

# Discussion on Seveso classification of complex mixtures containing named substances



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# Background

- A case from last year made us assess the directive regarding the Seveso classification of mixtures with more than one dangerous substance (e g waste)
- We believe that our case highlights some more general issues in this regard
- The case is being discussed with the commission and has been sent out to MS for comment

## The case

- A mixture contains several dangerous substances
- A named substance (from part 2) is present in a concentration sufficient to give the mixture the same classification as the substance in question
- The named substance is not classified as hazardous to the environment
- Another dangerous substance (not named, part 1) is also present in a concentration sufficient to give the mixture the same classification as the substance in question
- The part 1 substance *is* hazardous to the environment
- The threshold values for the part 2 substance are lower than the corresponding values for the part 1 substance
- What threshold values should be used when evaluating the mixture for environmental hazards ?

# ANNEX I

## **Dangerous substances**

Where a dangerous substance covered by Part 1 in this Annex and is also listed in Part 2, the qualifying quantities set out in Columns 2 and 3 of Part 2 apply

### **Note 2**

Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under Regulation (EC) No 1272/2008, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.

### **Note 6**

In the case of dangerous substances with properties giving rise to more than one classification, for the purposes of this Directive the lowest qualifying quantities shall apply. However, for the application of the rule in Note 4, the lowest qualifying quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned shall be used

## Annex I , cont

- Slight contradiction in Annex I ?
- "Where a dangerous substance is covered by Part 1 of this annex and is also listed in Part 2, the qualifying quantities set out in Columns 2 and 3 in Part 2 apply"
- Note 2 "Mixtures shall be treated in the same way as pure substances..."
- Note 6 "lowest quantifying quantities shall apply" and "for the application of the rule in Note 4, the lowest quantity for each group of categories in Notes 4(a), 4 (b) and 4 (c) corresponding to the classification concerned shall be used

## Annex I , cont

Difficult to reconcile ” the qualifying quantities set out in Columns 2 and 3 in Part 2 apply” with :

”the lowest quantity for each group of categories in Notes 4(a), 4 (b) and 4 (c) corresponding to the classification concerned shall be used”

Also: meaning of ”treated in the same way as pure substances” is not clear when two or more substances are present

## Possible interpretations

- A named substance in part 2 is "ranked higher" than any substance from part 1 and gives the threshold value to be used. It is used in all cases relating to the mixture, even when a property emanating from another (part 1) substance is concerned
- The actual properties, and the hazards associated with them, of the mixture is the important thing. Since the environmental hazard emanates from the part 1 substance, the threshold values associated with that compound should be used
- Things are too ambiguous to give a definite interpretation

## Other issues (highlighted but not directly related to our case)

- What to do if two or more named substances are present ?
- What if the thresholds of the non-named substance are lower ?
- The provisional assignment to the most analogous category referred to in note 5 (waste etc) to Annex I is often dependent on this kind of interpretation



# Suggestions, questions, thoughts ?