

GUIDANCE NOTE



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1 Introduction

1.1 Objectives

Mining chemicals used in geothermal processes (e.g. during the creation or during the operation and maintenance of a geothermal location) in the Netherlands should comply with the REACH Regulation (EC 1907/2006), the CLP Regulation (EC 1272/2008), the Biocidal Product Regulation (EC Regulation 528/2012) as applicable under the "Mijnbouwwetgeving en regelingen" (Dutch law). The State Supervision of Mines (SSM) is the competent authority.

As part of the procedures for the use of mining chemicals, the Operator should confirm that a Compliance check in line with the REACH requirements has been completed.

This Chemicals Management Tool (CMT for geothermal operators) is developed under a project for the "Kennisagenda Aardwarmte" as supported by DAGO (the Dutch Association Geothermal Operators) and Jongerius Consult (REACH Consultant). Aim of the CMT for geothermal operators is to support the operators to organize and document such a "REACH Compliance Check" for the use of mining chemicals under Dutch law.

The CMT for geothermal operators is based on the NOGEPA CMT, developed by NOGEPA (the Netherlands Oil and Gas Exploration and Production Association), to support the operators in the oil and gas production with the same task to complete a "REACH Compliance check" for the use of mining chemicals at their production location (onshore or offshore). The European Oilfield Speciality Chemicals Association (EOSCA) was closely involved in the development of the NOGEPA CMT Tool.

In close contact with DAGO and NOGEPA, the CMT for geothermal operators was customized for usage in the geothermal sector and tried out in a pilot under the project for the "Kennisagenda Aardwarmte". The State Supervision of Mines (SSM) was informed on the project and the project results.

Geothermal operators decide whether to implement this Tool completely or to use the elements of this system in their own chemicals management system. DAGO advises Operators to properly implement the (elements of) the Tool and to make sure that Suppliers of chemicals adhere to it as well, since SSM will use the implementation of the Tool as a means of checking REACH compliance.

1.2 Approach

The Operator and Supplier(s) are envisaged to work together to complete the "REACH Compliance Check". The results should be documented in the Product Inventory managed by the Operator.

- The Operator should provide the Supplier(s) with sufficient information on the relevant mining chemicals at start.
- On that basis, the Supplier should complete the relevant REACH Compliance and SDS status fields for each product.
- The Operator should already have received the SDS via the normal distribution routines of the Supplier. As such, he can make sure to connect the Tool to the valid version of the Supplier SDS.
- The Operator will complete his part of the "REACH Compliance Check" on the basis of the information in the REACH Compliance status fields and valid version of the SDS provided by the Supplier.

The envisaged process for the Operator to organize and document the "REACH Compliance Check" for the mining chemicals with this Tool is an initial implementation process of the Tool aligned to the SDS Document Management process in the Organisation of the Operator (§ 1.3.2), the initial filling of the Tool (§ 1.3.3) and the maintenance of the Tool afterwards (§ 1.3.4). The filling of the Tool is facilitated by a central collection and processing of the Supplier SDS's into a central Product Inventory for the Tool (§ 1.3.1)

This process is visualized in the Flowchart "Implementation and use of the Chemicals Management Tool (CMT) for geothermal operators - REACH Compliance Check (mining chemicals) as provided in Annex 1 and further described in this Guidance notes.

1.3 Generic Process

1.3.1 Central collection and processing of Supplier SDS's into a central Product Inventory for the Tool

The NOGEPA CMT is provided as an empty Tool to the Operators in the oil and gas production. It is either used to check and if applicable adjust the internal chemical management procedures for the mining chemicals used in the onshore / offshore mining operations or the Tool is used as such (as spreadsheet). Each Operator need to fill in, in close contact with the Supplier(s) of the mining chemical, and maintain the Product Inventory for the relevant mining chemicals in their own Operator specific Product Inventory and collection of Supplier Safety Data Sheets (SDSs).

The CMT for geothermal operators is in essence the same Tool for the geothermal operators as for the operators in the oil and gas production. However, the pilot project will try-out a slightly different implementation and filling process. Since most geothermal operators have limited resources and little expertise in the legal requirements for their mining chemicals and the actual mining chemicals and suppliers used are quite similar for most geothermal operators, the pilot project foresees in a central collection and processing of the supplier SDS's into a central Product Inventory for the Tool. This to check if this would result in a workable and efficient process for the geothermal operators by being able to use the central Product Inventory to fill their Operator specific Product Inventory and maintain it as such.

The central collection and processing of Supplier SDS's into a central Product Inventory for the Tool is organized in a stepwise process. First, a list of common mining chemicals and the most recent supplier SDS's is collected via DAGO. Secondly, a central copy of the CMT Tool is filled with all relevant information based on the collected supplier SDS's and send to the Suppliers for confirmation / completion. When no feedback was received from the Suppliers, their information is centrally processed as good as possible (with a clear remark that it was not provided by the Supplier). As a result of the central process, a central Product Inventory and central collection of the Supplier SDS's was organized. The status of the central Product Inventory was maintained in a separate Central Product Inventory Status Overview. In the pilot project, these deliverables were available for the geothermal operators for the implementation and initial filling of the Operator specific CMT tool (see § 1.3.3).

When the central Product Inventory appears to be a success from the Pilot, it is envisaged to be taken over by a central support organisation (most probably DAGO) and the Guidance Notes can be adjusted to also agree upon the updating and further completion of the central Product Inventory in contact with the participating geothermal operators.

1.3.2 Implementation of the Tool

Implementation of the Tool is envisaged to be done in alignment with the document management process of the Supplier SDS's of the mining chemicals.

It is important that the incoming Supplier SDS's (for new products and updates for existing products) are reliably captured and processed in the Product Inventory of the Tool. Operators that make use of other chemicals management systems are envisaged to organize that the storage of the Supplier SDSs is aligned and connected with the Product Inventory of the Tool. When such a system is not available, a practical process can be organized as follows:

1. A central contact point to receive and a physical "TO DO" folder to store all incoming Supplier SDS's for processing in the Tool (preferably electronically);
2. A physical "CURRENT" folder to store the valid electronic Supplier SDS's connected to the Operator specific Product Inventory in the Tool store; and
3. A physical "ARCHIVE" folder to store previous versions of the Supplier SDS's and related documentation. This should be known to all relevant stakeholders. Someone should be made responsible for maintaining these three Supplier SDS storage locations in connection with the Product Inventory and managing the REACH Compliance Checks in the Operator specific Chemical Management Tool.
4. A physical storage of the Operator specific Chemical Management Tool (as copy of the CMT for geothermal operators with inclusion of the Company logo on all tabs).

This basic system should be known to all relevant stakeholders in the organization. Someone should be made responsible for maintaining these physical storage locations of Supplier SDSs, in connection with maintenance of the Product Inventory and managing the REACH Compliance Checks in the Operator specific Chemical Management Tool.

1.3.3 Initial filling of the Tool

The initial filling of the Operator specific Product Inventory can be organized as follow:

1. The aim is to include all relevant mining chemicals used in the operations of the Operator under the valid notifications conform Dutch law. In order to organize the necessary data input, at start, the Operator is envisaged to first check what mining chemicals are already covered by the central Product Inventory. This can be done by checking the central Product Inventory Status Overview (see § 1.3.1). Where covered, for those mining chemicals, the central Product Inventory will be copied in the operator specific Product Inventory and the Supplier SDS's will be verified with the Supplier SDS's available at the location to be certain that the appropriate, most current Supplier SDS's are stored and processed. Although centrally processed, the individual Operator is responsible to demonstrate REACH Compliance to SSM. As such, the Operator need to fill in the applicable receipt date for the Supplier SDS (column 16) and double check and agree upon the central Product Inventory data to be OK.

Please note that if there is any question or issue with the local Supplier SDS and inconsistency or issue with the central Product Inventory and central Supplier SDS, the operator is envisaged to align that with the central support organisation and contact the Supplier to receive a correct Supplier SDS (if applicable).

Please note that if all relevant mining chemicals for the Operator are covered by the Central Product Inventory and collected Supplier SDS's are OK and available at location, the additional step 2 to process data of missing mining chemicals can be skipped to go directly to step 3.

2. For the relevant mining chemicals (as unique product – supplier combinations) that are not covered by the central Product Inventory, the Operator need to organise that the missing data is collected as well. For those missing mining chemicals, the same process is envisaged to followed as done by the Operators of oil and gas production under the NOGEPA CMT Guidance notes. This means:
 - a. The geothermal operator should provide each relevant Supplier with a copy of the Tool, containing only the relevant information on products of that Supplier. To that end, the Operator should provide the Supplier the following information in the Product Inventory:
 - Trade name (column 1);
 - Supplier name (column 2);
 - Identified Use fields (columns 3 -5).

The Operator is advised to use the same template letter as prepared by NOGEPA to explain the Supplier what is expected (a revised template letter is available under the pilot project).

- b. The Supplier is requested to complete the REACH Compliance status fields (columns 6-10) as well as to complete the Safety Data Sheet (SDS) status fields (columns 11-13) aligned to the valid version of his SDS. The Supplier SDS should have been made available to the Operator via the normal SDS distribution process already in place. The Supplier then returns the completed Product Inventory to the Operator.
- c. The Operator merges the data from various Supplier specific Product Inventories into the Operator specific Product Inventory (that may already include mining chemicals from the central Product Inventory covered under step 1). The Operator specific Product Inventory should contain hyperlinks or other connections to the valid versions of the Supplier SDS's in column 15 (connecting to the SDS document management system as implemented; see § 1.3.2). The actual receipt date of the Supplier SDS should be indicated in the Inventory (column 16). The Operator should check for inconsistencies, unclear or lacking data (e.g. the SDS present at the Operator's location is older than the SDS Status fields provided). In case of such inconsistencies, the Operator should contact the Supplier in order to fix them.

Please note, that in the future after completion of the project and if there is a central support organisation operational, it is envisaged that there will be an agreed process to check if missing mining chemicals can be covered by the central support organisation.

3. Upon completion of step 1 and, if applicable, step 2, the Operator has set-up the Operator specific Product Inventory with the relevant mining chemicals and the relevant REACH Compliance status information and SDS information from the Supplier(s). In connection with the valid Supplier SDS's available (in the "CURRENT" Location; see § 1.3.2), the Operator can now organize and document his part of the REACH Compliance Checks of the Product Inventory Tool (in columns 14-23). This includes a critical check of the SDS and a more detailed Use Compliance Check (UCC) if applicable. The Tool provides for an alarm function related to the time frame of 12 months to complete a UCC following the receipt of the SDS, depending on the type of SDS provided (a UCC is only applicable for an extended SDS).

1.3.4 Maintenance of the Tool

The maintenance process of the Product Inventory in the Operator specific CMT by the Operator (after completion of the initial implementation and filling steps; see § 1.3.2 & § 1.3.3) can be organized as follows:

1. One trigger to maintain the Product Inventory in the Operator specific CMT can be to process the updated Supplier SDS's. If all incoming Supplier SDS's are captured in the "TO DO" folder, this can be easily organized by periodically checking and processing the Supplier SDS's in the "TO DO" folder. By a quick scan of a Supplier SDS Supplier from the "TO DO" folder with the Product Inventory (ID and version), the main actions are:
 - a. when the Supplier SDS from the "TO DO" folder of the existing Product - Supplier record in the Product Inventory is newer, meaning that the Issue Date on the TO DO SDS is more recent than the issue date of the current SDS as maintained in column (12). In that case, the older Supplier SDS in the "CURRENT" folder should be moved to the "ARCHIVE" folder and the newer Supplier SDS can be moved from the "TO DO" to the "CURRENT" folder. In addition, the SDS Status fields (columns 11 - 17) should be updated where necessary and the Critical Check (column 18) and UCC check (columns 19-21) need to be verified for the updated SDS. In line with REACH requirements, the previous versions of Supplier SDS's should be archived for 10 years;
 - b. when the Supplier SDS from the "TO DO" folder of the existing Product - Supplier record in the Product Inventory is the same or older compared with the Issue date in column (12), the Supplier SDS can be deleted from the "TO DO" folder without further action (since a more recent version is already included in the Product Inventory);
 - c. when the Supplier SDS from the "TO DO" folder is for a Product - Supplier record that does not yet exist in the Product Inventory, check if the Product-Supplier record is in the scope of the Tool. If so, follow the new record procedure (see point 2 in this paragraph). If not, the Supplier SDS can probably be deleted from the "TO DO" folder without further action.

Please note, that in the future after completion of the project and if there is a central support organisation operational, it is envisaged, it is envisaged that there will be an agreed process that incoming updates of Supplier SDS's that are covered in the central Product Inventory will be shared and aligned with the central support organisation to keep the central Product Inventory accurate and complete.

2. Another trigger to maintain the Product Inventory in the Operator specific CMT can be the addition of a new Supplier - Product combination that becomes relevant for the Operator (e.g. new mining chemical or the same mining chemical from another Supplier). This can be organized in a similar process as the initial setting up of the tool (see § 1.3.3) and making sure that the valid Supplier SDS is received and added to the "CURRENT" folder and connected to an update of the Operator Specific Product Inventory.

1.3.5 Specific notes

1. The envisaged process is reflected in a REACH Compliance flow-chart for Operators in the Dutch Sector (see Annex 1). The action holders in the various steps in the process are indicated in the third column of the specific guidance notes provided in section 2. The information per column is classified as "Required", "Necessary" and "Optional" with the following rationale:
 - a. **Required:** obligatory to be filled in with valid information since it is essential as identifier of the valid product, Supplier or SDS and/or it is an essential part of the REACH Compliance check coming from the legal requirements of the stakeholder(s) involved;

- b. Necessary: although not directly coming from legal requirements under REACH, this information should be completed to allow the Operator to complete the REACH compliance check. This will avoid unnecessary extra communications between the Supplier and Operator and/or State Supervision of Mines to solve unclarities that would remain without this information;
- c. Optional: not directly coming from a legal requirement under REACH, only to be filled in with valid information if it is considered to support / complete the REACH Compliance check of the Operator.

In general, a short justification is envisaged to be added to the record if "required" or "Necessary" information would be missing or can not be completed as to be expected. If "optional" information is not added, this does in principally have no impact on the completeness of the REACH Compliance check by the Operator. The Operator should make sure that all process steps are successfully completed and documented.

2. The "Product Inventory" tab is facilitated with pre-defined combo boxes (coloured fields in the Product Inventory) and additional functionality. It includes functionality to automatically process the Use Compliance Check traffic light (column 22) to monitor the progress of the UCC status in line with the REACH requirements. It also includes functionality to grey out data fields that are not necessary, in view of the SDS type (column 11) and the REACH role of the Operator (column 14).

In order to benefit of these pre-defined functionalities, make sure that before filling in information for new supplier / product combinations, that you have inserted enough lines by copy/pasting the original lines with this functional behaviour and only use such copied lines to fill in and maintain data.

Another condition to use the predefined fields is not to delete the "Version Control" tab in the CMT tool since the predefined fields are managed in the bottom of "Version Control" tab.

3. The "Product Inventory" tab contains a brief help text per column that becomes visible if you click with your mouse on the column heading in line 5 of the Product Inventory. The brief help text is explained in more detail in the specific guidance notes of section 2 of this document.
4. The "Version Control" tab in the CMT tool keeps track on the changes in the CMT tool by describing the main changes of future updates of the CMT and envisaged actions by the Operator (if applicable).

1.4 Disclaimer

The "Chemicals Management Tool for geothermal operators" and supportive instructions in this Guidance Notes are developed to the best knowledge and expertise currently available within NOGEPA (as original developer of the tool), a taskforce from DAGO and Jongerius Consult. It is provided "as is" and can be used, customized, and further implemented to organize and document a "REACH compliance check" for the use of mining chemicals under Dutch law upon the user's own risk and responsibility.

The Tool is provided in good faith. No representations of warranties are made with regards to the accuracy or completeness of the content and no liability will be accepted for damages of any nature whatsoever from the use or reliance on these documents.

It is envisaged that DAGO (as representation for the geothermal operators in the Netherlands) will strive to further maintain and align the "Chemical Management Tool for geothermal operators" with the DAGO "Veiligheid, Gezondheid en Milieu (VGM) management system together with and for its members.

2 Specific guidance per column of the Product Inventory

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
<p>The specific guidance notes to fill and maintain the Product Inventory in the Operator specific copy of the CMT for geothermal operators is identical to the Guidance Notes of the NOGEPA CMT for operators in the oil and gas production. Only small customizations are made to make it applicable for the geothermal usage. In addition, in the pilot project, there is introduced a central collection and processing of Supplier SDS's into a central Product Inventory (see § 1.3.1). These data fields are marked with a <C> in the Action column.</p>				
(1)	Trade name	OPERATOR (start) <C>	<Text>	REQUIRED. Fill in the appropriate trade name of the mining chemical. It needs to correspond with the product identification on the Supplier SDS. The trade name is envisaged to be the same (or a synonym) as the one used in Annex 1 of the notification form to SSM (Mijnbouwregeling article 8.2.1.1.m)
(2)	Supplier name	OPERATOR (start) <C>	<Text>	REQUIRED. Fill in the appropriate Supplier name of the mining chemical. It needs to correspond with the Supplier identification on the Supplier SDS. the trade name is envisaged to be the same (or a synonym) as the one mentioned in Annex 1 of the notification form under article 8.2.1.1.m of the Mijnbouwregeling (once applicable).
(3)	Intended use - Onshore / offshore	OPERATOR (start) <C>	Onshore Offshore Onshore&Offshore	REQUIRED. Fill in the identified use for the mining chemical. For geothermal operations the default use is "Onshore".
(4)	Intended use - Application	OPERATOR (start) <C>	Cementing Completion / work over Drilling Production Stimulation Utility Other applications (see details)	<p>NECESSARY. Please fill in the identified use for the mining chemical. Use one of the pre-defined options to identify the application. For standardization purposes, the generic application of use as identified in the OSPAR convention are envisaged to be used for the use of the mining chemical. If the pre-defined options are not sufficient, use the "Other applications" and provide details of the relevant use in the remark column (5).</p> <p>This allows the Supplier to verify if it is an Identified Use for the mining chemical listed on the SDS and if applicable what Exposure Scenario to use on the Extended SDS.</p>
(5)	Intended use - Remark	OPERATOR (start) <C>	<Text>	<p>OPTIONAL. The "Intended use remark field" is designed to include extra details on the identified use if considered to be relevant for the Supplier to know (e.g. if the "Other applications (see remark)" is selected in column (4)).</p> <p>Note. If a remark needs more text or repeats over multiple Supplier-Product entries, it is highly recommended to number the remarks per relevant entry and provide the details of the numbered remark in the "generic notes" field (24) in the bottom of the Product Inventory.</p>
(6)	Product definition	SUPPLIER <C>	Substance Mixture Article	<p>NECESSARY. The actual product definition is not always directly clear from the SDS, but it is an important factor to determine the REACH Compliance activities. Please fill in the relevant "Product definition" in line with the REACH / CLP definitions:</p> <ol style="list-style-type: none"> Substance: if the product meets the definition of REACH Art 3.1 / CLP Art 2.7. A "Substance" can be recognized by a specific "CAS-number" and/or "EC-number" in section 1 and/or in section 3 of the SDS. Mixture: if the product meets the definition of REACH Art 3.2 / CLP Art 2.8. A "Mixture" is a blend of two or more substance that have not reacted with each other. It is identified by the name and chemical composition. It does not have a "CAS- / EC-number" in section 1 of the SDS. Article: if the product meets the definition of REACH Art 3.3 / CLP Art 2.9. For an "Article", the shape, surface, or design is more relevant than its chemical composition. It does not have an "CAS / EC number" and an SDS is not required or even necessary for ECHA to be provided for an "Article".

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>Note. The section 3 of the SDS must aligned to the product definition. Normally, it includes the relevant chemical composition under a sub-heading 3.1 for substances and 3.2 for mixtures.</p> <p>Note. Mining chemicals are always a Substance or Mixture and never an Article.</p>
(7)	Product a biocide?	SUPPLIER <C>	Yes No	<p>REQUIRED. Fill in "Yes" when the product is a "biocidal product" in line with the Biocidal Product Regulation (BPR; EC Regulation 528/2012) and provide, if applicable, the CtGB number from the Dutch "Commissie van toelating gewasbeschermingsmiddelen en biociden (CtGB)" in the "Supplier / product remark field" (10). Safety data sheets for active substances and biocidal products shall be prepared and made available in accordance with Article 31 of REACH, where applicable [BPR Art 70]. Fill in "No" when the product is not a "biocidal product".</p>
(8)	Supplier - REACH role?	SUPPLIER <C>	Manufacturer / Importer Downstream user (DU) Distributor Distributor & End-user Non-EU Supplier Supplier of an Article	<p>NECESSARY. The "REACH role" of the Supplier - Product combination, in combination with the "Product definition" (6) supports the Operator in his review process of the Supplier SDS. The Supplier is asked to provide his "REACH role" for which the following options can be applicable:</p> <ol style="list-style-type: none"> Manufacturer / Importer: if the EU Supplier is "Manufacturer" (REACH Art 3.9) of the "Substance" or "Importer" (REACH Art. 3.11) of the "Substance" / "Mixture". Downstream user (DU): if the EU Supplier is a "Formulator" who is responsible for producing the mining chemical by blending one or more components into a "Mixture" or "repacking" large volumes of product in dedicated packages for the Operator. A Formulator / re-packer is a "downstream user (DU)" (REACH Art. 3.13). Distributor: if the EU Supplier is a "Distributor" of the "Substance" / "Mixture" (REACH Art. 3.14). A "distributor", including a retailer, is only placing the product on the market for third Parties (without processing / repacking the product). Distributor & End-user: ONLY TO BE USED IN THE SPECIAL SITUATION, where the Operator is outsourcing the activities with the mining chemicals to another Company ("Contractor"), and the Contractor (NOT the Operator) is responsible for the purchasing, distribution and use of these mining chemicals. <ul style="list-style-type: none"> The Contractor is responsible to be compliant with REACH. The Operator does need to complete the relevant permitting procedure of these mining chemicals to SSM. Therefore, the Operator is recommended to include these mining chemical(s) in his CMT Tool, whereby the Supplier details in the CMT Tool need to be completed as follows: <ol style="list-style-type: none"> Where the Contractor purchases the mining chemical directly from a Supplier, the name of this Supplier and relevant Supplier REACH Role and SDS need to be included. The Contractor is "End-user" (but this does not have to be filled in in the CMT tool). Where the Contractor is the Supplier of the mining chemical (e.g. the name of the Contractor is on the SDS as Supplier), the name of the Contractor and SDS need to be included. In that case, the Contractor is both the "Distributor" and the "End-user" of the mining chemical. The REACH Role of the Contractor is "Distributor & End User" of the mining chemical. See also Guidance Note 14 point 5. Non-EU Supplier: if the Supplier is a non-EU Supplier, directly supplying the "Substance" / "Mixture" to the Operator. Supplier of an Article: if the EU Supplier is placing on the market the chemical product being an "Article" (REACH Art 3.33).

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>Note. The Supplier REACH Role (8) must be consistent with the Product definition (6). In line with the guidance note, a "Downstream user (DU)" as "Formulator" must always be connected to a "Mixture" and a "Manufacturer / Importer" must always be connected to a "Substance". The Operator is recommended to contact the Supplier in case of inconsistencies or un-clarities between the "product definition" (6) and the "Supplier REACH Role" (8).</p>
(9)	Supplier - REACH Compliant?	SUPPLIER <C>	Yes Not yet (see remark) * No (see remark) *	<p>REQUIRED. When the Supplier is located in the EU as identified in column 8, he is expected to answer "Yes" to declare that he is aware of REACH and that his product is REACH Compliant. This means that he declares that the substances in the chemical product supplied do meet the registration requirements under REACH (including coverage by any exemption for registration as defined in REACH), as to be expected from the "Product definition" (6) and his "REACH Role" (8). He also declares that the relevant REACH Compliance data will be provided via the Supplier safety data sheet (SDS) to the Operator. When the REACH Compliance status is negative or not completed / clear yet or when the REACH Compliance data is not yet completely processed in the (ext-)SDS, the Supplier is requested to add a clear explanation in the "Supplier - remark field" (10).</p> <p>Note 1. If the Supplier REACH Role is "Manufacturer / Importer", he is expected to have registered the "Substance" in line with the REACH requirements. Please include a short explanation in the Supplier -remark field (10) if the "substance" is exempted for Registration or not registered (e.g. because it is below the 1 ton per year). This explains why the Supplier SDS is of the SDS-type (11). In all other cases, the Operator is recommended to expect an "ext-SDS" (11) for the substance as being registered under REACH and to contact the Supplier if it is not clear why it has not been provided.</p> <p>Note 2. If the Supplier REACH Role is "Distributor" for a "Substance", he is expected to have checked the registration status of his Supplier and processed the relevant REACH Compliance data from the Supplier SDS in his SDS provided to the Operator. Please include a short explanation in the Supplier - remark field (10) if the "substance" is not yet registered by the Supplier. This explains why the Supplier SDS is of the SDS-type (11). In all other cases, the Operator is recommended to expect an "ext-SDS" (11) for the substance as being registered under REACH and to contact the Supplier if it is not clear why it has not been provided.</p> <p>Note 3. If in the above two situations, a "SDS-TIUSCC" is provided, the Operator is recommended to check with the Supplier that it is appropriate to be used as mining chemical.</p> <p>Note 4. If the Supplier REACH Role is "Importer", "Downstream user" or "Distributor" for a "Mixture", it is known that clear guidance how to process the substance exposure scenario information in the mixture SDS is not yet available. The Supplier is expected to have checked the registration statuses of the components and may have decided to include relevant exposure scenarios to the Mixture SDS. As such, the Operator can expect both "Ext-SDS" and "SDS" for mixtures and is recommended to process them as such.</p> <p>Note 5. If the Supplier REACH Role is "Non-EU Supplier", REACH & CLP are not applicable for him. As such, the Operator is responsible for the registration and other REACH & CLP requirements for the product he is importing! However, under REACH Art 8, the "Non-EU Supplier" can appoint an Only Representative (OR) to take over the Registration requirements for his European Customers. If this is applicable, the "Non-EU Supplier" is kindly requested to provide the Operator with the OR contact details in the Remark field (10) and instructions to the Operator how to proof that they can be seen as "Downstream User" and not as an "Importer".</p>

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>Note 6. If the Supplier REACH Role is "Supplier of an Article" for an "Article", he is expected to have fulfilled the REACH requirements and in principle he does not have to provide an SDS. If an SDS is provided anyway, the Operator is recommended to take notice of the content of the SDS although not legally required under REACH.</p> <p>Note 7. When a product contains one or more substances that are subject to an exemption for product and process orientated research and development (PPORD), the Supplier is requested to enter the end date of the PPORD exemption in the Supplier - Remark column [10].</p>
(10)	Supplier - Remark	SUPPLIER <C>	<Text>	<p>OPTIONAL. The "Supplier / Product remark field" (10) can be used when the Supplier wants to make any remark on the previous columns. If a remark needs more text or repeats over multiple Supplier-Product entries, it is highly recommended to number the remarks per relevant entry and provide the details of the numbered remark in the "generic notes" field (24) in the bottom of the Product Inventory.</p>
(11)	Supplier SDS - Type?	SUPPLIER/ OPERATOR <C>	Ext-SDS SDS-TIUSCC EU SDS No SDS required	<p>REQUIRED. The Supplier shall provide the Operator with a REACH compliant product SDS in line with REACH Art 31 & Annex II. The Operator must process the SDS information in line with REACH Art 37-39. The details and timing of the required downstream user compliance check depends on the type of SDS. Therefore, please identify in the "SDS Type" of the valid Supplier SDS (15) to distinguish the necessary assessment actions by the Operator:</p> <ol style="list-style-type: none"> 1. <u>Ext-SDS</u>: is an "extended Safety Data Sheet" for a "Substance" registered by the Supplier under REACH or "Mixture" with registered substances in the composition of section 3. The "Ext-SDS" for a "Substance" / "Mixture" can be identified by the inclusion of valid REACH registration number(s) in section 1 and/or section 3 and by having at least one exposure scenario (ES) attached as ES Annex to the substance SDS. 2. <u>SDS-TIUSCC</u>: is an Safety Data Sheet for a "Substance" registered under REACH only for the use as a "Transported Isolated Intermediate Under Strictly Controlled Conditions (TIUSCC)". The "SDS-TIUSCC" can be recognized by the inclusion of a valid REACH Registration number in section 1 and/or section 3 and by only including the TIUSCC / Intermediate use as identified use in section 1. The SDS is also expected to explicitly refer to the use of strictly controlled conditions in section 8. A "SDS-TIUSCC" will not include any exposure scenario (ES) as attachment. 3. <u>EU SDS</u>: is an EU Safety Data Sheet for a "Substance / Mixture" in the 16 sections format required by REACH, not being an "Ext-SDS" or "SDS-TIUSCC". It is possible that an SDS includes a REACH Registration number in section 1 (for a substance) or in section 3 (for the substances in a Mixture) but that it does not (yet) include any exposure scenario (ES) attachment. This can be in case of a "Substance" because the Substance is not hazardous or exempted for the obligation to include an ES in line with REACH Art 14. In the case of a "Mixture" it is known that Industry and the European Commission are still working on clear guidance how to process the ES information from components in the Mixture SDS. As such, most Mixture SDS's will be of the SDS-Type "SDS" only. 4. <u>No SDS required</u>: no SDS is required, e.g. for an "Article", a non-hazardous "Substance" or a non-hazardous "Mixture" not meeting the criteria of REACH Art 31.3. <p>Note 1. A mixture SDS with so-called SUMI(s) as annex to the SDS should be regarded as an "EU SDS" and not as an "Ext-SDS".</p>

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>Note 2. A "SDS-TIUSCC" is not possible for a "Mixture". A "SDS-TIUSCC" is not expected for any mining chemicals being supplied to Operators since there is no such use known in the application of these chemicals in mining operations.</p> <p>Immediate action to the Supplier is required by the Operator for such kind of SDS to fix the non-compliance's.</p> <p>Note 3. The Operator is recommended to contact the Supplier in case of inconsistencies or un-clarities between the "product definition" (6), "Supplier REACH Role" (8), "REACH compliance status" (9), the clarifications in the Supplier Remark (10) and the "SDS Type" (11).</p>
(12)	Supplier SDS - Issue date?	SUPPLIER/OPERATOR <C>	<Date>	<p>REQUIRED. Each SDS need to include the Issue Date to identify the version of the SDS at the first page. Take over the date of issue of the current Supplier SDS identified in column 11. The "Issue Date" will determine the version of the SDS and need to be compared with any future update of the Supplier SDS (see §1.3.4).</p> <p>Note. Make sure that you identify the correct date on the SDS as Issue Date. Sometimes there is also a "Printing date" on the SDS (for the actual date that the SDS is printed) or "Revision date" / "Previous Issue Date" (for the previous version of the SDS). These dates should not be confused with the "Issue date" that is required to identify the version of the SDS. If the "Issue date" is not clear or missing, please check and clarify with your Supplier.</p>
(13)	Supplier SDS - Relevant ES on Ext-SDS?	SUPPLIER/OPERATOR <C>	<Text>	<p>NECESSARY. When the SDS-Type is an "Ext-SDS", the Supplier is asked to fill in the relevant ES (using the ES numbering if available or via the short ES Title) that is envisaged to cover the Intended Use of the Operator (columns 3-5) to facilitate that the Operator directly knows what ES(s) to use for his "Use Compliance Check" in line with REACH Art 37-39. This field can be left blank or can be completed with "not applicable" for all other "SDS-Types".</p>
(14)	Operator - REACH role?	OPERATOR	<p>End-user (DU) Distributor Importer & End-user (DU) Importer & Distributor Role not relevant (see remark) * Role not clear (see remark) *</p>	<p>REQUIRED. Fill in the relevant "REACH role of the Operator", to be aligned with the "Product Definition" (6) and the "REACH Role of the Supplier" (8). The "Operator - REACH roles" has impact on the actual SDS Assessment process by the Operator:</p> <ol style="list-style-type: none"> <u>End-user (DU)</u>: if the Operator receives the "Substance / Mixture" from an EU Supplier and he is using the mining chemical at his location, he is an "End-User". An End-user is a "downstream user (DU)" conform REACH Art. 3.13. As "DU", he needs to check the SDS being compliant with REACH & CLP and applicable for the intended use. In addition, he needs to complete the "Use Compliance Check" in line with REACH Art 37-39 in case it is an "Ext-SDS" within 12 months after receipt of the "Ext-SDS". <u>Distributor</u>: if the Operator receives the "Substance / Mixture" from an EU Supplier and he is outsourcing the activities with the mining chemical to another company ("Contractor"), he is a "Distributor" of the "Substance" / "Mixture" conform REACH Art. 3.14. As "Distributor", he needs always to check the SDS being compliant with REACH & CLP and applicable for the intended use (as he is the responsible contact between the "Contractor" as end user and the Supplier). In addition, he needs to make available the SDS to the Contractor, allowing that Party being able to organize the safe use measures in line with the SDS and/or complete a "Use Compliance Check" in line with REACH if it is an "Ext-SDS". <u>Importer & End-user (DU)</u> <u>Importer & Distributor</u> <p>If the Operator receives the "Substance / Mixture" from a "Non-EU Supplier" he will be, by definition, an "Importer" conform REACH Art. 3.11). Please be aware, that as "Importer", the Operator is responsible for the registration requirements of the substance as such or the substances in the mixture he is</p>

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>importing and he may only import and use the mining chemical if he has fulfilled the registration requirements!</p> <p>However, the Operator may import and use a mining chemical from a non-EU Supplier if:</p> <ul style="list-style-type: none"> a. the Operator can demonstrate that the total substance volume(s) he is importing is less than 1 ton per year. As such he does not have to register the imported substance(s) under REACH; b. the Operator can demonstrate documented proof that the Non-EU Supplier has appointed a so-called "Only Representative (OR)" conform REACH Art 8 and that his substance volumes are covered by the registration via the OR. As such, the Operator will cease being an "Importer" and to be seen as "Downstream user" under the registration by the OR he is importing. <p>When the Operator may legitimately import and use the mining chemical, he needs to process the SDS requirements in line with his REACH Role:</p> <ul style="list-style-type: none"> ▪ As "End user" he has to check his actions as described under point 1 "End user (DU)". ▪ When he is outsourcing the activities with the mining chemical to another company ("Contractor"), he has to check his actions as described under point 2 "Distributor". <p>5. <u>Role not relevant (see remark) *</u></p> <p>ONLY TO BE USED IN THE SPECIAL SITUATION, where the Operator is outsourcing the activities with the mining chemical to another company ("Contractor"), and the Contractor is responsible for the purchasing, distribution and use of the mining chemical(s).</p> <p>In that case the Contractor is responsible to comply with REACH. The Operator does need to complete the relevant permitting procedure of these mining chemicals to SSM. Therefore, the Operator is recommended to include these mining chemical(s) in the CMT Tool, whereby the Supplier details in the CMT Tool is envisaged to be completed as follows:</p> <ul style="list-style-type: none"> a. Where the Contractor purchases the mining chemical directly from a Supplier, the name of this Supplier and relevant Supplier REACH Role and SDS need to be included. The Contractor is "End-user" (but this does not have to be filled in in the CMT tool). b. Where the Contractor is the Supplier of the mining chemical (e.g. the name of the Contractor is on the SDS as Supplier), the name of the Contractor and SDS need to be included. In that case, the Contractor is both the "Distributor" and the "End-user" of the mining chemical. <p>Since the Operator is not directly involved in any of these activities, he formally does not have a REACH Role with these mining chemical(s). Therefore, the Operator REACH Role is "Role not relevant (see remark) **". Justify in the Remark field (columns 23/24) e.g. by filling in "Outsourced to [name of the Contractor]". The Operator does need to verify that the details of a) and b) are in line with the permit. See also Guidance Note 8 point 4.</p> <p>6. <u>Role not clear (see remark) *:</u> The Operator is expected to always meet one of the mentioned "REACH roles". Fill in the "Role not clear" option and include a short explanation "why it is not clear" and what action is taken to identify the REACH Role and relevant REACH Compliance actions in the "remark field" (23).</p>

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>Note. The "Use Compliance Check" (UCC) within 12 months under REACH Art 37-39 is a new REACH Compliance requirement for downstream users (end-users). This needs to be organized in combination with the existing requirements under the Occupational Safety & Health (OSH) regulations to assess the risks for workers working with hazardous substances and mixtures and to organize proper safety measures and instructions. It is a normal procedure to check the Supplier SDS (regardless the SDS-Type). It is also a known procedure to make available the Supplier SDS's as safe use instructions or to process them into specific workplace safety cards.</p>
(15)	Supplier SDS - Reference	OPERATOR (after receipt SDS)	<Hyperlink> or <Text>	<p>REQUIRED. It is envisaged to make a link to the SDS stored in the "CURRENT" folder (if applicable) or to fill in the appropriate, reliable reference to the relevant SDS per record in the Product Inventory (15). Aim is that you can always open / find the appropriate Supplier SDS for which the critical check and "Use Compliance Check" (if applicable) is completed.</p>
(16)	Supplier SDS - Receipt date?	OPERATOR (after receipt SDS)	< Date>	<p>REQUIRED. Fill in and maintain the date that the relevant Supplier SDS as identified in column 15 is received ("receipt date"). This will be the "start date" for the legally required 12 months time frame to complete the Use Compliance Check (columns 19-22) in case the SDS-type (11) is an "Ext-SDS" or "SD-TIUSCC" and the Operator is an "End-user" (14).</p> <p>Note 1. This date is envisaged to be updated when a newer version of the Supplier SDS for the same product will be received by the Operator (see maintenance process described in § 1.1.3).</p> <p>Note 2. When incoming Supplier SDSs are reliably collected and without unnecessary delays stored in the "TO DO" folder, the actual storage date of the electronic SDS in the "TO DO" folder is a practical implementation for the "receipt date". The Operator may have his own alternative approach for managing the "Receipt date".</p>
(17)	Supplier SDS - Hazardous?	OPERATOR (after receipt SDS)	Yes No	<p>NECESSARY. The Operator is asked to capture if the SDS is for a hazardous product or not. A hazardous product can be recognized by having at least one Hazard (H)-statement on the label and in section 2 of the SDS. As such, the hazardous products can be easily recognized / filtered.</p>
(18)	Supplier SDS - Critical check OK?	OPERATOR (after receipt SDS)	Yes Not yet (see remark) * No (see remark) * Not applicable	<p>REQUIRED. The Supplier is required to provide a valid SDS in line with REACH & CLP, but the Operator as downstream user is responsible to verify that he receives a valid SDS and to take corrective measures if not the case.</p> <p>Therefore, the Operator is envisaged to complete a critical check of the Supplier SDS and contact the Supplier when this critical check is not OK. As a minimum the critical check will verify if the SDS is in the correct 16 sections format as defined in REACH Annex II, that the SDS is provided in the Dutch language and that the data included in the SDS is consistent / in line with the REACH Compliance status data provided (that the registration status of the substance as such or the substances in the composition of the mixture is clear, either by the registration number or being exempted).</p> <p>The Operator is recommended to check implications if the mining chemical as "Substance" or the "Substances" in the Mixture composition as listed in Section 3 of the SDS are identified by the Supplier as being listed on: REACH sVHC (substance of very high concern listed on candidate list for authorisation; REACH Art. 56), Authorisation (Annex XIV) and/or Restriction (Annex XVII) list.</p> <p>Each Operator can decide if and how much more critical checks will be conducted on the SDS that may result in communication with the Supplier.</p> <p>The Operator will fill in "Yes" when the SDS passed the critical check and there are no issues identified to discuss with the Supplier. In all other cases, where the Critical check has not been completed or is negative, a short description of the</p>

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				corrective measures taken is assumed to be added in the "Operator - Remark field" (23).
(19)	Ext-SDS - UCC step 1 (own use covered)	OPERATOR (after receipt Ext-SDS)	Yes No (see remark) * Not yet (see remark) * Not applicable	<p>REQUIRED (EXT-SDS). As downstream user, the Operator must complete an Use Compliance Check (UCC) in line with the REACH requirements of REACH Art 37-39 within the following practical instructions.</p> <ol style="list-style-type: none"> When the SDS-Type (11) is an "Ext-SDS" and the Operator REACH role (14) is an "End-user (DU)", the Operator, as downstream user, must complete a "Use Compliance Check (UCC)" in line with the REACH requirements of REACH Art 37-39 within 12 months after receipt of the Supplier SDS (16). This is a two steps process. The first step is to check if the own uses is covered in one ore more Exposure Scenario's (fill in column 19). The second step is to check that the own use conditions as combination of the operating conditions (OC) and risk management measures (RMM) are compliant with the relevant ES selected in step 1 (fill in column 20). The relevant details of the UCC are envisaged to be captured in column 21 (either as brief text or as link to a more detailed document providing the details of the UCC). When the SDS-Type (11) is an "SDS-TIUSCC" is a scenario that is not expected / acceptable for any of the Operator roles (14)! This because the known use of a mining chemical in geothermal processes is not meeting the Intermediate definition and as such cannot be covered by the "SDS-TIUSCC". An immediate action is needed to contact the Supplier to obtain a REACH & CLP compliant SDS that is covering the uses of the Operator (under a full registration dossier in stead of an Intermediate registration dossier). The Operator may not use a mining chemical covered by an "SDS-TIUSCC" (unless there is a valid explanation provided by the Supplier). When the actual usage of the mining chemical is outsourced to another company and, as such the "Operator - REACH role (14)" is a "Distributor", the Operator is responsible to complete the critical check of the SDS (18) and to organize that the contracting party is provided with the valid SDS's. Unless decided differently in mutual agreement, the contracting Party as downstream user needs to organize the safe use assessment and "use compliance check (UCC)" in line with REACH & OSH requirements. When the contracting Party has issues with the Supplier SDS, the Operator in its role of "Distributor" needs to organize the communications with the relevant Supplier to fix the issues. <p>Note. When the actual usage of the mining chemical is outsourced to another company, but the Contractor brings his own mining chemicals to be used, as such the "Operator - REACH role (14)" is "not relevant". The Contractor is responsible for obtaining the REACH & CLP compliant Supplier SDS's for the envisaged use at the Operators location and to complete the Use Compliance Check (if applicable). Possible issues with the Supplier SDS's need to be communicated and fixed with the Supplier via the Contractor. The Operator needs to keep track on the relevant communication with the Contractor.</p> <p>When the Operator need to complete a UCC, he can do that by:</p> <ol style="list-style-type: none"> Fill in "Yes" in column (19) if your own use(s) are covered by the identified uses in SDS(01) and/or one or more Exposure Scenarios (ES) attached to the Ext-SDS (benefitting from the guidance by the Supplier in column 13). Fill in "Yes" in column (20) if your own use conditions are in compliance with the identified ES(s) under step 1 (19). This can be because your use conditions are in line with or are even more safe as the use conditions described in the identified ES(s). This can also be because you can demonstrate an alternative route of compliance (e.g. rely on an exemption, conducted scaling or decision
(20)	Ext-SDS - UCC step 2 (own OC/RMM covered)	OPERATOR (after receipt Ext-SDS)	Yes No (see remark) * Not yet (see remark) * Not applicable	
(21)	Ext-SDS - UCC details	OPERATOR (after receipt Ext-SDS)	<Hyperlink> or <Text>	

Note	Description	Action	Possible answers	Specific guidance per column of the Product Inventory
				<p>to organize your own downstream user exposure scenario in line with the REACH requirements).</p> <p>c. Fill in "Not yet (see remark) **" in columns 19 / 20 if you are still in the 12 months compliance time and organizing the completion of the "Use Compliance Check" (step 1 and/or step 2). It is strongly recommended to include a short explanation of the actions taken in the "Operator - Remark field" (23).</p> <p>d. Fill in "No (see remark) **" in columns 19 / 20 if the Use Compliance Check has a negative result. Please clarify what corrective measures you are taking in the specific "Operator remark field" (23).</p> <p>e. Fill in "Not applicable" in columns 19 / 20, when appropriate and desired (e.g. SDS-Type is not "Ext-SDS") and explain if considered to be relevant in the specific "Operator remark field" (23).</p> <p>Note 1. It is recommended to capture the details of the UCC in a separate document that can be stored on a dedicated location and linked to or referred to in column 21. This UCC detail document should also follow the document archiving rules under REACH.</p> <p>Note 2. Please be aware that if you rely on some exemptions or on a downstream user chemical safety assessment to cover your own use that you need to notify ECHA within 6 months after receipt of the Supplier Ext-SDS.</p>
(22)	Ext-SDS - UCC traffic light (Automatic field)	OPERATOR (after receipt SDS)	<Automatic field>	<p>AUTOMATIC. The Tool is designed such that the Operator can relatively simply manage and monitor the new "Use Compliance Check (UCC)" requirements in line with REACH Art. 37-39. If, in line with the instructions, the Operator has properly filled in and maintained the "SDS-Type" (11), the "Operator - REACH role" (14), "SDS receipt date" (16) and the "UCC results of step 1 and 2 (19 and 20), the traffic light will automatically show the status of the UCC.</p> <p>Note. When the UCC is not yet completed, the number of days since the SDS receipt date will automatically be displayed and the colour will become more red when the 365 days (12-month compliance period) is approaching or is crossed. When the "UCC results of step 1 and 2 are both completed, the UCC status will be marked as "Completed".</p>
(23)	Operator - Remark	OPERATOR (after receipt SDS)	<Text>	<p>OPTIONAL. The "Operator remark field" can be used when the Operator wants to make any remark on the previous columns.</p> <p>Note. If a remark needs more text or repeats over multiple Supplier-Product entries, it is highly recommended to number the remark per relevant entry and provide the details of the numbered remark in the "generic notes" field (24) in the bottom of the Product Inventory.</p>
(24)	Generic notes	SUPPLIER/ OPERATOR	<Text>	OPTIONAL. The "generic remark field" can be used (with a clear reference to the relevant Supplier / Product lines) for a more detailed remark and/or remark that is relevant for more records (if applicable).

Annex 1. Flow chart "Implementation & use of the Chemicals Management Tool"



