Analysis of Alternatives

Draft 2, 5 February 2019

1. Context: preparing for the Public Consultation on Socio-Economic Impacts and input for the OEL discussion

a. Socio-Economic Impacts discussion during the prioritisation and OEL discussions

The **Public Consultation** foreseen in the prioritisation discussion originally only consisted in ECHA's questions on the validity of the data used to come to a prioritisation proposal, i.e. mainly the data underlying the scoring of the substance as well as on the likely workload related to preparation and evaluation of the applications for authorisation.

Having to take a broader look at the substance to decide on the opportuneness of authorisation, the EU Commission is now inviting stakeholders to contribute on uses (including exposures and releases), availability of alternatives, market and supply chain, competitiveness, innovation & business opportunities and alternative regulatory options.

The **OEL discussions** may also benefit from any relevant data on alternatives (substances or processes) as opting for an alternative is on the highest place in the hierarchy of measures to address occupational exposure (obligation under CMD and strong recommendation under CAD). Note also that irrespective of the final Commission interpretation on scoping of authorisation, the intermediate status of refinables has no relevance in terms of the OEL debate where the exposure to Pb is the only concern.

b. Public Consultation questions on availability of alternatives

At this stage, the Commission tries to understand what the broad picture is in terms of alternatives, be they alternative substances or processes. Companies participating to the Pb&PbO Platform have already responded to such a questionnaire when contributing to the Public Consultation on PbO.

Two main process uses (thus excluding the 'use' in slags e.g.) should be central in the industry's contribution to the Public Consultation:

- **Precious metals analysis (fire assay)**
- **The production (refining/recycling) of precious metals as well as other metals and lead itself.**

It has to be noted that the questionnaire does not mirror the Analysis of Alternative format of an application for authorisation and does not ask for the 'functionality' of the substance. It is however advisable that when answering the first question on the use, a degree of precision is provided that helps the discussion of availability of alternatives. It might also be important to hint to the complexity of the Pb uses with the refinables, depending on the outcome of the debate on CARACAL's 'Substance in substance'-view (listing of *all* the substances - incl. UVCBs - with an SVHC as constituent).

The Commission then wants to know

- If there are alternatives for the use of the substance,
- What the hazard properties are of these alternatives,
- If the alternatives contribute to a more sustainable production/consumption,
- If alternatives are uses/tested/researched in the EU or outside the EU.

2. Suggested approach

a. Optimizing the contribution on availability of alternatives

In the case of this industry, it might be helpful to already provide an indication of the specific constraints linked to the use of Pb:

1. **In fire assay:** Why is Pb used instead of bismuth, nickel sulphide or tin? What are the pros and cons of each collecting metal? What is the state of R&D for Pb-free fire assays? What are the limits of the alternatives in terms of metals (efficiency and reliability, metal coverage, etc.)?
2. **For precious metals refining/recycling:** Why the Pb route and not processes where Cu or Fe e.g. are used? Information on the basic technologies is relatively easy to find but what about new developments and R&D? What are the pros and cons of the technologies available (ability to handle input materials that are complex and with variable composition? etc.)

The discussion should also try and provide an answer to the question about sustainability of production where generic business sustainability (competitiveness in particular) may be highlighted together with circular economy arguments. Alternatives may pose a challenge in terms of circular economy, for example.

The circular economy dimension will be a significant sector-wide element to raise and will need to be taken up in the socio-economic analysis to be prepared. When only considering the Commission questions for the Public Consultation, the economic dimension is limited to the *cost impact of substitution*, which is only one aspect that does not reflect the impact as to be seen for the precious metals industry.

b. How to proceed?

It is suggested to proceed as follows:

- **15 March 2019:** First draft working document on '*availability of alternatives'* that will list generic data available in the public domain regarding fire assays and refining/recycling. It will also outline possible sustainability arguments.
- **15 March – 12 April 2019:** Companies review paper and provide data that may be shared in terms of generic discussion of the challenges faced when considering alternatives.
- **17 May 2019:** Refined working document on '*availability of alternatives'* that will
  - Be the basis of the companies' and EPMF input in the Public Consultation
  - Be useful to present the industry's case in advocacy

On the basis of new information, the working document will be updated regularly and may also be if use when asked to contribute to the Commission impact assessment of the new OEL value.