MINUTES

AP refer to Action Points listed at the end of this document

1. **Welcome and introduction**
   a. **Reminder on Confidentiality and Competition Law.** Participants were reminded on their obligation to comply with Confidentiality and Competition Law.
   b. **Tour de table and apologies.** The list of participants is available in Annex 1.

2. **Reminder of the main aims of the next phase of the Refinables project and the overall strategy as agreed in January.** Although the overall original strategy included several steps to perform sameness assessments, T/D and bio-accessibility testing, exposure and emission data generation/collection, validation tests and review of classifications; considering the ongoing advocacy programme, resources will initially be invested in generating and collecting high quality exposure and emission data. This data will allow:
   - demonstrating strict control,
   - completing Appendices 2 and 3 of the Dec 2010 ECHA Guidance on intermediates, and
   - preparing the basic dataset in the event a full safety assessment is required for Dossier upgrades.

3. **Status of the Eurometaux/NFM Consortia activities regarding the political review of the SCC criterion for intermediates, guidance on 'upgrade" or "update", and development of a technical approach to facilitate "upgrades".**
   Whether it is done on the basis of the Feb 2008 or the Dec 2010 ECHA Guidance on intermediates, registrants must be able to demonstrate strict control in an objective yet flexible manner. The Rigourous Containment Guide (RiCoG) has been designed as a tool for the metals industry companies to perform a semi-quantitative assessment of the handling conditions implemented on each workplace to demonstrate whether or not they achieve strict control on the basis of the Hirst *et al*. reference. Although RiCoG as presented at the meeting was still in Beta-version (**AP1**), PM Refiners seemed keen to support the development of the tool under the umbrella of Eurométaux and to explore funding possibilities with other consortia who would be involved in the refinement and finalisation of the tool. The Members of those consortia sharing the cost of RiCoG would have a free access to and right to use the tool.

   Eurométaux has developed a strong advocacy programme which aims at:
   (i) re-opening the discussions on the content of the Dec 2010 ECHA Guidance on intermediates and more particularly the stricter interpretation of strictly controlled conditions (hoping to revert to the draft version that was discussed with ECHA and Member States in Oct 2010 (**AP2**) and according to which the physical form, hazard data, and exposure/emission data could be used to demonstrate strictly controlled conditions), and
   (ii) ensuring authorities recognise the uselessness of performing REACH Annex VII-X tests on complex and variable UVCB materials (such as PMC's PM Refinables) and propose non-testing/read-across approaches (such as Transformation/Dissolution tests, Bio-accessibility tests, read-across from the effects data available on the constituents, etc.).

   Advocating on the above items has shown to be delicate and long. There is no indication yet that the discussions on the ECHA Guidance as such will soon be re-activated at CARACAL level. However Eurométaux secretariat, members and others continue communicating with Member States who share similar concerns and are responsible for the enforcement of the REACH regulation anyhow. There is furthermore a need for practical examples to strengthen the advocacy arguments. PM Refinables constituting a large portion of the overall metals' refining

streams, a PM Refinable example would be highly useful. **AP3**

Since the above objectives have not been achieved yet, whether and how/how far to upgrade the Dossiers remains uncertain and unclear. In the meantime, the best way to prepare a Dossier update or upgrade commences with a common basis: the preparation of data which demonstrates the implementation of strictly controlled conditions in the sense of rigorous containment. Once the data is available, it must be used to complete Appendices 2 and 3 (**AP4**).

Whether to keep Appendix 3 in-house by each legal entity and make it available upon request to the relevant authorities, or to upload it onto the Registration Dossier and submit an update to ECHA requires further discussion and harmonisation. **AP5**

Dossier upgrade as such will depend on how far authorities validate the non-testing/read-across approach proposed by Industry. If it is accepted, PMC's original strategy as approved in Jan 2011 remains acceptable; if not, PMC will have to review its strategy and launch a massive and very expensive and time-consuming testing programme to perform all relevant REACH Annex tests on each Refinable (stream).

4. **Cost-sharing.** Considering all Refinables require approximately the same amount of (exposure, emission and classification) information, there is no need to change the PMC cost-sharing formula for PM Refinables. This will be presented to the Assembly for approval. **Post-meeting note:** proposal approved but considered as interim solution which will require review if information requirements would become scc and/or tonnage band-based.

5. **Review of the Refinables categories/groups.** The scope of the PM Refinables project remains unchanged. Although it was originally believed that slimes and sludges and the three materials for reclaim could require splitting into sub-groups or separate registrations, it is premature to embark into such discussions before the exposure and emission data assessment provides evidence of such distinction. The decision to split a Refinable Registration will depend on whether various exposure and emission-related process types/categories/scenarios are identified and validated.

   As regards SCC status as per the Dec 2010 ECHA Guidance, the outcome of the preliminary survey on SCC indicated that for each Refinable at least one Member, and in most cases a big majority of the concerned Members, cannot confirm SCC. Following PMC's *modus operandi* this means PMC must prepare an upgraded Registration Dossier for all in-scope Refinables.

   Some Members had a query on whether Refinables fulfilling the definition of 'by-product' (cf. Waste Directive) require registration. According to Annex V of REACH by-products which are not placed on the market (i.e. manufactured and used on-site only) are exempted from Registration. The streams grouped under Refinable 9.3 Materials for reclaim, PM production by-products are assumed to be placed on the market by at least one Member, which justifies the need to prepare a Registration file for this Refinable.

6. **Exposure assessment programme: objectives, relevance and importance; and outline of the proposed exposure data collection programme.** Generating and collecting exposure and emission data is key to: (i) demonstrating strict control, (ii) preparing a baseline dataset to perform a chemical safety assessment, and (iii) completing Appendices 2 and 3 of the Dec 2010 ECHA Guidance on intermediates.

   Although the experience gathered with the Ag project in 2010 is useful, the safety assessment of PM Refinables may be more complex:

Table 1. Comparison between CSA for a simple mono-constituent substance versus a complex UVCB substance

	Number of uses	Number of constituents / triggers to be monitored (occupational and environmental)
Silver (2010 work)	Several (manufacture and downstream use)	One only: Ag
PM Refinables (2011-2012 work)	Use as intermediate, may need to consider each process individually	Several (Pb, Ni, Ag, etc.)

The general steps of the proposed workplace exposure and emission data collection programme are outlined below:

1. Identify and describe in more detail each one of the processes covered in each Refinable and identify appropriate PROC. This will be done with the support of company experts and by performing a clusters analysis on the streams that were put through MeClas (**AP6**). On the basis of the details provided on each process and as relevant, some processes may be grouped for assessment purposes.
2. Determine for which constituents there is a need for exposure and emission monitoring data. This can be done by using MEASE. **AP7**
3. Collect and quality-assess existing exposure and emission data. This will be done via a specific template/questionnaire and on the basis of objective quality criteria. **AP8**
4. Model and calculate the likely risk characterisation ratio for each Refinable and process and refine the assessment as needed. This will be done by using MEASE, SPERCS and other metal-specific tools (TIER 1).
5. Generate missing exposure and emission data. This can be done by all interested sites but in the event there is a need to prioritise some sites, RiCoG will be used to identify for each Refinable and process, those sites which do not handle their Refinable under SCC and for which the emission and exposure data is critical.
6. Model and calculate the likely risk characterisation ratio for each Refinable and process and refine the assessment as needed (TIER 2).

Steps 1-3 are expected to take place over Summer 2011. Steps 4-5 should occur in Autumn and Winter 2011.

7. **Strategy to improve/ refine the hazard classification of Refinables.** PMC Members have informed the PMC secretariat that new test data for some Refinables has recently become available, that the expert judgement applied to derive some of the classifications submitted in 2010 may need revision and that the pick-lists derived with MeClas are very unpractical and difficult to use on a daily basis. In light of this, and in parallel with the workplace exposure/emission data collection programme described in the previous item, the relevant classifications will be reviewed and the outcome of MeClas improved. The suggestion to add a few example classifications in addition to the pick-list to illustrate the workability of these pick-lists for typical streams which are representative of each Refinable in the Dossier was supported and will be actioned. The classifications will be updated in the Dossiers as soon as possible (i.e. before all other update/upgrade-relevant data is available), as agreed by the PM Refiners WG.

Classification and composition are closely interlinked. The large composition spectra provided in some of the Refinable makes it very difficult to fully identify the Refinable and derive a sound classification for the latter. **AP9**

8. **Status of dissemination files on PM Refinables.** ECHA has started posting Registration Dossiers on its website. **AP10**

9. **Recap of the action points and review of the timing and associated schedule.** Cf. updated strategy (Annex 4).

10. **AOB, next calls, meetings or workshop, and closing remarks**
    - **Borax.** Borax is used in PM refining as a flux which promotes melting. Although it is not yet on the Candidate List, it will very likely be added to the next Candidate List and will hence become subject to Authorisation. In due course, and following some preliminary experience from PMC on Hydrazine (already listed on the Candidate List), a similar Borax Task Force may be formed at PMC level, unless a wider Task Force is formed at Eurométaux level. **AP11**

    - **Refinables project management - available profiles.** The job description was circulated to Belgium-based consultancies in order to identify a Belgium-based candidate for the position. Unfortunately, no candidate fulfils the proposed profile 100% and alternative solutions must be found instead. ARCHE has proposed one candidate who is currently working at SETAC and has a technical background and an environmental risk assessment experience. The CV of the candidate was circulated to the PM Refiners WG for consideration. No feed-back by 17 Jun 2011 is interpreted as tacit consent. **Post-meeting note:** The Assembly agreed to trust the judgement of the PM Refiners WG in selecting the proper person responsible for the daily management of the PM Refinables project together with H. Waeterschoot, WCA, EBRC and WCA (C. Braibant remains the PMC secretariat contact for this project).

    - **Next calls, meetings or workshops.** **AP12**
        - Late June/early July 2011: meeting between the PMC secretariat, EBRC and WCA to prepare questionnaire
        - Summer 2011: meeting between PM secretariat and ARCHE to prepare Project Manager and review MeClas
        - Sep 2011: Follow-up PM Refiners WG meeting to address progress made on RiCoG, MeClas, questionnaire circulation, assessment of existing workplace exposure / emission data, need to generate additional data and planning of next steps

Annexes

1. Agenda
2. List of participants
3. Slides presented at the meeting
4. Updated PM Refinables project strategy – will be circulated before mid Jul 2011

Actions

Table 1. Actions agreed at the 6 Jun 2011 PM Refiners WG meeting in Brussels, Belgium

	What?	Who?	(By) When?
1.	Obtain more information on RiCoG and inform Members accordingly Check whether maintenance and cleaning are considered as reasonably acceptable breaching occasions in RiCoG	CB EBRC	Jul 2011
2.	Circulate draft Oct 2010 Guidance on intermediates	CB	ASAP
3.	Develop a PM Refinable example to illustrate Industry's arguments as regards Dec 2010 ECHA Guidance on intermediates	HW, Chairpersons, CB + Project Manager	Summer 2011
4.	Circulate Eurométaux Appendices 2 and 3 template examples	CB	ASAP
5.	Develop a PM Refinable Appendix 2 and 3 example and agree on whether to keep in-house or submit as part of a Dossier update (and if so when) with PM Refiners WG and Eurométaux	PM Refiners	Summer 2011
6.	Launch collection of information on processes with Members and clusters analysis with ARCHE	CB	Aug – Sep 2011
7.	Collect most up to date DNEL, DMEL and PNEC for all PM Refinables constituents	Eurométaux	Summer 2011
8.	Meet with EBRC and WCA to prepare questionnaire and quality criteria/cover note	HW, CB, Chairpersons, Project Manager	Jul 2011
9.	Consider splitting some of the Refinable to result in narrower composition ranges and narrow down some of the largest composition ranges where possible/relevant	PM Refiners	Sep 2011
10.	Check whether any of the PM Refinables files has already been published on the ECHA website and inform Members accordingly	AR	Done
11.	Contact Borax Consortium (Malgorzata Oledzka, IMA Europe)	CB	Sep 2011
12.	Organise Sep 2011 PM Refiners WG meeting	AR	Summer 2011