



To: Members of the REACH Committee

Brussels, Thursday 8 December 2022

Dear Sir/Madam,

We, the undersigned NGOs and accredited stakeholder observers at ECHA, are writing regarding the REACH Committee meeting that will take place on 13 and 14 December 2022.

At this meeting the Commission will inform the REACH Committee about the closure of the restriction process of hazardous substances in disposable diapers; and discussions on the restriction of intentionally-added microplastics and authorisation of chromates are foreseen.

Restriction of hazardous substances in nappies

Babies should never be exposed to highly hazardous chemicals such as dioxins, furans, PCBs and PAHs, and yet these substances may still be found in diapers today. Existing EU regulation fails to prevent that risk - which [we argue](#) qualifies as unacceptable under the REACH Regulation. Both ANSES, the submitter of the restriction dossier, and the ECHA Committee for Risk Assessment (RAC) established that these chemicals should not be allowed to be present in nappies. In application of the precautionary principle, uncertainties in the assessment of the risks should drive authorities to take action, not slow them down. The promise of a future restriction of CMRs in childcare articles under the Restriction Roadmap is not sufficient - it is unclear when that restriction will enter into force and under what conditions. Notably there is a risk that the ban only covers chemicals with a category 1 harmonised classification, which would de facto exclude some of the problematic PAHs, PCBs, dioxins and furans currently included in the ANSES' restriction proposal. Therefore, **we encourage you to refuse the Commission's decision, and support the proposed ban.**

Restriction of intentionally-added microplastics

Every week [new growing scientific evidence](#) highlights the adverse impacts of microplastics on both the environment and, increasingly, on human health. The current restriction proposal focuses on the microplastics intentionally added to products, which is the most preventable source of microplastic pollution. As a consequence **we would like to urge you to support a swift restriction of microplastics, in particular for non-essential uses such as cosmetics and sport pitches.** All microplastics should be included in that ban, including nanosized particles and non-biodegradable polymers.

In order to inform your discussions, we would like to share with you a short presentation with a general overview of the proposal along with three briefings concerning:

- **Microplastic infill in sport pitches** (availability of alternatives and costs of implementing risk management measures);
- **Derogations proposed for the cosmetics sector; and**
- The need for stronger and more credible **biodegradation criteria**.

You can find these documents in [this shared folder](#).



Authorisation of chromates

The Committee will be asked to consider the Commission 's proposal to authorise certain uses of chromium trioxide including by **Oras Oy and Oras Olesno Sp. z o.o** and **Viega GmbH & Co. KG**. We would like to invite the Committee to pay attention to the information provided by various stakeholders, including alternative providers and specialised NGOs (ChemSec) regarding the availability of alternatives for those types of uses and the time needed to substitute. In the light of this information and previous authorisations granted for similar uses of this substance, there is too little justification at the moment to support long review periods such as > 7 years, especially for decorative uses which have been substituted by others circa 4 years. In many cases even, ample evidence on the feasibility of alternatives should suffice to refuse granting authorisations. As a reminder, the substance entered Annex XIV in 2013, the sunset year was 2017, and some of the previous applications got shorted review periods. As time passes by, we should become stricter, not more or similarly lenient. As the [market of alternatives](#) for chromium trioxide is growing rapidly and across sectors, the authorisation process should serve to support that development and not unjustly buy time for those who resist the transition.

We therefore urge you to:

- **Require from the Commission a proposal for restricting hazardous chemicals in nappies as proposed by France,**
- **Support a swift restriction of microplastics, that includes all nanosized particles, polymers and non-essential uses;**
- **Make sure granting authorisation is justified in the first place. If it is, the review period proposed for the authorisation of uses of chromates must be short enough to incentivise substitution, and credible given the rapid development of alternatives for this substance.**

Yours faithfully,

<p>Tatiana Santos Otero</p>  <p>Head of chemicals policy, European Environmental Bureau</p>	<p>Anais Berthier</p>  <p>Head of EU Affairs ClientEarth</p>
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