Precious Metals Consortium

Refinables Work Group meeting

Minutes, Brussels, 21 April 2016 (13:30-16:00 CET)
Chair: Edwin Broekaert (Umicore, Belgium)

1 Welcome and Introduction

1.1 Reminder on Confidentiality and Competition Law

Participants were reminded on their obligation to comply with Confidentiality and Competition Law.

1.2 Tour de table and apologies

The list of participants is available in Annex 1.

1.3 Approval of the agenda

The agenda is available in Annex 1. No remarks / additions; agenda approved.

1.4 Approval of the minutes of the last meeting (15 Oct. 2015) and status of action points

The minutes of the last meeting were approved. A table with the status of the action points from the last meeting is available on slide 6 in Annex 2. Due to the ongoing SID discussions at ECHA / Eurométaux level and urgent actions required for the Ag project, several actions on SID / structural representation of the Refinables were put on hold **(AP1-2 & 5-8)**. Companies were again reminded to send potentially new information on emission data of the 'driving constituents' (Ag, As, Cd, Co, Cu, Ni, Pb, Pd, Pt, Rh, Ru, Se, Sn, Te and Zn) to WCA / the PMC Secretariat **(AP11)**.

2 Substance Identity (SID) of PM Refinables

2.1 Update on ECHA / Eurométaux discussions

Cf. Annex 2, slides 7-17:

- Since 2012 several inorganic UVCB (iUVCB) **inquiries** have been rejected by ECHA because they did not accept the SID, arguing that sameness could not be proven and that substance identity parameters did not meet regulatory requirements. In 2015, Eurométaux shared their NFM internal guidance on UVCB SID with the ECHA SID unit, in order to provide a detailed explanation on the SID methodology followed.
- ECHA came back with a number of comments and a **face-to-face meeting** was organised on 2 December 2015 to discuss the iUVCB identification and to explain the NFM approach using existing dossiers. A report of the meeting is attached as Annex 3:
    - Overall the meeting was positive with ECHA being open to listen to the iUVCB difficulties and in 'cooperating' with the NFM sector to develop a common approach and possibly publish it and reference it on the ECHA website (see also

http://echa.europa.eu/support/substance-identification/sector-specific-support-for-substance-identification).

- ECHA's main concerns and suggestions are summarised on slides 10-12 in Annex 2.
- By definition, a UVCB is identified by source, process and composition and while obviously some variability in these parameters is allowed because of the UVCB nature, ECHA feels that there is too much variability in all these parameters. Overly generically defined sources should not be combined with overly generically defined processes and broad ranges in (elemental / mineralogical) composition.
- Furthermore, ECHA thinks that speciation / mineralogical composition is insufficiently reported. Elemental data can contribute to (and even improve) the SID of a iUVCB but cannot be used on its own for SID and sameness. Qualitative and quantitative information on species that are present in the iUVCB need to be provided, as these are the actual constituents according to the REACH Guidance.

- Eurométaux was able to gain time before regulatory actions are taken, and recommended all consortia to improve / refine the SID of their iUVCB dossiers following a transparent approach. We should wait to update the dossiers until Eurométaux / ECHA have agreed on **guidance and common principles**. Splitting of existing dossiers upon better analysis of source, process and composition information cannot be excluded.
- In our efforts to refine the SID of the PM Refinables, we should try to **reduce the factors of variability**. It is not defendable that we have a large variability for all 3 parameters (source, process and composition) and we should be able to fix at least one (and preferably more) parameter(s) per substance.
- For the **composition**, we should focus on the sameness criteria as for a well-defined substance, meaning we should focus on the 'core' constituents that will define sameness, and not on the constituents that are variable and legal entity (LE)-specific.
- It was stressed that ECHA's concerns on iUVCB SID should be seen in light of the inquiries: we should provide ECHA with a clear overview / list of **which parameter(s) will define sameness** for each of our PM Refinables, focussing on the commonalities in source / process / composition (cf. also table on slide 17 in Annex 2). It is noted however that we may have to focus on different parameters for each Refinable (e.g. for some Refinables we will need to focus on the process, for others on the composition).

2.2 Refined SID PM Refinables based on latest Eurométaux recommendations ('fixed' versus 'variable' parameters)

On slides 18-26, the draft refined SID for some PM Refinables is shown. Comments:

- The WG was reminded about the discussions at the Eurométaux REACH Forum about the definition of an **intermediate**: an intermediate has to be 100% consumed. This is something we will have to keep in mind when possibly further splitting some of the Refinables. We may need to add more explanations on the processes, as we don't usually meet this interpretation, explaining e.g. what we aim at in our processes (e.g. refining) and providing justifications for the intermediate status.

- In order to refine the **compositions**, members are asked to send their most recent information to the PMC Secretariat **(AP4)**.
- For **Doré**, the WG is asked to look into possible further specification of the source (min. Ag or Au content?) and process (smelting temperature, process conditions?). For the composition, there is a high variability in Ag and Au content, whereas the individual LE compositions seem to have either a high Ag or high Au content. The WG agrees we will have issues justifying this and suggests to look into the possibility to split Doré into Au doré, Ag doré and Cu bullion **(AP4)**.
- For **PM Matte**, the WG is asked to look into possible further specification of the source (min. PM content?) and process (smelting temperature, process conditions?). For the elemental composition, a lot of the constituents range from 0% to > 20% so where possible we should increase the minimum of these constituents. The sulphur content of PM Matte ranges from 0% to 30%, which is not acceptable for a UVCB that is composed primarily of base metal sulphides. Members are asked to report the full composition of their Refinables, including all present elements (i.e. composition totalling 100%) **(AP4)**.
- For **PM Flue dust**, we will have issues finding fixed parameters: because of the way the process is engineered, there are many processes and sources that generate PM Flue dust. The WG is asked to further specify the type of exhaust used (dry versus wet?). In this respect, it will also be useful to check how other sectors (e.g. Cu) have reported the variability of their flue dust and other UVCBs we have in common.
- The WG agrees on the suggested way forward **(AP3-5)**.
- It was noted that some Refinables may qualify as **waste**, but it is the responsibility of each individual registrant to decide whether or not their UVCBs meet the waste definition, depending on their uses and on the interpretations in their Member State.
- It was suggested to group together UVCBs with a similar **hazard profile**. However, the WG was reminded about the fact that the SID concerns were raised by the ECHA SID unit. The risk assessment approach for our UVCBs has been previously discussed with other ECHA units and, while not officially approved, seemed to be acceptable to them. The concerns the SID unit has, should be seen in light of the inquiries they receive: how should ECHA conclude on substance sameness for UVCB inquiries with the information they currently have in our dossiers? We will need to put together a **clear list of sameness criteria** we use to decide on substance sameness for the Refinables (focussing on those parameters we consider more or less 'fixed', even if this means e.g. using different furnaces for smelting).
- It was suggested to look into the possibility to merge the **'common' UVCBs** (like flue dust, matte, slags) for different sectors at Eurométaux level, or at least check sameness criteria across different consortia and check whether registrants have assigned their UVCB to the correct consortium. Some companies may have identified their UVCB as e.g. a Cu flue dust because they are a member of the Cu consortium, while their UVCB may actually fit better in another consortium. **AP9**

3 Combined toxicity: update on status

Koen Oorts gave an overview of ongoing activities regarding combined environmental risk assessment for the iUVCBs (cf. slides 28-46 in Annex 2):

- A **Tiered Approach**, based on the Hybrid Tiered Approach proposed by ETAP (2015), was developed at an Eurométaux workshop in October 2015, starting with the assumption that concentration addition (CA) between metal constituents is conservative (no need to consider specific synergistic effects among metals) and selecting appropriate metal specific assessment factors. The CA approach with PEC/PNEC summation is then propagated as default Tier 1 approach. The PEC is based on effluent concentrations (on elemental basis) and EUSES modelling. If a risk is identified, refinement of Tier 1 is then done in Tier 2a based on e.g. bioavailability based on BLMs for those constituents contributing most to the RCR_{mix}. In Tier 2b, the CA approach per trophic level is used. In Tier 3, direct toxicity testing of effluents (not of UVCB itself) is then suggested as a risk management check.
- The proposed draft approach is currently being checked with two possible **case studies**, including a PMC case.
- The **human health** combined toxicity approach is being discussed at HeTAP level.
- **Waste** that goes to other sites is not factored into the approach and is something that will need to be checked.

4 Workplan and budget

- The **2015** finances after audit are presented on slide 48 in Annex 2. Because of the postponed dossier updates, several amounts were carried over to 2016. No comments.
- The draft **2017** workplan / budget is presented on slide 49 in Annex 2. It was noted that the costs for the additional phys-chem / speciation / validation testing (322.500 €) were invoiced previously / already available in the reserves and will thus not be invoiced to members in 2017, but are budgeted again in 2017, hence the difference between the columns 'budget to be spent' and 'budget to be invoiced'. No comments.

5 AOB, next meetings/calls and closing remarks

- The WG was informed about the release dates of the **updated REACH IT tools**: IUCLID 6 and CHESAR 3 will be available on 29 April and REACH-IT 3 is scheduled for 21 June. This means that until 21 June, all dossiers will have to be submitted in IUCLID 5. As from 21 June, all dossiers will have to be submitted in IUCLID 6.
- Since this was the last meeting chaired by **Edwin Broekaert**, who will retire shortly, the WG and the PMC Secretariat thanked him for his support and dedication to the Refinables WG and PMC in general, and wished him all the best for the future.

The next PM Refinables WG meeting will be held 6 October 2016 at the Metals Conference Centre in Brussels.

Annexes

1. Agenda & list of participants
2. Slides presented at the meeting
3. Report meeting Eurométaux and ECHA SID Unit on 2 December 2015

Actions

Table 1. Actions agreed at the 21 April 2016 PM Refinables Work Group meeting in Brussels

	What?	Who?	When?
Substance identity (SID)			
1.	Check if Doré slag number 7 is a Cu slag	PMC Sec with registrant	Q2 2016
2.	Identify parameters allowing a structural representation PM Refinables	PMC Sec	Q2 2016
3.	Circulate refined SID sheets for all PM Refinables	PMC Sec	By 9 May
4.	Review refined SID sheets taking into account comments made at the meeting + send updated full composition information of PM Refinables to PMC Sec	Ref WG	By 27 May
5.	Update the refined SID sheets + PM Refinables decision tree / process definitions document following the outcome of the structural representation exercise and SID refinement	PMC Sec	End Q2 2016
6.	Draft internal document Refinables SID approach (including clarification that it is common practice in the PM sector to process primary and secondary feeds together)	PMC Sec	Q3 2016
7.	Check possibility to register Doré as mono-constituent substance	PMC Sec	Q2 2016
8.	Check statistical approach Heraeus to analyse PM sludges	PMC Sec	Q2 2016
9.	Suggest to Eurométaux to look into the possibility to merge the 'common' UVCBs (like flue dust, matte, slags) for different sectors, or at least check sameness criteria across different consortia and check whether registrants have assigned their UVCB to the correct consortium	PMC Sec	At 20 May Intermediates TF meeting
Classification update			
10.	Derive updated classifications based on updated SID	PMC Sec	Q3-Q4 2016
Environmental exposure assessment			
11.	Return environmental exposure questionnaire with all available emissions data on the driving constituents present in the PM Refinables at their site	PM Ref WG	ASAP
12.	Compilation of emission data from questionnaires for all driving constituents to update the environmental risk assessment	WCA	Q2-Q3 2016
13.	Follow up access to exposure modelling parameter values and sign data-sharing agreements for all driving constituents	PMC Sec	Q2-Q3 2016