

CHEMICAL SAFETY IN HUNGARY

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In Hungary, an act, which is the highest-level national legislation, on chemical safety was adopted as early as in year 2000. In this legislation the provisions of the relevant European directives had already been considered, that is well before Hungary's accession to the European Union in 2004. In addition, appropriate implementing legislation was elaborated and adopted, ensuring effective implementation and enforcement of the provisions.

After Hungary joined the EU, it was an active Member State in the negotiations on EU's REACH and CLP Regulations, which are the most overarching and complex legislation provided for chemical safety in Europe. While the CLP Regulation implements the UN's GHS that is applicable all over the world, REACH was not just prominent, but also a forerunner in this subject. Since its adoption and application, several other countries in the world try to adapt their national provisions to it, partly to promote compliance of their businesses in Europe, but also because they recognize its advantages for human health and environment. Further to these, we also need to mention EU's PIC and Biocides Regulations, which are more substance-specific, but equally important in ensuring chemical safety in Europe and worldwide.

As the before mentioned EU regulations are directly applicable in all Member States, we cannot talk about chemical safety in Hungary (or in any other Member State of the EU) without referring to these laws and their implementation. The Hungarian national legislation had to be adapted to these regulations in order to avoid any contradiction or overlap, but now all the relevant EU and Hungarian laws need to be complied with by the businesses in Hungary pursuing any kind of activity related to chemicals, so that a high level of chemical safety can be ensured in the country.

However, what is chemical safety? The Hungarian Act gives a very complex and sophisticated definition, but how can we turn this definition into plain terms. It can be concluded from the objectives of the various related legislation that chemical safety describes the system of protecting humans (and their environment) from the harmful effects of chemicals, i.e. all the population, from all kind of harmful effects – very much at the level of primary prevention,

before any harm is done. A very ambitious goal that covers much more than workers protection or waste management, which most people think of at the first place. Nonetheless, subject areas addressed in details by other specific legislation are not regulated by the above-mentioned laws. REACH, CLP as well as the Hungarian national act and its implementing legislation primarily aim at identifying and assessing the hazards of chemicals, particularly their inherent properties, and considering the risks associated with the various uses, and the best risk management measures shall be identified and applied. Responsibility lies with industry to ensure that their chemicals are safe or at least all information are available to enable safe use.

Since REACH and CLP have entered into force the Hungarian national act focuses on the national aspects of chemical safety, particularly collecting information on chemicals in use in Hungary for risk management purposes, addressing some special uses, like storage and manufacturing for own purposes (without placing on the market), and also poison information centre and enforcement. These additional rules provide the authorities a good overview of all companies and professionals dealing with chemicals, as well as their activities and the chemicals they use. The information available supports the work of the poison information centre, competent authorities and enforcement authorities.

The relevant Hungarian authorities cooperate in various ways with each other. Poison information centre uses the information on inherent properties and safe use collected by competent authorities to provide emergency information in case of a possible or actual poisoning by any kind of substance or mixture. The centre is available in 7/24 and can be contacted by professionals (doctors or emergency services) as well as by the public. Information is provided respectively on possible symptoms, treatments and antidotes or first aid measures until professional help arrives.

REACH and CLP competent authorities may utilize information collected from industry, but also statistical information on poisoning cases compiled by the poison information centre in order to support their risk assessment and management activities. The information is useful in identifying substances with higher risks that may need to be addressed at a national or European level. Further to this, national authorities also promote the awareness of the public, e.g. via Internet, news articles, and participating at events, where they can spread relevant information or even via direct communication.

Risk identification is relevant for enforcement authorities too. However, their risk profiling considers not just the substances, but companies as well. The competent authorities support the work of enforcement authorities. Competent authorities are responsible for identifying issues of national priorities of enforcement on a yearly basis. Furthermore, competent authorities organize trainings in every year to promote enforcement of these national priorities and any other actual issues arisen. The Helpdesk services that are established by the competent authorities under REACH and CLP regulations and primary available to industry, upon request provide information to enforcement authorities. This, together with the trainings, ensure consistency of information available to industry and authorities.

While authorities have their role and tasks described in the legislation and that are mostly implemented in cooperation and collaboration with other European authorities, as highlighted

above, industry has a key responsibility, as well. It lies with them to ultimately ensure that the chemicals they manufacture and use preferably do not have harmful effects to humans and the environment, or that the chemicals are or can be used in a safe manner minimizing the risks arising from them.

According to the feedback from enforcement authorities most of the Hungarian companies aim to comply with the relevant chemical safety legislation.

Companies that manufacture or import substances and mixtures and that are member of one or the other associations are normally aware of their relevant obligations. However, small companies, particularly distributors and retailers often lack the necessary knowledge and resources and they have difficulties to identify their involvement and tasks. These companies are grateful for the support that helps them to comply and compliance is elementary to ensure chemical safety at the national and European level. Such support is offered by authorities as well as by industry associations.

In Hungary, ever since the preparation of national positions during the negotiations of REACH, there is a good and efficient cooperation between industry associations and authorities. Both authorities and industry associations organize regular events and related trainings with the cooperation or participation of the other party. However, small companies and companies outside of relevant associations need different kind of support as well. While the Helpdesk services are always available to them, these companies are the easiest to be reached by enforcement authorities. Inspectors provide them with awareness raising materials or if needed oral or written advice. Such support by the enforcement authorities is common practice in Hungary. This, however, does not mean that in cases of non-compliance, enforcement authorities should not step up at a consistent, strict manner. Enforcement authorities shall judge all circumstances of the case and along the above-mentioned advice, the inspectors may issue orders to comply and if justified, they may impose penalties, as well. Compliance may be verified by follow-up inspections. Positively, the number of free-riders is low.

Nonetheless, there are also issues that need to be addressed by policy, legislation and in practice. These problems are similar to those of other EU member states. Legacy issues (like the widespread use of asbestos containing building materials until the 80's), the difficulties of enforcing compliance of substances and mixtures in imported products/articles (e.g. phthalates in toys and childcare articles) and newly emerging issues, like endocrine disruptors, nanomaterials or substances in wastes, remain to be solved in the upcoming years. Building on the current good practice, this will hopefully also happen by a joint effort of all concerned authorities and industry, in Hungary as well as in the EU. Considering the above, continuous work is necessary, but the ongoing activities and practices of authorities and industry warrant that in Hungary chemical safety is ensured at standard European level.