

# REACH E-NEWSLETTER

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**SGS**

## 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 COMMISSION ISSUES REGULATION ADDING CMRs TO REACH ANNEX XVII



The European Commission has amended the appendices to REACH Annex XVII to include new substances. Substances in the relevant appendices are covered by restriction in entries 28 – 30, which prohibit the placing on the market or use for supply to the general public of substances classified as carcinogenic, mutagenic or reproductive toxicant (CMR), category 1A or 1B, and of mixtures containing such substances in specified concentrations. Suppliers are reminded to check if restriction updates are applicable to them. Further details are found in the Commission Regulation ([link below](#)).

This Regulation will enter into force 20 days after its publication in the EU's Official Journal.

Article source: [Eur-lex.europa.eu](http://Eur-lex.europa.eu)

## CEPIC SUGGESTS POST-BREXIT 'GRANDFATHERING' OF REACH SUBSTANCES

Substances registered under REACH by UK companies, or those which have been granted an authorisation after a UK application, should be 'grandfathered' after Brexit, Europe's chemical industry council Cefic said. Grandfathering is the act of exempting something from new legislation or requirements.

This will avoid duplication of regulation and associated costs, its executive director of industrial policy René van Sloten said.

*"The free trade of these products should be guaranteed under the same conditions as is the case right now, and this should apply after March 2019, until the authorisation has to be renewed or the registration updated,"* he said.

Such a move would secure continued collaboration with the relevant EU agencies, such as ECHA. Any new measures must provide for regulatory consistency and clarity to economic operators and to *"uphold robust health, safety, social and environmental regulatory standards on either side"*, he said.

UK companies and authorities have made *"substantial investments"* in REACH compliance and therefore, Mr Van Sloten said, the *"most realistic"* scenario would be for the UK to adopt *"identical REACH legislation independently"*.

### MUTUAL RECOGNITION

His comments come two weeks after the UK Chemical Industries Association (CIA) head Steve Elliott said he wants the UK to remain in all of the REACH processes, *"warts and all"*. Earlier this year, CIA's chemicals policy director said, *"a mutual-recognition"* model *"could work"* for REACH if the UK and the EU agree.

The German chemical industry association, VCI, endorsed a similar approach this week. An agreement between the EU and the UK, director general Utz Tillmann said *"should comprise the most far-reaching mutual recognition and the same standards"* for the safety of products and chemicals, human health and, the environment.

In future, Dr Tillmann said, the existing high-standards to protect human health and environment under EU legislations *"should be kept up in a harmonised manner"* in both the EU and the UK. Regarding legislation, the UK *"should be largely integrated in the single market with all rights and obligations"*, he said.

Depending on the scope of a future agreement, *"at the very least long transitional periods should be granted during which all rights and obligations under existing EU law continue to apply for EU27 and the UK and need to be fulfilled by both parties"*, he said.



### UK EXECUTIVE?

CIA's Steve Elliott has said that setting up UK institutions parallel to ECHA would likely be very costly, lead to an increased level of uncertainty and take a long time to establish. The best option, he said, would be *"to continue to use the services provided by both the European Commission and ECHA"*.

When asked for a comment on this, Cefic's René van Sloten said it is up to the UK to decide how it wishes to organise this, *"either by the setting up [its] own agency or through a cooperation agreement with ECHA"*.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)

## COMMISSION AUTHORISES SEVEN USES

The European Commission has granted authorisations for:

- Chromium trioxide (EC 215-607-8; CAS 1333-82-0) and dichromium tris (chromate) (EC 246-356-2; CAS 24613-89-6) (Nexter Mechanics and Nexter Systems) – one use with a review period until 21 September 2029 and four uses with a review period until 21 September 2024.
- Bis(2-methoxyethyl)ether (diglyme) (EC 203-924-4; CAS 111-96-6) (Novartis Ringaskiddy Limited) – one use with a review period until 22 August 2024.
- Lead chromate (EC 231-846-0; CAS 7758-97-6) (Etienne Lacroix Tous Artifices SA) – one use with a review period until 4 August 2024.

A total of 100 authorisations have been granted to date.

### COMMITTEES' OPINIONS ON APPLICATIONS FOR AUTHORISATION AVAILABLE

The consolidated opinions of the Committees for Risk Assessment and Socio-economic Analysis for the following uses are available on ECHA's website:

- Two uses of chromium trioxide by Hansgrohe SE
- Two uses of chromium trioxide and one use of sodium dichromate by ZF Luftfahrttechnik GmbH

Article source: [ECHA.europa.eu](http://ECHA.europa.eu)



## ECHA CONSULTS ON UK DECHLORANE PLUS CANDIDATE LIST PROPOSAL



ECHA is calling for evidence on the UK's proposal to identify dechlorane plus as an SVHC.

The UK says the substance is suspected of having very persistent and very bioaccumulative (vPvB) properties. It is used as a chlorinated flame retardant in a variety of applications, including:

- Electrical wiring and cables
- Textiles
- Fireworks

ECHA says there is little information available about specific applications or the relative amounts and socioeconomic factors involved. Separately, NGOs have raised concerns about the substance's persistent properties and the amount of time it has taken to start regulatory action.

The consultation started on 20 September and closes on 20 October.

In late July, the UK confirmed that it will continue to participate in planned regulatory action – such as screening of substances – and attend and actively participate in ECHA and European Commission forums while Brexit negotiations continue.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)



## EU-WIDE CONSUMER APP AIMS TO FOSTER SUBSTITUTION OF SVHCs

European competent authorities, NGOs and academics are banding together to develop an EU-wide phone app for consumers to identify substances of very high concern (SVHCs) in products.

The AskREACH project was launched this month by the German Environment Agency (UBA), in collaboration with 20 project partners from 13 EU member states. The app is expected to be available from Spring 2019.

It aims to increase consumers' knowledge on the risks SVHCs pose to human health and the environment, and enable them to make informed purchasing decisions.

A second objective is to encourage the substitution of SVHCs in articles, by making producers, retailers and their supply chains, including article importers, aware of their legal obligations under REACH and enhancing supply chain communication.

Ultimately the project hopes to foster substitution of SVHCs in articles with safer alternatives, by influencing awareness.

It will involve the development of a central European IT system, made up of three parts.

These are:

- A database, where companies feed in information on SVHCs in articles;
- A multi-language smartphone app for consumers, which will provide information, taken largely from the database, on SVHCs in articles at the point of sale; and
- A supply chain communication tool for companies, which aims to "increase their competencies and capacities to comply with REACH".

Several large unnamed companies have expressed their support, according to the partners, and will be the forerunners in entering their data into the database.



Users of the app will be able to scan or manually input product barcodes, which will be linked to a database that is currently available in German and English. If the desired data is not yet available, an information request will be automatically sent to the article supplier.

### ARTICLE 33

Article 33 of REACH requires manufacturers to respond to a consumer's request for information on whether a product contains any SVHCs above a concentration of 0.1%. They must provide the information free of charge and within 45 days.

*"Empirical data shows that few consumers ask for SVHC information because they are not aware of their right,"* the project brief reads.

The project partners say the "provision is not useful" because of the length of time manufacturers are given to respond, and that, for products that do not contain SVHCs, an answer does not have to be provided at all.

*"[Article 33] may create confusion because the consumer cannot distinguish between non-compliant suppliers and suppliers not answering because the article does not include an SVHC,"* they say.

Furthermore, the information is not available immediately and so "cannot influence purchasing decisions".

### RAISING AWARENESS

In addition, two awareness raising campaigns are planned for the 13 participating EU member states, and at least in five other EU states. Project results will be made available to all EU member states.

During the initiative – which runs between September 2017 and August 2022 – the partners anticipate 3.1m Article 33 requests to suppliers.

The project is being funded by the EU's Life funding programme and a website reporting on progress will be launched in March 2018.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)

## FINNISH INVESTIGATION FINDS RESTRICTED METALS IN JEWELLERY



The Finnish Safety and Chemicals Agency (Tukes) has found high levels of the restricted metal, cadmium, in jewellery.

The agency investigated 91 pieces of metal jewellery and found that in five products it was present at levels from 42% to 90% – far exceeding the permissible EU limit of 0.01%. Cadmium has carcinogenic and mutagenic properties and is very toxic to aquatic organisms.

The study also found nine products contained solubilised nickel above what is allowed. Nickel is suspected of causing cancer, respiratory disease and skin sensitisation.

Following the tests, Tukes ordered the withdrawal from the market of jewellery that contained high-levels of the

metals. No lead was found in any of the products tested.

The agency says that higher levels of restricted metals are increasingly being found in jewellery. In 2015, out of 30 pieces examined, only one contained a large amount of cadmium.

There has been increasing international activity on the monitoring of metals in jewellery. Earlier this year, Sweden carried out a similar test and found that nearly a third of the marketed items tested contained levels of lead and cadmium above permitted levels.

ECHA has recently called for evidence to identify information necessary to review the current restriction on lead in jewellery.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)

## MOST PFASs IN CONSUMER PRODUCTS 'FROM UNKNOWN SOURCES'

Tests on a selection of consumer products in northern Europe show that more than 99% of per- and polyfluorinated substances (PFASs) found in them come from unknown sources.

The Swedish Chemicals Agency (Kemi) and the Nordic Chemicals Group conducted the test for the Nordic Council of Ministers, an inter-governmental cooperation body that represents five European countries.

They analysed 52 samples of different household products that are known to contain, or are suspected of containing, PFASs. These included:

- Textiles
- Food contact materials
- Waterproofing treatment sprays
- Waxes
- Polishes
- Rinsing aids

The study analysed 17 new samples for 19 individual PFASs and total organic fluorine (TOF). It also re-examined 27 samples out of 29 from a 2015 project conducted by the Nordic Risk Assessment Group, which showed that all products contained PFASs and 12 of the 22 it targeted were detected. And a further eight textile samples collected in a 2015 Kemi project were analysed for 22 individual PFASs, as well as TOF.

The comparisons between the sums of detected PFASs and the TOF concentrations showed that for most samples the analysed PFASs constituted "only a very minor part" of the TOF – below or far below 1%.

This illustrates that "we lack knowledge of most [PFASs] used in the analysed products," Kemi's Jenny Ivarsson says.



## PFOA AND PFOS

PFASs were detected at varying levels in 16 of the 17 new samples, which include clothes and shoes. All of them contained perfluorooctanoic acid (PFOA), which was the most frequently detected PFAS.

The European Commission has imposed a restriction on the use of PFOA and its related substances in products at levels above 1,000 parts per billion (ppb). The restriction is expected to come into force in 2020.

The levels of PFOA detected in the study were below 1,000ppb in all products, the council says. However, it adds, it cannot be ruled out that other PFOA-related substances that were not analysed could be present in the products, given their higher levels of TOF.

The result of the targeted analysis of textiles showed that six out of eight products contained PFASs.

Perfluorooctanesulfonic acid (PFOS) was detected in one popcorn bag, possibly due to "some kind of background contamination", the study says, because the manufacturer "does not intentionally" add PFOS to its paper. There is no regulation prohibiting the use in food contact materials, but the council said the manufacturer has since changed to PFAS-free bags.

The highest TOF content was found in dental floss, one non-stick baking product and two jackets. Some samples had concentrations below the limit of detection, or none, indicating that these products may be free of PFASs.

The Nordic Council is now calling for better analytical methods to measure TOF. The method developed for paper and packaging is not applicable to liquid impregnation sprays and waxes – meaning comparisons were not possible, it says. It has also urged a follow-up study, once the EU restriction on PFOA has been implemented.

In July, it called for prompt regulatory action on PFASs and suggested the substances could be considered for REACH candidate list inclusion as substances of equivalent concern under Article 57(f), due to their extreme persistence and mobility.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)

## PUBLIC CONSULTATION TO IDENTIFY NINE NEW SUBSTANCES OF VERY HIGH CONCERN

A public consultation has been launched on proposals to identify nine new substances of very high concern (SVHCs). The substance names and examples of their uses are available on ECHA's website. The deadline for comments is 20 October 2017.

The substances and examples of their uses are:

- **4,4'-isopropylidenediphenol (Bisphenol-A) (EC 201-245-8)**. Used in the manufacture of polycarbonate, as a hardener for epoxy resins, as an antioxidant for processing PVC and in the production of thermal paper. Bisphenol A is already included in the Candidate List due to its toxic for reproduction properties and its endocrine disrupting properties with effects on human health.
- **Chrysene (EC 205-923-4)**. Not registered under REACH. Normally not produced intentionally but rather occurs as a constituent or impurity in other substances.
- **Benz[a]anthracene (EC 200-280-6)**. Not registered under REACH. Normally not produced intentionally but rather occurs as a constituent or impurity in other substances.



- **Cadmium nitrate (EC 233-710-6)**. Used in laboratory chemicals and for the manufacture of glass, porcelain and ceramic products.
- **Cadmium hydroxide (EC 244-168-5)**. Used in laboratory chemicals and for the manufacture of electrical, electronic and optical equipment.
- **Cadmium carbonate (EC 208-168-9)**. Used as a pH regulator and in water treatment products, laboratory chemicals, cosmetics and personal care products.

- **Tricobalt tetraoxide containing  $\geq 0.1\%$  w/w nickel oxides (EC 215-157-2)**. Used in laboratory chemicals, pH regulators and in water treatment products, semiconductors, polymers and coating products.
- **Dechlorane plus (including any of its individual anti – and syn-isomers or any combination thereof) (CAS 13560-89-9; 135821-74-8; 135821-03-3)**. Used as a non-plasticising flame retardant, used in adhesives and sealants and in binding agents.
- **Reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP-HP) [with  $\geq 0.1\%$  w/w 4-heptylphenol, branched and linear] (EC –)**. Used as a lubricant additive in lubricants and greases.

The deadline for comments is 20 October 2017.

Article source: [ECHA.europa.eu](http://ECHA.europa.eu)

## STUDY FINDS COMPANIES **LACK INCENTIVES** FOR UPDATING THEIR REACH REGISTRATIONS

An external report on dossier updates suggests that more clarity is needed on how the registration process works, what needs to be updated and by whom in order for more companies to submit new information on the safe use of their chemicals.

A report, commissioned by ECHA, examines the challenges and incentives for updating REACH and CLP dossiers and identifies best practice that could help companies improve their data. As the main issues affecting companies responsible for updating their information, it mentions the perception that registration is the end of the process and that no additional work is needed afterwards; obscurity of what needs to be updated, when and by whom; and limited resources, especially for SMEs.

The report proposes improvements structured around four steps:

1. A clear definition of what needs to be updated.
2. A clear definition of who is responsible for the updates – clarifying the roles of the lead and co-registrants.
3. An improved understanding of why updates are important – that they have an impact on protecting the human health and the environment.
4. An Implementing Act to clarify the update requirement of Article 22 of REACH, including clear circumstances and fixed intervals when dossiers need to be updated.



The recommended actions are addressed to ECHA, the trade associations and the policy makers. The report has been sent to the European Commission for their consideration under the REACH Review expected to be finalised by the end of the year.

### BACKGROUND

The REACH and CLP regulations require companies to update their information whenever new information is available. Article 22 of REACH specifies a number of “further duties of registrants”. These can be divided into those that registrants are expected to do spontaneously under their own initiative and those required by ECHA during the evaluation process. Around 64 % of the registration dossiers submitted to ECHA since 2008 have never been updated.

Article source: [ECHA.europa.eu](http://ECHA.europa.eu)



## UK GOVERNMENT REVEALS DRAFT LAW ON MICROBEADS BAN

The UK government has published a draft of a law that will ban the manufacture of rinse-off cosmetics containing microbeads by the end of the year.

The draft follows a public consultation on the government's proposed ban, which closed on 28 February.

Some respondents had called for its scope to be broadened and cover all products that result in microbeads being washed down the drain. This would include leave-on makeup and sunscreen. Others called for inclusion of some polymers and cleaning products.

The draft law has kept to the scope originally proposed. But the UK environment ministry, Defra, has now also committed to working with the Hazardous Substances Advisory Committee (HSAC) to assess the case for addressing further categories of products.

NGOs have already started discussing the scope and timeline for this work with Defra and the HSAC, according to the Microbeads Coalition, a campaign umbrella group made up of the Environmental Investigation Agency, Greenpeace, Fauna & Flora International (FFI) and the Marine Conservation Society.

The coalition is "particularly pleased that the ban will not include a limit on the lower size, shape or function of the plastic ingredients covered by the legislation or an exemption for so-called 'biodegradable' plastics," FFI said.

And it welcomes the inclusion in the draft of definitions for 'microbead', 'plastic' and 'rinse-off'. This makes it potentially stricter than the original proposal, FFI said.



### INDUSTRY SCRUTINY

Meanwhile, UK cosmetics trade association, CTPA, says it is scrutinising the draft legislation "to ensure it covers those solid plastic microbeads which have been identified as a possible, though minor, contributor to marine litter".

The cosmetics industry has already acted voluntarily to remove those microbeads from rinse-off cosmetics, it said. Use of microbeads by its member companies had fallen by 80% by the middle of 2016 and will be zero by the end of 2018, even without the ban, it said.

CTPA adds that only rinse-off cleansing and exfoliating cosmetic products have been associated with marine litter because only those products had contained solid plastic microbeads.

"It is important that the ban does not inadvertently cover ingredients that are not solid plastic microbeads and for which there is no sound scientific evidence to support legislative action," said CTPA director general, Chris Flower.

Referencing a report by environmental consultants Eunomia that identified the sources of primary and secondary plastic, Dr Flower said, the CTPA looks forward to seeing what action the government will take over "the major sources of marine litter, since more than 99% of the problem still remains to be addressed."

Defra is accepting comments on the draft legislation until 15 October.

Article source: [ChemicalWatch.com](http://ChemicalWatch.com)

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