



SVHC Roadmap WG Meeting – Minutes

Brussels, 5 October 2016 (09:30-12:00)

Chair: Mike Shepherd, Vale, UK

Action Summary table

Issue	Actions	By when	By who	Status
METCO	Send to members the minutes of the first METCO meeting	< end October 2016	Secretariat	
	Report on discussions at METCO	Ongoing	Secretariat	
Titanium dioxide	Provide further information on the CLH proposal	< mid October 2016	Secretariat	DONE
	Provide outcome of survey on uses and implications of CLH proposal / possible SVHC listing	< end Jan. 2017	Secretariat/ Members	
Nitric acid	Provide further information on the CLH proposal	< mid October 2016	Secretariat	DONE
	Provide outcome of survey on uses and implications of CLH proposal	< end Jan. 2017	Secretariat/ Members	
PbO	Report on developments regarding PbO in the context of Authorisation	Ongoing	Secretariat	
Lead	Provide outcome of a survey on the uses of lead and on the implications of an inclusion of lead in the Authorisation list	<end February 2017	Secretariat/ Members	
	Develop a PMC strategy on lead anticipating on the possibility for lead to be subject to Authorisation	<end February 2017	Secretariat	
Borates	Borates: refer to use of “fluxes” in general	< mid October 2016	Secretariat	DONE



RCFs	Assess status of PMC uses based on ECFIA's paper on the substance/article borderline	< end Nov. 2016	Secretariat	
	Clarify calculation unit of 0,3f/ml used for the OEL proposal	< end Nov 2016	Secretariat	
	Inquire about the possibility of a restriction proposal.	< end Nov 2016	Secretariat	
Hydra- zine	Request approval from the Management Committee and from the Hydrazine Taskforce to share the occupational exposure report (confidentialised version)	<end 2016 Oct.	Secretariat	
	Conduct a survey to update information on the uses and volumes of Hydrazine among the Hydrazine Taskforce members. Review AoA and Scoping report	<end 2016 Dec.	Secretariat	
	Prepare a compiled communication package and request approval of the Hydrazine Taskforce to share it with the Hydrazine Consortium	< end 2016 Dec.	Secretariat/ Members	
General	Report on developments re. critical substances (lead, borates, RCFs, Hydrazine)	Ongoing	Secretariat	
	Report on developments on REACH/OSH interface, sensitisers, EDC, and impurities in the context of Annex XIV	Ongoing	Secretariat	
	Report on AfAs capacity building activities held by Eurometaux	Ongoing	Secretariat	
	Report on developments regarding Authorisation and Metals Recycling	Ongoing	Secretariat	
	Report on ECHA's 8 th list developments	Ongoing	Secretariat	

1. Welcome and Introduction

Participants were welcomed and reminded about confidentiality and anti-trust rules. The list of participants is available in the Annex. The agenda was approved. The status on the action points and the minutes from the last meeting (20 April 2016) were approved.



2. General facts on SVHC Roadmap Implementation

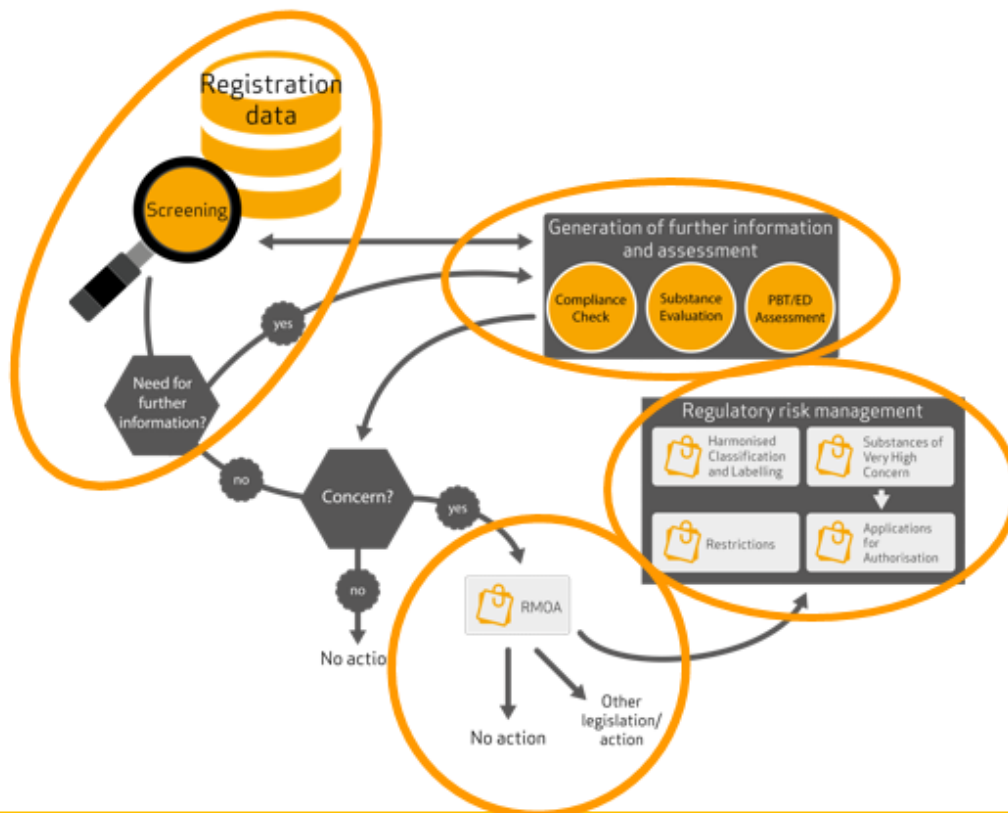
2.1 ECHA's integrated regulatory strategy

The latest trends in the Roadmap implementation were presented, based on ECHA's 2016 report on REACH and CLP implementation. ECHA is now implementing an **"integrated regulatory strategy"** in order to identify substances that matter for REACH but also CLP, which is based on two main pillars:

- a **common screening process** based on hazard criteria (in particular CMR, PBT, vPvB, sensitisers, STOTs) but also non-hazard criteria such as widespread uses and high tonnages.
- Identify the most appropriate action via **RMOAs** for substances representing a risk

As regards RMOAs, no common methodology could yet be developed since this is opposed by a majority of Member States. At present, the only mechanism of coordination and experience sharing among Member States is the so-called RiME Committee which convenes several times per year.

Identification of substances of concern



It was remarked that the "PACT list" is no longer visible on ECHA's chart. While it continues to exist on the internet, the two processes which it encompasses, RMOA and PBT/ED Hazard assessment are of different nature and are split accordingly in the chart of ECHA.



While the vast majority of known CMRs, PBTs and EDs are already subject to regulatory measures or scrutiny, ECHA indicates that resources can now be directed to new CMRs, PBTs, EDs and other SVHCs.

As a way to use its resources in a more effective way, ECHA has launched “**sectorial approaches**”, including for the metals sector. The first “**Metals Framework meeting**” (**METCO**) meeting took place on 30 August. ECHA presented its overall risk management strategy on substance screening and prioritization, and a number of issues of concern for the metals sectors were discussed, in particular as regards hazard and exposure assessment in the context of registration. It was agreed that the Secretariat will circulate the minutes of the meeting. The remark was made that Member States are not part of the METCO, although they are in the driving seat for REACH implementation. While this is true that at present Member States are not involved, the Secretariat insisted that this new platform of discussion with ECHA should be regarded as an opportunity to increase ECHA’s awareness of metal specific issues and to increase chances of ECHA’s support on these matters..

Furthermore, at the meeting, ECHA presented its objective to map substances according to four main categories:

- Substances for which risk management is required
- Substances for which further information is required
- **Low priority substances: substances for which risk is unlikely but which need to be monitored**
- Substances for which no regulatory action is required.

The category of “**low priority substances**” is most interesting as it creates the opportunity for **substances of potential concern but with “good registration dossiers” to be deprioritized**. Although the concept of good registration dossiers needs to be further developed, we understand that this would apply for instance to **dossiers with robust and updated data, including from the supply chain**.

ACTION:

- **Send minutes of the METCO meeting**
- **Report on discussions at METCO**

2.2 Relevant policy developments

Sensitisers:

The Secretariat informed members on the state of play regarding sensitizers following a presentation on the subject at the latest CARACAL meeting. All registered respiratory and/or skin sensitizers have been subject to a systematic screening. Only sensitizers with widespread use have so far been considered for further regulatory scrutiny. The systematic screening will start again after the registration deadline of May 2018. As a consequence of the screening, a number of sensitizers are now being assessed under RMOA, CoRAP or SVHC. At the meeting it was said that sensitization had not yet been the driver for SVHC identification. The Secretariat would like to correct this statement. **Respiratory sensitisation** has been the driver for inclusion in the Candidate List for three substances. It was recognized that these three substances were raising an **equivalent level of concern to CMRs**



having probable serious effects to human health. Two of them (HHPA and MHPA) are even being considered for inclusion in Authorisation as part of ECHA'7th list. It is confirmed nonetheless that skin sensitization has not yet been recognized, at least so far, as a sufficient driver for SVHC identification. In a recent case on HDDA, the REACH Committee was of the view that there was no sufficient evidence of equivalent level of concern.

REACH/OSH interface:

Recent cases of REACH restriction proposals addressing exclusively workplace uses (NMP, DMF) have triggered a discussion on the interface between REACH and OSH. The relevant services of the European Commission (DG GROW, DG EMPL, DG ENV) are working on a “**Common Understanding**” document. This document should set forth the conditions under which OSH should be used instead of REACH. In parallel, discussions at technical level are undergoing between RAC and SCOEL in a dedicated “Taskforce”. PMC is a member of the Cross Industry Initiative which closely follows the issue.

Restriction proposal on lead shot in wetland areas

Eurometaux will monitor developments since it's the first restriction proposal for a metal based on environmental concerns.

Criteria for endocrine disruptors

Criteria have been proposed under the biocides and pesticides regulatory frameworks but discussions are ongoing. An inclusion of the final criteria in REACH at a later stage can't be excluded.

Substances identified as SVHCs due to impurities

Benzo[a]pyrene was recently proposed by Germany as SVHC despite the fact it's not supplied as such but is only present as impurity in other substances. Germany presented also earlier this year in CARACAL a paper supporting the identification of impurities or substances containing those impurities as SVHCs. According to REACH, for Authorisation to apply to impurities, the following two conditions should be met:

- The impurity must be listed as such in Annex XIV
- Annex XIV must specify the substances containing the impurity to which Authorisation applies and in which concentrations. Cf. ECHA's Authorisation Q&A, <https://echa.europa.eu/support/qas-support/browse/-/qa/70Qx/view/scope/reach/authorisation>

There is at present no such case in Annex XIV. It was mentioned that as regards benzo[a]pyrene, a more probable regulatory option could be a restriction.

The issue needs to be monitored given its possible far-reaching repercussions.

ACTION: Report on developments on REACH/OSH interface, sensitisers, EDC, and impurities in the context of Annex XIV



3. DU advocacy potential

Upon members' request, the PMC Secretariat prepared a document explaining the possibilities for downstream users to provide input and to influence the different SVHC Roadmap processes. While information on uses may not be the most decisive information at compliance check stage or under the more hazard-based processes, such as CLP or SVHCs, it was emphasized that **any information on uses likely to contribute to “de-prioritising” a substance**, such as on intermediate uses, low volumes, limited exposure, should nonetheless be **submitted as early as possible regardless of the SVHC Roadmap process at stake**.

4. Outcome of the SVHC Roadmap monitoring

The results of the substances monitoring since the previous meeting was presented. In total, around 20 substances are being monitored by PMC as being relevant for at least three members. The following substances were discussed in more detail:

Cobalt metal

The Secretariat presented the outcome on the uses of cobalt in the PM business that was conducted in the context of the CLH proposal. The threshold of 3 members was not reached consequently PMC did not proceed further with the development of a standalone PMC contribution on the CLH proposal. Nonetheless the input received was shared with the Cobalt consortium. PMC will also join the “Cobalt Taskforce” that will be set up in the context of this CLH proposal to monitor developments and learn from the process, especially as regards coordination with downstream users.

Titanium dioxide

Titanium dioxide should be subject to substance evaluation (CoRAP) as from next year. A member indicated furthermore that a CLH proposal had also been submitted for titanium dioxide. The Secretariat was asked to check this point as well as to enquire about implications for the PM sector of the proposed classification.

Nitric acid

Members asked the Secretariat to provide details on the classification proposal and to ask members about its implications for the PM sector.

Lead

It was highlighted that lead may very soon be proposed for SVHC identification as a following step to CLH. The Secretariat was requested to develop a specific strategy on that substance in the context of REACH Authorisation.

ACTIONS:

- **Provide further information on the CLH proposals for titanium dioxide and nitric acid**
- **Conduct survey on uses and implications of these CLH proposals**



- **Conduct a survey on the uses of lead and on the implications of an inclusion of lead in the Authorisation list**
- **Develop a PMC strategy on lead anticipating on the possibility for lead to be subject to Authorisation**

5. REACH Authorisation

5.1 Presentation of Authorisation check-lists

Upon members' request, the Secretariat developed a "check-list" document to support members with Authorisation. Four check-lists were developed to cover four main scenarios:

- 1/ General scenario about initial screening and assessment, in order to identify critical substances used in the PM sector
- 2/ Scenario when the SVHC-eligible substance is not yet included in the SVHC Roadmap
- 3/ Scenario when the SVHC-eligible substance is already included in the SVHC Roadmap (except under SVHC/Authorisation)
- 4/ Scenario when the substance is already proposed for SVHC/Authorisation

It was mentioned that Eurometaux will organise a number of capacity building activities on Applications for Authorisation in the coming months. This will include for instance a session on Man via the Environment and on lessons learnt from the AfAs for Chromates. The Secretariat will report to Members about these initiatives.

ACTIONS:

- **Report on AfA capacity building activities held by Eurometaux**

5.2 REACH Authorisation and Recycling

The Secretariat informed Members about the outcome of an Eurometaux project whose objective was to develop evidence on the negative impact of REACH Authorisation on metals recycling, as well as to suggest ways to improve the situation. To be noted, one of the case studies in the report was about precious metals. The report could identify six prevention or mitigation measures. As underlined by a member, these measures may in principle be already applicable within the REACH framework, they depend on how the REACH text should be interpreted. Regarding the proposed measures to "extend the waste phase", it was nonetheless precised that this measure may not be applicable uniformly across Europe but may depend on local waste authorities which are in charge of enforcing waste legislation.

The Secretariat updated members on the advocacy activities about the report. The report was positively received at meetings with ECHA and the Netherlands. The Netherlands indicated that they will consider how to bring the issue to CARACAL. A meeting with the European Commission is foreseen mid October. The report should also be discussed at the next RiME Committee.



ACTION: Report on developments regarding Authorisation and Metals Recycling

5.3 COM Proposal to update the Authorisation list

The Secretariat informed members about the upcoming update of REACH Authorisation, which should include 12 new substances. The list doesn't include RCFs and Borates which have been "postponed for the time being", according to the Commission. No substance of relevance to PMC is part of the list.

5.4 ECHA's 7th list

5.4.1 State of play

The Secretariat informed members about the status of the draft 7th list. It was endorsed by the Member State Committee, although not by consensus. The main point of disagreement related to the proposed inclusion of four Pb compounds, including PbO. A number of Member States raised proportionality and effectiveness concerns with respect to the inclusion of these substances. To be noted, the MSC supported the prioritisation of the two respiratory sensitisers (HHPA and MHPA). Once officially adopted by ECHA (expected at the end of October), it will be sent to the Commission which will have to issue a legislative proposal. The REACH Committee will ultimately have to vote on the Commission's proposal.

5.4.2 PbO

PbO is the only substance of the list which is used as such or in mixture by PMC members. The following uses could be identified:

- Fire assaying
- Frits production
- PM refining

Nonetheless, based on ECHA's opinion, the following uses should fall outside the scope of Authorisation:

- Fire assaying when performed under controlled conditions and with a use of PbO not exceeding 1t/year per legal entity (considered as „routine analytical use“)
- Frits production, considered as use as intermediate

This means that the following can be concluded for PMC members: **only uses in fire assaying above 1t/y per legal entity and use in PM refining would fall in the scope of Authorisation and would require AfAs.**

Based on the information available to the Secretariat, **less than 3 members are affected**. Therefore it was indicated that **PMC will not play a coordinating role in the preparation of AfAs for PbO.**

The Secretariat informed members that Eurometaux will conduct advocacy, in addition to ILA, in order to request an exemption from Authorisation for all workplace uses covered by the binding OEL, on the



basis of Article 58.2 of REACH. At present, ECHA and a majority of MSC members support only an exemption for uses covered by the RoHS or ELV directives, arguing that these two directives trigger a “push for substitution”, which they claim is not the case for OSH legislation. A member asked if there was a chance for PbO not to be included in Authorisation. The Secretariat indicated that it will most likely be added to Authorisation but with some exemptions on the basis of Article 58.2. The scope of exemptions granted under Article 58.2 might be the main issue in the negotiations and the way to find a compromise.

ACTION: Report on developments regarding PbO in the context of Authorisation

5.5 ECHA’s 8th list

5.5.1 State of play

The Secretariat explained that the 8th list will be based on a renewed “scoring” exercise of all SVHCs by ECHA.

The first discussions on a draft 8th list have nonetheless been postponed and are now expected to take place in April 2017.

It was precised that several substances can get the same scoring, which is based on a system of „points“. Hydrazine will be subject to this scoring exercise as the other SVHCs although it is understood that it is unlikely that it will be prioritised under the 8th list. Rumours point towards cadmium and cadmium compounds as more likely candidates for the 8th list.

ACTION: Report on ECHA’s 8th list developments

5.5.2 Status update on borates, RCFs, hydrazine

Borates:

Prioritisation postponed for the time being, officially due to workload concerns, since authorities expect a high number of applications. Postponement may also be due to unresolved conceptual issues such as how to address bioessential uses under Authorisation.

The Secretariat presented the outcome of the survey conducted earlier on the uses of borates. Members remarked that borates are not only used in brazing or soldering fluxes but are used in fluxes in general. The Secretariat will correct that. The Secretariat explained that based on a first assessment of the uses reported by members, none seemed to qualify as intermediate use. **Except R&D uses and “routine analytical or laboratory uses“ below 1t/year per legal entity, all the uses seem to fall in the scope of Authorisation.**

The Secretariat will continue to monitor developments related to borates, including participation in the Borates Downstream User platform.

ACTION: Report on Borates developments

RCFs



Like for borates, RCF's inclusion is according to the Commission legislative proposal "postponed for the time being". This is due to the very limited scope of RCFs uses that would fall in the scope of Authorisation, since most RCFs are transformed at production site already into articles.

This outcome is largely due to the advocacy of the trade association ECVIA which developed a guidance document on the substance/mixture/article borderline.

The Secretariat presented the results of the use survey conducted within PMC earlier this year and proposed to analyse PM uses on the basis of ECFIA's paper in order to determine the status of RCFs used in the PM sector, either substance, mixture or article. This was supported by the members.

In addition, the Secretariat informed members about the OEL proposal for RCFs at 0,3f/ml. Members asked the Secretariat to clarify with ECFIA this proposed calculation unit.

ACTION:

- **Assess status of PM uses of RCFs (substance/mixture/article) based on ECFIA's paper**
- **Clarify calculation unit of 0,3f/ml**
- **Inquire about the possibility of a restriction proposal.**

Hydrazine

The Secretariat was informed by one PMC member about an ongoing survey by Hydrazine suppliers on uses and volumes of Hydrazine. The Secretariat highlighted that this was an opportunity to improve/refine the exposure scenario for PM uses of Hydrazine based on the data already generated by the PMC Hydrazine Taskforce, which includes a scoping report with respect to Authorisation, an assessment of alternatives, and a report on occupational exposure. Members agreed to run another survey on uses and volumes of Hydrazine among the members of the Hydrazine Taskforce in order to update previously gathered information. It was also agreed that the Secretariat will review the AoA and scoping report in order to see if they contain aggregated /confidentialised information that could be relevant to improve the registration dossier (e.g. number of plants handling Hydrazine). Regarding the possibility to share a confidentialised version of the occupational exposure report with the Hydrazine Consortium, it was agreed that the Secretariat requests approval from the Management Committee and the Hydrazine Taskforce.

ACTION:

- **Request approval from the Management Committee and the Hydrazine Taskforce to share the occupational exposure report (confidentialised version)**
- **Conduct a survey to update information on the uses and volumes of Hydrazine among the Hydrazine Taskforce members. Review AoA and Scoping report**
- **Prepare a compiled communication package and request approval of the Hydrazine Taskforce to share it with the Hydrazine Consortium**



6. Workplan and budget

The proposed workplan and budget for 2017 were approved by members. The need to anticipate on the possibility of an inclusion of lead in REACH Authorisation was highlighted again as an important component of the 2017 workplan.

7. AOB, next meeting, closing remarks

The next meeting will take place on 22 March 2017 from 09:00 to 12:00.



Annex 1: Participants

Angela Alderman, Johnson Matthey (United Kingdom), by conference call

Bodo Berkner, Ferro (Germany)

Francisco Boo, Metalor (Switzerland)

Arno Buthe, Heraeus (Germany)

Herbert Fuchs, Heraeus (Germany)

Marie Gorkem, EPMF (Belgium)

Michael Huber, C. Hafner (Germany)

Marie-Laure Ledrich, Traxis (Luxembourg)

Alexandra Levesque, PX Group (Switzerland)

Joern Muehlenfeld, Aurubis (Germany)

Christoph Roelich, Heraeus (Germany)

Michael Shepherd, Vale (United Kingdom)

Marc Simon, Traxis (Luxembourg)

Hege Stubberud, Glencore (Norway)

Michael Thiel, BASF (Germany)

Mika Toivola, Boliden (Finland), by conference call

Adam Troll, DuPont (United Kingdom), by conference call

Steven Verberckmoes, Umicore (Belgium)

Apologies:

Paul Frost, Glencore (United Kingdom)

Clémence Siret, SAFT (France)