

Eurima Position Paper

Revision of the REACH Regulation

Brussels, 14 April 2022

The European Insulation Manufacturers Association (Eurima) supports the Commission's ambitious goals under the Chemicals Sustainability Strategy and the aims of the European Green Deal. Our members manufacture bio-soluble mineral wool fibres which are registered under REACH and exempted from classification under the Note Q of Annex VI to Regulation (EC) 1272/2008 on hazard classification, labelling and packaging of chemicals (CLP).

We would like to stress the following points regarding the upcoming revision of the REACH Regulation.

Alternative Test Methods must be more integrated into REACH

Eurima is committed to innovate and work with the European Commission to increase the uptake of alternative test methods for REACH information requirements.

Eurima strongly believes that alternative test methods must be validated at international level before being integrated in the EU Test Methods Regulation. This ensures not only the acceptance and approval of the methods but also harmonisation and interoperability of Test Guidelines with the rest of the world and notably Member countries of the OECD.

Eurima is working on several projects to measure the dissolution rate (one of the parameters to determine bio-solubility) of mineral wool fibres via in-vitro methods.¹ We believe in scientific dialogue between authorities, industry and academia to advance alternative test methods. We are eager to exchange information on this topic with the European Commission and Member States.

The Generic Approach to Risk Assessment should be proportionate

Eurima notes that the Commission intends to extend the use of the Generic Approach to Risk Assessment (GRA) in Article 68(2) of REACH to more hazard classes and to professional users. Eurima believes this should be done in a proportionate manner.

Professional users are more informed about the use of hazardous substances via Safety Data Sheets (Eurima voluntarily provide Safe Use Instruction Sheets with similar format as SDS are not required). Industrial processes would be penalised by indiscriminate bans of substances based strictly on their hazard profile. Instead, the GRA applied to professional uses should build on existing tools and legislation (e.g. OSH legislation) to ensure the highest level of occupational safety.

Eurima also believes the GRA is a step in the right direction, though it should not be at the expense of transparency and stakeholder participation.

¹ See Emma Innes, Humphrey H. P. Yiu, Polly McLean, William Brown & Matthew Boyles (2021) Simulated biological fluids - a systematic review of their biological relevance and use in relation to inhalation toxicology of particles and fibres, *Critical Reviews in Toxicology*, 51:3, 217-248, DOI: 10.1080/10408444.2021.1903386 (See also the poster attached to our participation to the Public Consultation Questionnaire).

For example, grouping strategies should allow taking into account the scientific work carried out by industries and academia before ECHA makes a decision to group based only on common parameters found in the REACH dossier database.

Information on uses should involve Trade Associations

Eurima takes note of the Commission's queries on the communications of uses up and down supply chains. However, we believe the current Use Descriptor system in REACH dossiers is adequate and that rather than introducing new requirements, downstream users would benefit from better training and support on how to best inform suppliers and manufacturers on uses.

For this reason, we believe the work undergone by the ENES network at ECHA is the right forum to address these issues. We believe it should continue its important work to involve Trade Associations in the preparation of Sector Use Maps.

Restriction must become the default way to regulate chemicals

Eurima believes Option 2 or Option 3² are the most viable options to simplify the current regime of authorisation and restriction. These options are similar and could be combined to make restrictions the default path to regulate the use of hazardous substances. However, we caution that Option 3 would have the unwelcome effect of removing also the Candidate List from REACH which would bring disruption and legal uncertainty as the system has proved its usefulness beyond authorisation.

The restriction process allows flexibility to establish full, partial, use based or conditional time-bound derogations. Together with a balanced approach on Essential Uses, a simplification modelled on the restriction title would enable to cover to regulate chemicals in a pragmatic and efficient manner that will benefit EU citizens.

The right place for environmental footprint is in product legislation

Eurima does not support the integration of environmental footprint to the REACH Regulation. This objective will better be achieved under product legislation.

There is a real risk of legislative overlaps between possible footprint requirements under REACH and similar obligations under product legislation such as the revised Construction Products Regulation and upcoming legislation under the Sustainable Product Initiative. We encourage the Commission to adhere to its principles of making EU legislation 'fit for purpose'.

It makes more sense to consider the environmental impact of products rather than of substances. Deriving meaningful results for environmental footprint matrices of substances when compared to products is very complex. One substance can be used in several products with different environmental impacts. The end of life phase is also better captured when considering products rather than substances. A whole life cycle approach, which can only be really applied to articles, is a success factor of environmental footprints at EU level.

Essential Uses presents opportunities for safe legacy materials

Eurima notes with interest the progress towards developing the concept of Essential Uses. For the same reasons outlined above on environmental footprint, the Essential Uses will better reflect the societal value of a substance if a holistic approach is adopted. For example a use could be 'essential' if it helps reducing the environmental impact of products at the production or at the waste stage.

² Namely to either merge the Authorisation and Restriction titles (Option 2) or to remove the Authorisation title (Option 3) from REACH.

We support the Commission's wish as outlined in the Chemicals Strategy for Sustainability to '*support investments in sustainable innovations that can decontaminate waste streams, increase safe recycling and reduce the export of waste.*' The Essential Uses concept could help clarify the legal status of certain materials based on their societal value even after they entered the waste stage.

The Essential Use concept should also be taken into account under the current revision of the Waste Framework Directive (e.g. when waste streams are classified under EU waste legislation.)

Eurima also believes that Essential Uses should allow for exemptions not only based on the possible hazards but on the actual possible risks (including exposure) that substances may present.

About Eurima

Eurima was established in 1959 and represents European Mineral Wool Insulation Manufacturers. These bio-soluble mineral wool fibres (glass wool, stone wool and slag wool) manufactured by Eurima members are exempted under the Note Q to Annex VI to the CLP Regulation (the 'Note Q'). The Note Q was established under the Dangerous Substances Directive as recognition of the low toxicity profile of highly bio-soluble mineral fibres that manufacturers had developed, scaled up and elevated to an industry gold standard.

Parallel to this legislative development, Eurima members have made a commitment to report to the European Commission on the safe production and use of their mineral wool products in Europe via the data collected through Safe Use Instruction Sheets (SUIS). Manufacturers have also agreed to use a unified set of pictograms instructing workers and consumers on the proper use and risk management measures of mineral wool products.

The independently certified EUCEB scheme grants a label guaranteeing the compliance of mineral products to the Note Q bio-solubility exoneration criteria. EUCEB is well known and respected in the construction industry as the proof of safety of mineral wool fibres for markets inside and outside the EU. Because the scheme is directly linked to CLP criteria, Eurima stresses the importance of safeguarding the robustness of the current framework.

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