Eurometaux
European Association of Metals


N°67 – July 2017

# EUROMETAUX REACH PROGRAMME

*Just married*

REACH on the BEACH for AUGUST

More details below: REACH on the BEACH

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*Dear REACH Forum member,*

*The "political scene" of the last months, disclosing critical interrogations on how our communities want to further function (together); the profusion of statements and tweets questioning the capacity of communication that our societies actually have (i.e. impart knowledge), left me at the end of June with an intense desire to leave an agitated Brussels and take a "road trip" to simply observe people living. France, with its recent confrontational elections, was an easy choice for tracing a 10-day itinerary on the map, which would avoid the too obvious Front National areas but make pauses in some smaller "Marine" fiefs and in 'En Marche' supportive places. Driving from South to North, West to East, this is what I brought back from my (of course incomplete) "Tour de France sampling" and that I wanted to share with you:*

- *A medieval town devoted to theatre for a whole month, where comedians, one-man show performers and dancers juggle -with incredible energy- to match words and feelings, in front of a plentiful public avidly drinking in their texts and speeches, despite the heat*
- *An old Auvergnat complaining about the climate changes, which confuse the poor tourists who either get lost in the deep mist of the Puy the Dôme or suffer from the sun's pitiless blaze , pushing them to stay close to the swimming pools rather than exploring the region and discovering its specialties*
- *A Belgian couple in the Limousin, who have been running a fantastic isolated place for 22 years, parents of the region's blacksmith and the village's roadman, but still considered and talked to as 'strangers' from the North, among others because they serve several declinations (including spicy ones) of our national "mayonnaise"*
- *Oradour-sur-Glane: the demonstration of the limits of humanity and its potential absurd cruelty is so palpable that only silence prevails. Haunting images of rusty bikes and cars, activities put on hold forever: one would assume that this should prevent any repetition of History?*
- *Plenty of villages along beautiful small roads, with series of houses to sell, including bakeries and butcheries, leaving people dependent on their cars or on other people. Other villages fighting to keep the dynamics by decorating it by all means, including with bottle stoppers and yoghurt pots*
- *Wine yard villages coloured by a wide span of feelings and collaborative moods emerging from the discussions that can be held around a glass, nourishing potential television series*
- *An old steel plant located at the edge of a small town, transformed into a magnificent cultural spot surrounded by flowers, with detailed stories to explain how it functioned and interacted with social life up until the moment different choices of investment brought it to a closure. A little less than thirty year-old pictures show workers armed with left wing red flags fighting to save the plant and now most of their children recently voted for the extreme right party. Interestingly, some of the grandchildren are now the ones who guide you through the site, breaking the silence their grand-fathers maintained after the shutdown.*
- *Magic and gardens in towns in the North, displaying dwarfs and hidden monsters, a variety of plants and places to rest… proposing a "hug a tree" pause at every corner…and this not for children but for adults: a back to nature saving trip*

*Where does this leave me now, back at my desk? Terry Pratchett said: 'Why do you go away? So that you can come back. So that you can see the place you came from with new eyes and extra colours. And the people there see you differently, too. Coming back to where you started is not the same as never leaving."*
*Wishing you fantastic travels and "coming backs"*

*Violaine Verougstraete, EHS director Eurometaux*

# ECHA REACH Activities: hot topics

## RAC

**Metal CLH dossiers: *more to come***

RAC will work on several metal dossiers in the months to come. The Cobalt metal CLH proposal should be discussed in September and/or December, as well as the refined classification proposals made by industry for some nickel compounds included in Annex VI. The latter, while not for CMR endpoints, most probably appears on RAC's plenary agenda because of the comments the German MSCA made on the use of bioelution for classification and read-across. The discussion will be closely monitored by Eurometaux and Ni experts. Challenging as well will be the upcoming environmental hazard classifications on Cu granulates which will trigger a debate on data-handling for these data-rich substances. Eurometaux and ECI had several exchanges to define how to best anticipate this debate. Finally, three further CLH proposals were submitted

by Sweden, requesting several Cu and Ag containing zeolites to be classified as very ecotoxic and those containing Ag as Repro 2 for developmental concerns. The environmental classification is clearly driven by the legal default approach requiring the same classification as " soluble ion" in case no Transformation Dissolution information is available: a clear warning for all metals and inorganics (more information: Ruth Danzeisen, Adriana Oller, Stijn Baken, Katrien Arijs, Violaine Verougstraete and Hugo Waeterschoot).

# COMMISSION REACH Activities: hot topics/issues

**Commission's Stakeholder Consultation on the Interface between Chemicals, Products and Waste Policy:**
***Eurometaux's input submitted***

Eurometaux's contribution to the consultation was provided to the Commission on 7 July. Thanks to the active and thorough input from the members (and the energy of the secretariat☺), the sector was able to give a set of detailed recommendations for where the European Commission can optimise the interface between chemicals, products and waste legislation. The contribution stressed that the sector is committed to achieving a "risk-controlled" European environment, where hazardous substances are used only when exposure to human health or the environment is controlled. This is in line with UN's international 2020 SAICM (Strategic Approach to International Chemicals Management) targets for *"minimisation of adverse effects during manufacturing (including recycling)".* The sector calls for a prioritisation of measures that promote safe recycling without disproportionate regulatory burden, reminding that metals are at the centre of the EU's Circular Economy ambition, due to their multiple recyclability and high economic value in strategic applications. European metals recyclers operate conform to high standards of environment, health and safety measures, and are well equipped to treat substances of concern safely. Metals however face global competitiveness challenges against low-quality recycling units in other areas of the world that have not invested in the same standards of environmental and human health protection. To achieve Circular Economy and safe Chemicals Management objectives, it's essential that the Commission takes care to keep Europe's high-quality metal recyclers globally competitive. It was recommended that Commission avoids a one-size-fits-all approach and instead takes more targeted approaches, focusing on the specificities of each sector. In our response to the stakeholder consultation, the sector has tried to identify areas where this can be accomplished without undermining key principles of the EU's Circular Economy and chemicals management framework. The full text of the Eurometaux submission can be found here: https://eurometaux.eu/media/1634/eurometaux-response-chemicals-products-waste-interface-stakeholder-c.pdf
(more information: Chris Heron, Annalisa Bortoluzzi, Kamila Slupek and Violaine Verougstraete).

## CARACAL

**CARACAL 24:** ***REACH Alliance reacts to the CARACAL substitution paper***

At the June CARACAL meeting the ECHA document "Strategy to promote the substitution of hazardous chemicals – a thought starter" was presented. The scope is broader than SVHCs and covers all hazardous chemicals. Considering the potential impacts of the proposed strategy, Eurometaux decided to lead the drafting of a response to be conveyed via the REACH Alliance. Beside commenting on the proposed areas of activities (i.e. supply chain interaction workshops, access to financing, use of REACH registration data, and substitution networks), the REACH Alliance comments reiterate the message that 'substitution should not be seen as an isolated action" and that, instead, a combined use of substitution, exposure control/reduction and recovery/recycling approaches (closing materials loop) is needed to reach the challenging EU objectives for a Non-Toxic Environment and a Circular Economy. ECHA is searching for 10 pilot projects to be carried out in 2018 and Eurometaux would like raise one on the issue of the broader perspective. The draft response, which received very positive feedback and support from the REACH Alliance, is expected to be finalised and submitted before the 14 August deadline (more information: Lorenzo Zullo, Hugo Waeterschoot).

**CARACAL 24:** ***bioelution, follow-up by Germany***

Further to the discussions on bioelution at the last CARACAL meeting and Commission's decision to pursue the ongoing work, Germany proposes to officially consult RAC for its opinion concerning aspects directly connected to toxicological questions, as e.g. "the relationship between bioaccessibility and bioavailability" or "the gastric fluid as realistic maximum estimate for systemic absorption". Germany stresses that the RAC experts have the proper specific expertise to evaluate these questions. Also, RAC is the body concluding on SCLs within the CLH procedure and Germany considers that the proposed bioelution approach directly affects the way that SCL are applied when classifying mixtures. Finally, Germany asks that the Forum be consulted on the proposed enforcement approach for the classification of alloys, in particular on the information that would need to be documented and made available to enforcement authorities by companies (more information: Adriana Oller and Violaine Verougstraete).

# EUROMETAUX REACH Activities: hot topics/issues

## Resource mapping to respond to REACH / ECHA challenges

**RMOa:** ***Ni, Co and Eurometaux concerned about "an RMOa on impurities" triggering potential candidate listing?***
The Netherlands have conducted a RMOa on "$Co_3O_4$", suggesting to consider SVHC identification for forms of the substance containing > 0.1 % of NiO as an impurity. The aim of the Netherlands is to try and promote substitution with forms containing a lower NiO content. If this proposal became a reality, this could set an unfortunate precedent. The Ministry of Health in the Netherlands would like to reduce workers exposure to NiO, classified as carcinogen. However, an authorisation duty would not help to achieve such an objective given that the uses where the substance is used with the impurity are registered as intermediate uses and the users would therefore not be expected to apply for Authorisation. Moreover, to be effective, workers' NiO exposure in the cobalt sector should preferably be addressed by an EU-wide OEL approach as was concluded in other Ni compounds' RMOas. Eurometaux exchanged views and opinions with the Ni and Co sector and plans contacts with ECHA and the Netherlands on the generic misconceptions of such an approach, in complement to advocacy launched by Co and Ni. The issue is clearly much broader than the $Co_3O_4$ alone, given many raw materials in the metals sector contain CMR impurities (more information: Carol Pettit, Brigitte Amuroso, Kai Melzer and Hugo Waeterschoot).

**Article 58(2):** ***recent court case will affect the interpretation of metal uses requiring authorisation***
The Judgment of the Court in Case C-651-15 P, dated 13 July 2017, will have an impact on how to interpret what could be potentially exempted from Authorisation: VECCO had appealed against the decision of the General Court, which had in 2015 dismissed VECCO's action for partial annulment of the decision of the Commission to include chromium trioxide and other chrome VI compounds in Annex XIV. VECCO sought to have confirmed that CrVI uses should have been exempted from the authorisation obligation on the basis of Article 58 (2) of REACH. The General Court had found in 2015 that the Commission had no discretion to exempt the uses, as there was no binding OEL and thus no specific Community legislation imposing minimum requirements within the meaning of Article 58(2) of REACH. The specificity of the legislation was not given, as no binding OEL was in place. The Court confirmed that the General Court had not erred in law and thus rejected the appeal. As the Court confirmed the findings of the General Court, Eurometaux can continue to reference the General Court's finding that if a binding OEL had been in place, the Commission would have had the discretion to grant an exemption on the basis of Article 58(2) REACH. Given the importance and urgency to clarify the relevance and conditions of Article 58 (2), the metals and the Pb sector in particular will consider legal opinions on how to interpret the outcome of the recent court case and examine the legal grounds for the additional conditions raised by ECHA. Several consortia and Eurometaux have drafted a proposal for such a legal clarification and expect to launch the study in September (more information: Steve Binks, France Capon, Kai Melzer and Hugo Waeterschoot).

## Metal-specific REACH application tools and concepts

**Bioelution**: ***ongoing work***
Since the last discussions held in CARACAL (see REACH News N°66), work has been launched so as to be able to submit the full bioelution protocol to ECVAM in the coming months. A literature review to better understand the relationship between *in vitro* bioaccessibility and *in vivo* bioavailability for metals should become available by end of the summer, and further expertise has been sought to help us complete the very detailed test submission template. A call held with ECVAM experts early July has allowed to clarify better some of the requirements and identify data gaps. One remaining 'weakness' in our submission is the lack/limited amount of actual and available bioelution data on alloys. Consortia and alloy producers may understandably be keen to wait for a standardised protocol before launching tests, but on the other hand, experience with the protocol is a must to demonstrate its relevance and reliability. Further discussions on how to use bioelution test results in classification schemes have also taken place with some companies, in the context of a meeting set up by ECI. These classification schemes, attached as Annex to the report of the Bioelution Expert Group, are still open for comments by MSCAs and the Expert Group. It is therefore proposed to take stock of all comments and further exchange on the feasibility/pertinence of these schemes at the next Risk Assessment And Classification Taskforce meeting (more information: Adriana Oller and Violaine Verougstraete).

**Bioelution:** ***meeting in PlasticsEurope***
Eurometaux was invited to provide a status report on the bioelution work at a meeting organised by PlasticsEurope. The sector is indeed also further reflecting on methodologies to assess the release from their materials and was keen to get some insights on the technical work that is ongoing for alloys and on the interactions with authorities. A status update presentation is available on request (more information: Violaine Verougstraete).

**Environmental classification:** ***the Rapid Removal regain in interest?***
The environmental (aquatic) hazard classification of a metal and associated M factors depend partly on the potential to be rapidly removed from the water column. While the principle for this criterion was introduced by the UN GHS and the EU CLP as a comparable correction factor to 'degradation' for organics, up to now Member States have refused to develop the guidance needed to apply the criterion. An initiative of Eurometaux of several commodities to achieve guidance stranded in 2013 despite clear scientific underpinning by the Unit World Model. Eurometaux raised the need for Rapid Removal guidance again in its general comments on the Cu granulates discussion. Some Member States picked this up and reminded ECHA about this outstanding issue. Moreover, ETAP (Environmental Toxicology Advisory Panel) and some consortia progressed well with an extension of the OECD Transformation Dissolution test protocol to reflect the rapid removal in a standardised way. All this triggered Eurometaux to launch a debate on the tactics to reopen the debate at EU and OECD/UN level. Eurometaux will present a plan in this respect for debate along the ICMM-CMWG meeting in Helsinki attended by the metals Research organisations, Eurometaux and several consortia (more information: Emily Garman, Stijn Baken and Hugo Waeterschoot).

## Metals Sectorial Approach

**Status update:** ***Further work ongoing***
As promised in REACH News N°66, work is ongoing on a revised template for the baseline report, a general action plan and possible headlines for the charter/reporting. As soon as the template has been discussed and approved by the Steering Committee, it will be circulated to the consortia with a proposal of a date for a webinar to explain how to complete it. More to follow soon (more information: Hugo Waeterschoot and Violaine Verougstraete).

# CALENDAR

- **30-31 August**: OECD Workshop (Ottawa)
- **4-8 September:** RAC-42 – ECHA (Helsinki)
- **11-15 September:** SEAC-36 + MSC-55 – ECHA (Helsinki)
- **18-22 September:** RAC-42 + SEAC-36 – ECHA (Helsinki)
- **26 September:** A&R Platform meeting – MCC (Brussels)
- **27 September:** REACH Forum – MCC (Brussels)
- **28-29 September**: ECHA Management Board – ECHA (Helsinki)
- **23-27 October**: MSC-56 – ECHA (Helsinki)
- **22 November**: Evaluation Platform meeting – MCC (Brussels)
- **23 November**: A&R Platform meeting
- **27 November – 1 December**: RAC-43 + SEAC-37 – ECHA (Helsinki)

***NB: Please note that RAC/MSC/SEAC dates are all tentative and can be subject to change***

# ACRONYMS

| | |
|---|---|
| CARACAL: Competent Authorities for REACH and CLP | MSCA: Member States Competent Authorities |
| CLH: Harmonised Classification and Labelling process | OECD: Organisation of Economic Cooperation and Development |
| CLP: Classification, Labelling and Packaging Regulation | OEL: Occupational Exposure Limit |
| CMR: Carcinogens, Mutagens or toxic to Reproduction | RAC: Risk Assessment Committee |
| ECVAM: European Centre for the Validation of Alternative Testing Methods | RMOa: Risk Management Option analysis |
| ETAP: Environmental Toxicology Advisory Panel | SAICM: Strategic Approach to International Chemicals Management |
| GHS: Globally Harmonized System | SCL: Specific Concentration Limit |
| ICMM-CMWG: International Council on Mining and Metals - Chemicals Management Working Group | SVHC: Substance of very High Concern |

# REACH on the BEACH

**A. Fill in using the following words (or without help, depending on your knowledge☺)**

Aluminium / Cobalt / Mercury / Lead / Molybdenum / Metals /Gold / Copper / Silver / Tin / Zinc / Nickel/ Arsenic

*When there are two spaces in the same sentence, it is the same metal, except for 8!*

1. Since ancient times, the Greeks gave them the name "male" or "female". This etymology was related to the ancient concept of putting .....into the categories of male and female depending on whether they reacted easily or not with other .....
2. Use of the word ..... as a synonym for money dates back to the Middle Ages.
3. Because of the high price of sodium, .....was held at the time (1854) to be a precious metal.
4. Berzelius was the first to carry out systematic research on ..... and its compounds in the early part of the 19th century
5. ..... minerals have been used as pigments since ancient times and ..... is essential to many living creatures and is a component of vitamin $B_{12}$.
6. ..... has played an extremely important role in the development of civilisations. .....objects have been found in Anatolia dating back to 9000 BC and 6000 BC in Iran.
7. ..... was in fact frequently named quicksilver. The term can be traced back to the alchemists.
8. Miners in Germany believed little fellows like this one had stopped them extracting copper and silver from .....and ..... arsenides. Fortunately George Brandt and Axel Cronstedt took a more scientific approach to the problem and discovered these **two** new elements
9. The word '.....' is an Anglo-Saxon word, similar to the Anglo-Saxon word for yellow, 'geolo.' It is believed to have come from the Sanskrit 'jval' meaning 'to shine.'
10. ..... was used in antiquity to make statues, coins, utensils and writing tablets. The Romans also used it for plumbing. It was called by the Romans 'plumbum nigrum' meaning black ..... to differentiate it from 'plumbum album' meaning white .....
11. ..... is an essential trace element for animals and plants. ..... oxide, a white powder, is a versatile compound that has many uses. It is used in sun block, make-up and in ointments such as calamine lotion. It is also used in the rubber industry, concrete manufacturing and in paints.
12. We now call 'white lead' ..... ..... sits directly above lead in the periodic table.
13. .....strength and resistance to expanding or softening at high temperatures is particularly sought after in critical areas where high temperatures are common, such as in nuclear power plants and aircraft engines.

## B. Even though these acronyms might come in useful, do you (really) know the correct REACH-related ones?

| | | |
|---|---|---|
| 1. **AF** | Acronym Fatigue | |
| 2. **ATP** | Assume the Position | |
| 3. **CSR** | Combat Stress Reaction | |
| 4. **OEL** | Over-Excitation Limiter | |
| 5. **PBT** | Portable Breath Tester | |
| 6. **POP** | Power Of the Pen | |
| 7. **REACH** | Reaffirming Ethnic Awareness and Community Harmony | |
| 8. **SDS** | Shock Dampening System (for boots) | |
| 9. **SID** | Solomon Island Dollar | |
| 10. **RMM** | Read My Mind | |

**Answers A**: *1. Metals / 2. Silver / 3. Aluminium / 4. Arsenic / 5. Cobalt / 6. Copper / 7. Mercury / 8. Nickel / 9. Gold / 10. Lead / 11. Zinc / 12. Tin / 13. Molybdenum*

**Answers B**: *1. Assessment Factor / 2. Adaptation to Technical Progress / 3. Chemical Safety Report / 4. Occupational Exposure Limit / 5. Persistent Bioaccumulative & Toxic / 6. Persistent Organic Pollutants / 7. Registration, Evaluation and Authorisation of Chemicals / 8. Safety Data Sheet / 9. Substance identification / 10. Risk Management Measures*