

REACH AUTHORISATION SCORE CARDS

Canadian company pushes toxic substances back into EU paints

"The aim of authorisation is to ensure the good functioning of the internal market while assuring that the risks from substances of very high concern are properly controlled and that these substances are progressively replaced by suitable alternative substances or technologies where these are economically and technically viable." {REACH Art. 55}.

What is a scorecard? EEB's verdict on authorisation applications, the opinions handed down by ECHA's Committees, and overall compliance with REACH requirements for granting authorisations to substances of very high concern (SVHC).

The aim? To improve the authorisation process in order to ensure that SVHC are progressively replaced by safer alternative substances or technologies.

Applications for the use of lead chromates in paints			
Uses applied for are specific and sufficiently documented.			
Information provided by the applicant conformed with the legal text requirements.			
Information was accessible to the public.			
Applicant demonstrated adequate control or that the proposed risk management measures were appropriate and effective.			
Applicant demonstrated that there were no suitable alternatives.			
Applicant demonstrated that the socio-economic benefits of using the substance outweighed the risks.			
RAC's opinion			
SEAC's opinion			

Comments:

- The scope of this application is broad, covering not only the manufacture of the pigments but also professional users and SMEs.
- The information provided in the application was not in conformity with the legal text requirements as important hazard and exposure data were missing. Information on the number of downstream users and total number of exposed workers was not provided. Only modelling data was used for calculating exposure. RAC recalculated the applicant's risk assessment figures.
- The information available through the public consultation was sufficient for third parties to provide constructive input.
- Respiratory protective equipment (RPE) and personal protective equipment (PPE) are necessary to reduce the risks from exposure to chromium and lead. The applicant assumes proper use of RPE/PPE by downstream SMEs, although it is well known that these companies do not have adequate resources and knowledge of chemical risks.
- Both the application and information provided through the public consultation demonstrated that technically and economically feasible alternatives are available. No EU-based company manufactures lead chromate pigments anymore.
- The socio-economic analysis provided by the applicant was not realistic.
- RAC's opinion was consistent with the information and assessments provided by the applicant. Due to reservations about the intensity of use and over reliance on RPE/PPE to reduce the risks, it recommends a short review period.
- SEAC's opinion was not consistent with the information and assessments provided in the application and through the public consultation. SEAC recommends an authorisation with a long review period (12 years) based on the lack of available alternatives and the long innovation cycle of the pigment sector, although European companies have already innovated to safer alternatives that are widely available in the EU market.

Scoring criteria

Uses applied for are specific and sufficiently documented.

Green: specific uses sufficiently described.

Amber: specific uses not sufficiently described.

Red: broad uses.

REACH legal text Art 60(7) establishes that the authorisations should be use specific.

Information provided by the applicant conformed with the legal text requirements.

Green: applicant provided sufficient information for the Committees to be able to develop an opinion.

Amber: after RAC and/or SEAC requested further information, the applicant provided sufficient information.

Red: even after RAC and/or SEAC requirements, the applicant didn't provide sufficient information.

REACH legal text Art 62 establishes the information requirements that applications must fulfil.

Information was accessible to the public.

Green: no information was deemed confidential.

Amber: part of the information was deemed confidential.

Red: relevant and adequate information was deemed confidential.

REACH Articles 64 (2) and (3) establish that broad information on the uses of the SVHC should be made publicly available and that third parties should have the opportunity to submit information on alternatives. Moreover, any decision on authorisation shall be taken after consideration of all third party contributions submitted under Article 64(2) according to article 60(4c). Therefore, meaningful information is key to the process.

Applicant demonstrated adequate control or that the proposed risk management measures (RMM) were appropriate and effective.

Green: applicant demonstrated adequate control or appropriate and effective risk control.

Amber: adequate control or appropriate and effective risk control was not demonstrated, but RAC considered it could be achieved with the information provided.

Red: applicant did not demonstrate adequate control or appropriate and effective risk control and RAC considered it couldn't be achieved.

Applicant demonstrated that there were no suitable alternatives

Green: applicant documented in its application that no alternatives were suitable for the use applied for. No information on alternatives was provided during the public consultation.

Amber: applicant partially documented in its application that no alternatives were suitable. Information on alternatives was provided during the public consultation, but the alternatives proposed were questionable (regrettable substitutes) or the information was insufficient and/or not relevant.

Red: applicant didn't document in its application that no alternatives were suitable. Information on available alternatives for the use applied for (for the applicant or downstream users) was provided during the public consultation.

Applicant demonstrated that the socio-economic benefits of using the substance outweigh the risks

Green: applicant documented in its application that the socio-economic benefits outweigh the risks.

Amber: applicant partially documented in its application that the socio-economic benefits outweigh the risks.

Red: applicant didn't document in its application that the socio-economic benefits outweigh the risks.

RAC opinion

Green: consistent with the information and assessments provided in the application.

Amber: partially consistent with the information and assessments provided in the application.

Red: not consistent with the information and assessments provided in the application.

SEAC opinion

Green: consistent with the information and assessments provided in the application.

Amber: partially consistent with the information and assessments provided in the application.

Red: not consistent with the information and assessments provided in the application.