REACH E-NEWSLETTER



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WELCOME

Dear Reader,

The UK REACH e-bulletin brings you key issues relating to the EU REACH (Registration Evaluation and Restriction of Chemicals) regulation.

We bring information on proposed changes, confirmed changes and the possible effects of these changes from a manufacturing, retail and consumer perspective. Opinions from all concerned parties are reported so a full picture of the workings and effects of the regulation are shared.

The information in the following pages is sourced from European Chemicals Agency (ECHA) and Chemical Watch. Each of our articles are linked back to source for further reading.

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EU NOTIFIES WTO OF PROPOSED REVISED PHTHALATES RESTRICTION

The European Commission has notified the WTO of a draft Regulation, amending REACH Annex XVII to restrict the use of four phthalates in toys.

The amendment would specifically prohibit the use of diisobutyl phthalate (DIBP), as a substance or in a mixture, in a concentration equal to or greater than 0.1% by weight of the plasticised material in toys and childcare articles.

It will also prohibit the placing on the market of DEHP, dibutyl phthalate (DBP), benzyl butyl phthalate (BBP) and diisobutyl phthalate (DIBP) in any plasticised material in an article, in a concentration equal to or greater than 0.1% by weight.

Some derogations are provided.

The objective is to reduce exposure of the phthalates present in articles via direct and prolonged dermal contact, direct contact with mucosa membranes, ingestion or inhalation.

The proposed date of adoption is the second half of this year, while the proposed date of entry into force is 20 days from its publication in the EU's Official Journal. The restriction would apply 18 months after its entry into force.

The final date for comments to the WTO is 60 days from the notification.

Article source: ChemicalWatch.com

SWEDEN TO PRESS AHEAD WITH PARAFFINS RESTRICTION PLAN

The Swedish Chemicals Agency (Kemi) says it plans to go ahead with a proposal to restrict medium-chained chlorinated paraffins (MCCP) in electrical and electronic equipment "at the latest this summer".

The decision follows the second phase of a public consultation Kemi launched last year as it investigated whether it was appropriate to propose the restriction under the EU's Directive on the Restriction of Hazardous Substances (RoHS) in electrical and electronic equipment.

The consultation received five responses from trade associations and companies. The main thrust of their comments was that there is a lack of suitable alternatives to MCCPs, a Kemi spokesperson claimed.

The substances are both plasticisers and flame retardants – they are mainly used in cables made of PVC – and therefore a 'one size fits all' alternative is unlikely to be available, participants in the consultation said.

Kemi maintains however, that "technically feasible" alternatives that are either plasticisers or flame retardants can be found. MCCPs are classified as environmentally hazardous and can affect human reproduction.

Once Kemi files the restriction proposal, it will then be handled as part of an ongoing study at the European Commission regarding future substance reviews under the RoHS Directive.

The Commission has contracted independent consultancy Oeko-Institut to review, among other things, a list of seven priority substances, including MCCPs, for a potential future restriction under RoHS2. The study is expected to be finalised in 18 months.

Article source: ChemicalWatch.com

UK RATIFIES MINAMATA CONVENTION ON MERCURY

The UK has ratified the UN Minamata Convention on mercury. The European Union and twenty other member states have already signed up to the treaty.

The convention entered into force in August last year after 50 countries ratified it, including the EU and seven member states. Those countries attended the first Conference of the Parties in September.

As of today, 91 countries have ratified the convention, which requires them to implement measures that control human-made mercury pollution. These include phasing out existing – and banning new – mercury mines, reducing emissions and use. The treaty also sets conditions for interim storage and disposal of mercury waste and regulating artisanal and small-scale gold mining.

UK junior environment minister Thérèse Coffey said ratifying the convention would allow the UK to work with other countries and "show leadership towards a global solution" to mercury.

The EU last year published a new regulation on mercury, which includes a ban on the use of dental amalgam for children under 15, pregnant women and breastfeeding women, unless medically necessary. The rules come into effect in July and are directly applicable in UK law.

Article source: ChemicalWatch.com

ECHA RECOMMENDS RESTRICTION ON FLAME RETARDANTS IN POLYURETHANE FOAMS

ECHA has recommended that a restriction proposal is prepared on the flame retardants TCEP, TCPP and TDCP in flexible polyurethane (PUR) foams in childcare articles and residential upholstered furniture.

The agency published a screening report on its website that identified a carcinogenicity risk for infants from exposure to the substances. A call for evidence in support of a possible restriction proposal took place between 13 December and 8 February, and received 17 responses.

TCPP and TDCP are used as flame retardants in flexible PUR foams in products such as baby mattresses, car safety seats, baby slings and residential upholstered furniture. Although TCEP is not in use in the EU, ECHA says it may be present as an impurity in other commercial flame retardants or in imported articles. The three substances are being treated as a group because they have similar uses and are structurally and toxicologically similar.

Baby mattresses were identified as posing the highest carcinogenicity risk to infants, due to the large contact surface area and long duration of contact. A risk of reproductive effects from TCEP and TCPP in mattresses was also identified. The report says that mattresses for adults may need to be included as well since infants often sleep in their parents' bed.

ECHA now requires a request from the European Commission to initiate preparation of a formal proposal for the REACH Annex XV restriction.

CALL FOR WIDER SCOPE

The European Furniture Industries Confederation, Efic, submitted a position paper in response to ECHA's call for evidence.

In the paper, Efic president Markus Wiesner says that the restriction proposal should have a wider scope than foam in residential furniture because flame retardants are principally used in public contract furniture throughout the EU.

He says: "In these segments of the furniture market, open flame tests leading to the use of flame retardant chemicals are often requested by regulation, buyers or public authorities."

Efic also says a restriction should be applied to textiles, as well as PUR foam.

EU-WIDE RESTRICTION

Although ECHA recommends an EU-wide restriction, the report says that the UK and Ireland may be exempted or given the choice to opt-out of the ban under certain conditions. In the UK and Ireland, flammability standards for residential upholstered furniture and some childcare articles require the use of fire retardants.

Other member states only require flame retardants to meet flammability standards for certain products on the office furniture, contract and public markets.

Mr Wiesner says: "A national-based approach would jeopardise consumers' protection across the EU. It would also set different levels of competition and barriers to trade in the single market for companies."

Efic is a member of the Alliance for Flame Retardant-Free Furniture, a coalition of 10 organisations which campaigns for fire safety regulations which are harmonised across the EU, but do not require the use of flame retardants.

It lodged a legal complaint with the European Commission against the UK and Irish Fire Safety Regulations in 2016, on the grounds that they pose a barrier to trade in the single market. It is understood that the Commission is still considering the complaint.

Article source: ChemicalWatch.com

SWEDEN'S KEMI ACTS AFTER LEAD, SCCPS FOUND IN SMALL ARTICLES

The Swedish Chemicals Agency (Kemi) reported 11 companies to environmental prosecutors after it found lead and short-chained chlorinated paraffin's (SCCPs) in small electronics and soft plastics items that children can put in the mouth.

Kemi inspected 162 small articles, such as mobile phone cases, ornaments and consumer electronics sold in Sweden by 59 suppliers, and found that 19 of them contained parts with prohibited hazardous substances children can suck or swallow.

All 19 products were removed from the market after the companies were unable to comply with a request from Kemi to obtain more information about the substances from their suppliers.

Three products contained lead, Kemi said, even though the metal is forbidden in the EU in small items due to a higher health risk for children from ingestion. The items – a refrigerator magnet, a soap container and a mobile phone case – had been imported into Sweden after the new EU ban came into force.

Ten other articles, including gloves and a toothbrush holder made of soft PVC plastic, contained SCCPs, Kemi added.

Twenty others contained phthalates, some of which are on the REACH Candidate List. While the presence of these substances is permitted, suppliers need to notify this. None of the companies had received the information from their suppliers and they all choose to stop selling the products, Kemi said.

In February, Kemi took action on 16 electronics importers after it found prohibited levels of hazardous chemicals in products, including lead in imported electronics.

Article source: ChemicalWatch.com

EU COMMISSION IDENTIFIES TMA AND DCHP AS SVHCS

The European Commission has identified benzene-1,2,4-tricarboxylic acid 1,2 anhydride (trimellitic anhydride) (TMA) (EC 209-008-0, CAS 552-30-7) as an SVHC because of its respiratory sensitising properties.

The substance is mainly used in the synthesis of plasticisers for PVC resins, while smaller amounts are used as a reactant in wire and cable insulation enamels and polyester resins for powder coatings.

According to the Commission's implementing regulation, the data presented and discussed in the Annex XV dossier show that TMA causes serious and permanent impairment of lung functions, if the exposure is prolonged and no intervention takes place. This view is in line with the majority opinion of the ECHA Member State Committee (MSC).

The Commission has also published its decision to identify dicyclohexyl phthalate (DCHP) (EC 201-545-9, CAS 84-61-7) as a SVHC under Article 57(c) of REACH due to its classification as toxic for reproduction category 1B, and under Article 57(f) of REACH due to its endocrine disrupting properties with probable serious effects to human health.

As a result, ECHA will add these substances to the Candidate List at the next scheduled update, currently foreseen for the end of June or beginning of July 2018.

Article source: ECHA.europa.eu

82% OF INSPECTED INTERNET ADVERTISMENTS FOR HAZARDOUS CHEMICALS LACK REQUIRED WARNING

An enforcement project checking online advertisements for hazardous chemical mixtures found a considerable number with no hazard statements. A total of 1 314 internet advertisements were checked, with 1 083 (82%) found to be non-compliant with the Classification, Labelling and Packaging (CLP) Regulation. The majority of the non-compliant advertisements did not contain the required information on hazards.

The project's aim was to check whether the advertisements of hazardous chemical mixtures offered for sale on the internet comply with the requirements of Article 48(2) to CLP. This provision states that an advertisement for a mixture classified as hazardous must mention the hazard indicated on the label if the mixture can be purchased without first seeing the label.

Enforcement authorities carried out the 1 314 desktop inspections from January to August in 2017. 95% of the checked websites were professional internet shops. Many of the inspected mixtures were used for household (37%), construction (16%), and motor products (14%).

In cases of non-compliance, inspectors took appropriate enforcement measures to remedy or sanction it. In most cases, written or verbal advice was given, but other measures, such as fines, administrative orders or criminal complaints, were also taken.

Article source: ECHA.europa.eu

NORWAY BANS 'SLIME' TOY PRODUCTS CONTAINING LEAD AND ARSENIC

The Norwegian Environmental Directorate has removed some slime-like toy products from the market after it found they contained high levels of lead and arsenic.

It tested the products following a notification from the UK to the EU's Rapid Alert System (Rapex) for dangerous non-food products in February. British authorities said they had removed the 'gold' and 'blue' Magnetic Putty product from the national market as they had 32.9mg/kg of arsenic and 29mg/kg of lead.

This is eight times the level of arsenic permitted by Norwegian toy regulations and twice that of lead, the directorate says.

After the Rapex notification Norway investigated "pre-mixed" products sold online and in shops. It has requested information from one supplier by the end of the month on how many products it has imported and sold.

The directorate has also sent 20 other types of pre-mixed slime products for analysis, head of product supervision Mathieu Veulemans stated.

Arsenic and lead are added to the slime for a magnetic effect. Both substances are restricted under Annex XVII of REACH – arsenic is toxic and exposure to lead is harmful for human health and can cause developmental neurotoxicity.

The directorate also warned individuals not to make their own slime products, as they may contain pure borax, which is classified as reprotoxic. Sale of the substance to individuals is banned and the directorate says it has removed advertisements for chemicals containing pure borax.

Article source: ChemicalWatch.com

RESTRICTIONS ON METHANOL AND NMP ADDED TO ANNEX XVII

On April 19 2018, the EU published two pieces of legislation to restrict two completely new chemicals under Annex XVII of REACH. These new laws are the following:

- Regulation (EU) 2018/588 restricting the use of 1-methyl-2-pyrrolidone (NMP) under new entry 71
- Regulation (EU) 2018/589 restricting the use of methanol under new entry 69

Highlights of these two new entries are summarised in the table below.

REGULATION (EC) 1907/2006, ANNEX XVII OF REACH			
SUBSTANCE	**SCOPE**	**REQUIREMENT**	**EFFECTIVE DATE**
Methanol	Windscreen washing or defrosting fluids	≤ 0.6%	After May 9 2018
1-Methyl-2-pyrrolidone (NMP)	Substance on its own or in mixtures	≤ 0.3%	After May 9 2020 (placed on market*)
	Substance on its own or in mixtures	≤ 0.3%	After May 9 2020 (manufactured or use**)
	Substance, or as solvent or reactant in the process of coating wires	≤ 0.3%	May 9 2024

Article source: ECHA.europa.eu

SODIUM DICHROMATE AUTHORISATION APPLICATION APPROVED BY EU

The European Commission has approved an application for a use of sodium dichromate. It is for the substance's use as a corrosion inhibitor in ammonia absorption deep cooling systems as applied in the industrial production of freeze-dried products such as coffee, herbs, spices and comparable products.

The companies Jacobs Douwe Egberts, Dr Otto Suwelack Nachf and Européenne de Lyophilisation made the application. The recommended review period expires on 21 September 2029.

Sodium dichromate is on REACH Annex XIV – the authorisation list – owing to its carcinogenic, mutagenic and reprotoxic properties.

In related news, at the end of February, the EU executive granted authorisation to Total Raffinerie Mitteldeutschland to use the substance as a corrosion inhibitor in the ammonia absorption deep cooling system of a methanol synthesis plant. It has the same recommended review period.

Article source: ChemicalWatch.com

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