

## CheMI Platform position on the PROPOSAL FOR A RESTRICTION ON PAHs IN CONSUMER PRODUCTS



\*\*\*\*\*

**CheMI is a platform for downstream users of chemicals in manufacturing industries.** It works as a channel for the downstream users to voice their concerns, and aims at contributing to the successful implementation of REACH. CheMI was established in 2003. Its members are umbrella groups representing a variety of industries and comprising approximately 400.000 companies and 7 million employees: **AFERA** (self-adhesive tapes), **CEI-Bois** (woodworking), **CERAME-UNIE** (ceramics), **CITPA** (paper & board converting), **COTANCE** (leather), **ECMA** (carton makers), **EMPAC** (light metal packaging), **ETRMA** (rubber/tyres), **EURATEX** (textiles & clothing), **FPE** (flexible packaging), **FINAT** (self-adhesive tapes), **INTERGRAF** (printing), **TIE** (toys) and **UEA** (furniture).

\*\*\*\*\*

**CheMI** members share the objectives of the REACH Regulation to provide a high level of protection of human health and of the environment. Through its members, substantial resources are constantly deployed to contribute to that effort.

CheMI has closely monitored the evolution of the initial proposal by German Authorities to restrict the presence of Polycyclic Aromatic Hydrocarbons (PAHs) in “consumer products”<sup>1</sup>.

**CheMI is highly concerned about the unconventional and scientifically questionable way in which the current Restriction proposal has been elaborated and justified. The adverse effects and costs of the restriction on industry risks to be disproportionate to the original objectives pursued.**

**This is the first time that the so-called “fast track” procedure (REACH Art. 68.2) is proposed to be adopted.** CheMI understands that **due to current serious scientific procedural assessment shortcomings on which the current proposal is based, such use of the fast-track procedure could set an inappropriate precedent for the handling of Restrictions proposals in the future.**

---

<sup>1</sup> ANNEX XV RESTRICTION REPORT PROPOSAL FOR A RESTRICTION: Benzo[A]Pyrene, Benzo[E]Pyrene, Benzo[A]Anthracene, Dibenzo[A,H]Anthracene, Benzo[B]Fluoranthene, Benzo[J]Fluoranthene, Benzo[K]Fluoranthene, Chrysene [Version number 1, 31/05/2010]

**CheMI's main concerns:**

- The human health risk claimed is not adequately substantiated; so far claims have not been supported by appropriate evidences or valid scientific argumentations. The proposed **restriction is not justified**.
- **The uniform enforcement of the proposed restriction cannot be guaranteed. PAHs are not used** in consumer products. PAHs are impurities from raw materials and there is very **little knowledge** about testing for PAHs in various materials. Officially **recognized test methods** for checking the conformity of either the raw material and/or the final product should be identified before setting such strict requirements. Moreover, there is a risk of adopting a potentially unworkable legislation since only validated analytical test methods would allow checking unequivocally and objectively the conformity of articles manufactured in or imported into Europe across the EU internal market. For Industry it is a matter of legal certainty, but also enforcement authorities would benefit from this harmonised scientific approach.
- The **concentration/limit values** proposed have been set arbitrarily; they appear to not have been derived by any peer reviewed risk assessment nor by using any validated testing method.
- A proper **socio-economic analysis** has not been conducted. The impact of the proposed concentration/limit values together with the uncertainty on the potentially wide range of products likely to be affected have not been evaluated.
- Substantial **R&D activities, manufacturing processes optimization and commercial agreements** might be certainly required before manufacturers are able to modify the chemical composition, if at all possible, of certain critical articles falling in the (still imprecise) scope of the Restriction proposal. For certain articles, the time from design approval until a product is placed on the market might exceed two years. Additionally, an economic impact assessment would clearly show the dramatic increase of testing costs.

**CheMI position:**

CheMI urges the European Commission to not proceed with the fast track procedure (REACH Art. 68.2) until a **proper scientific assessment of risk have been performed and endorsed**. In case the need for a Restriction will emerge, the following steps must be taken:

- The **scope of the restriction** must be clearly specified to avoid the dysfunctions of an unclear and unjustified broad scope; this implies the definition of the exposure/risk criteria, the identification of the consumer products concerned and the specific uses that are targeted;
- **Limit values** should be based on foreseeable exposure/risk and bioavailability evidence.
- **The impact on specific sectors** and the time required by industry to implement the Restriction should be properly evaluated;
- **Officially recognized sampling and testing methods** to check the conformity of the component material and/or the final product should be identified, or made available before the entry into force of any restriction in order to avoid inconsistencies among inter-laboratory results.

For further information contact the CheMI Platform:

- Lorenzo Zullo – European Tyre and Rubber Manufacturers Association, ETRMA: [technical@etrma.org](mailto:technical@etrma.org)
- Albert Vallejo – Toy Industries of Europe, TIE: [albert.vallejo@tietoy.org](mailto:albert.vallejo@tietoy.org)