If the **recipient has a preference**, it is recommended that the recipient (DU/distributor) and the supplier discuss and agree about the SDS including the e-mail or postal address where the SDS should be sent. This information could be addressed for instance at the moment of the purchase agreement.

When an SDS is provided electronically, and due to liability reasons, it should preferably be in **pdf or another format that prevents unauthorised changes** and is easy to print. In some cases, if agreed in the supply chain, an XML format may be provided in addition. It is acknowledged that a secured XML format may become the preferred way of communication in the future.

While the Regulation does not stipulate what is meant by providing an SDS electronically, the ECHA guidance gives an interpretation to the words “shall be provided”, in the sense that it must be delivered actively. Industry interprets this provision that simply making a SDS available in the Internet, without informing the recipient, is not allowed. However, **a link in an e-mail leading directly to a specific SDS** should be considered as an attachment and therefore equally valid. It is important to take into account the fact that (extended) SDSs become more voluminous due to the extension with exposure scenarios (ESs). This may cause distributing the SDS to become problematic due to e.g. size limits for incoming emails, etc.

When **extended SDSs** are sent electronically, there are different options for processing the content of the main SDS body and Annex:

- 1- All information is provided as text in the extended-SDS (e.g. pdf)
- 2- The ES is annexed as a hyperlink in the SDS. In this case, the main body is included as text, but the Annex(es) is/are limited to a table of contents of the ES with links. The recipient can then download the relevant ES(s) using the hyperlinks from the supplier’s website instead of having to go through all of the ESs. They should be DIRECT links to the ES (see below). If ESs are agreed among several companies, the link can direct to the specific agreed ES(s) e.g. a consortium website.

The following options may be used to **provide the SDS (or extended SDS) electronically**:

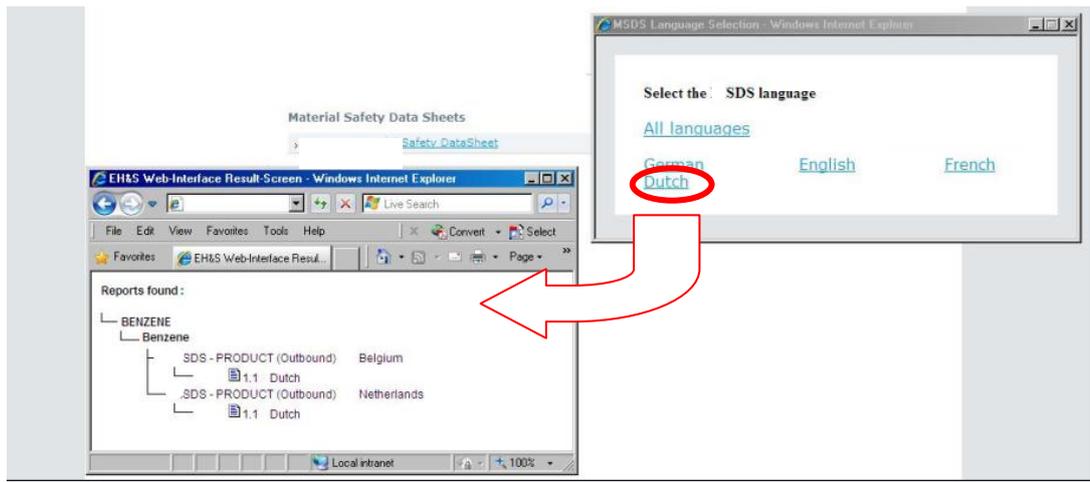
- 1- The SDS is sent by e-mail as an attachment file.
- 2- The SDS is posted on a website and an e-mail is sent to the DU giving the link to the SDS. This link should be:
  - either a DIRECT link that automatically opens the SDS and, if relevant the annexed ES(s), or
  - a link to a page dedicated to the current version of the SDS of the relevant substance/mixture where the recipient can select the country, language and/or ES. Websites for groups of similar products could also be accepted as long as it is easy to find the relevant SDS (see examples below). The email should be in the language of the recipient giving the instructions on how to access the SDS.

If a company is using such systems, the following points should be borne in mind:

- Companies must be able to **ensure that the links** are updated when appropriate to ensure that they **remain valid**. The validity of these links can be ensured through regular verification and is recommended to have a process of active follow-up for bouncing e-mails. Companies need to pay special attention to the validity of these links in case of updates of the SDS or changes in the composition of a mixture.
- The links sent by e-mail should NOT be links to a website where the customer still needs to input effort to search for the relevant SDS, e.g. the home page of a company. A link to a website where all SDS of the company can be found can be added to the email, or any other documentation, as an extra service.
- It is recommended that the suppliers remind the customers to open the link and download the SDS into their internal systems as soon as possible after receiving the link. For more information on managing incoming SDS, please see guidance on Cefic website: <http://www.cefic.org/Industry-support/Implementing-reach/Guidances-and-Tools1/> ; select 'SDS'.
- As mentioned above, the e-mail can include a number of links applying to the different substances/mixtures. However, it is clear that **each link in the email should apply to only one SDS** (i.e. one substance/mixture). All the links in the email should apply to substances/mixtures that are actually supplied to the customer.
- It is recommended that the e-mail also contain instructions on:
  - how to inform the Supplier sending the future SDS updates to another e-mail address;
  - how to contact the supplier for questions on the content of the SDS.
- The **sending of revisions/updates** of the SDS should follow the same rules, especially in the cases where an immediate action is needed (REACH Article 31(9)).
- In some supply chains, recipients may also receive regularly (e.g. once a year) a DVD/CD-Rom or equivalent with all or a relevant selection of the (updated) SDS.
- For SDS that have to be sent on request, once a DU has requested them, the revisions should be sent to him without further request from his side if he has received the substance/mixture within the preceding 12 months.
- For enforcement and liability purposes companies should keep track of the **provision** of the SDS. It is noted that there is no requirement to document the **receipt** of the SDS by the customer, however, companies may want to consider, taking into account the national requirements, to ensure confirmation of receipt as a proof that the legal requirement to provide an SDS has been fulfilled (e-mail confirmation of receipt by the DU, automatic e-mail receipt mail, monitoring the down loading activities, response form, etc.).

See also below **some examples** of such websites:

Example 1:



Example 2:

