Call for evidence on the use of D4/D5 in leave on personal care products and other consumer/professional products.

Background document

ECHA has recently announced it will work to investigate the need for a restriction, according to Article 69(1), on the placing on the market and use of certain products containing D4 or D5. This is in response to a Commission request received on 15 December 2016 (https://echa.europa.eu/documents/10162/13641/echa_commission_request_en.pdf/a0bdbcbb25-9641-9df1-9511-4208cac224ce).

The objective of this call for evidence is to gather concrete information on:

a) SEAC’s opinion on the proposed restriction for D4/D5 in cosmetic products used or disposed with water (https://echa.europa.eu/documents/10162/7209f47e-58a0-4fa7-9890-11366f5aa4e9) presents the different cost elements related to the proposed restriction. Please provide us with information on the cost elements for ‘leave-on’ cosmetic products. In addition, please also provide information on the tonnages used for ‘leave-on’ cosmetic products (specifying the type of product: anti-perspirants, hair products, skin products, etc.) and the number of necessary reformulations for replacement in case of a ban of D4/D5. In addition, please provide any available information on the actual impacts that have occurred in relation to the restriction of D4/D5 in cosmetic products used or disposed with water (also referred to as ‘wash-off’ cosmetic products). In particular, we would appreciate quantitative information on the number of reformulations (and associated costs) that have already been undertaken to comply with this restriction and any information on the remaining reformulations that are planned up to the end of the transitional arrangements. We are also interested in how these reformulation costs compare with the estimated costs discussed in the SEAC opinion e.g. were the number of reformulations over or underestimated?1

Note: ECHA will make the same assumptions as for the wash off products made in the SEAC evaluation of the UK’s proposal on D4/D5 unless other justified information is received (please note confidential information can be submitted).

b) REACH registrants have identified a wide range of uses in their CSRs. We would like more information about the professional/consumer uses of D4/D5 in household products (e.g. washing, cleaning products or detergents, waxes, polishes, emulsions), their concentration and their release to the environment. Do you have any information on the suitability and availability of alternatives to D4/D5 in the uses above? What would the impact of imposing a restriction for D4/D5 in household products be in terms of costs and benefits to any affected actors (e.g. producers, professionals, consumers, or any other relevant actors), taking into consideration the possibility of available alternatives?

1 Question (a) was elaborated in an update to the call for evidence published in June 2017. The update was prompted by the decision of the REACH Committee on the 10th of May 2017 to give a favourable opinion on a draft regulation amending Annex XVII of REACH Regulation in relation to a restriction of D4/D5 in ‘wash-off’ cosmetic products. The new text is denoted by italics.
c) Please provide information on the use of D4/D5 in electronics, textiles, dry cleaning (D5) and non-metal surface treatment (D4), as professional or consumer uses. Please provide information on concentrations/tonnages used and emission rates.

What would the impact of imposing a restriction for D4/D5 in electronics, textiles, dry cleaning and non-metal surface treatment be in terms of costs and benefits to any affected actors e.g. producers, professionals, consumers, or any other relevant actors), taking into consideration the possibility of available alternatives?

d) Please provide information on alternatives for any professional and consumer use. In case of no availability of alternatives, the possible technical or economic difficulties (or lack of such difficulties) for substitution, prices of alternative substances for reformulations to replace D4/D5 and other relevant information on substitution costs.

e) Please provide information on the presence of D4/D5 impurities in silicon polymers and foam, including concentrations and potential for release.

Additional relevant information for the preparation of an Annex XV restriction dossier is also welcome.

This call for evidence targets interested parties such as companies (manufacturers, suppliers, distributors, importers etc.), trade associations, scientific bodies and any other stakeholders holding relevant information. Information can be submitted confidentially and will be treated as such by ECHA.

ECHA invites interested parties to respond to the call for evidence by August 2017 by clicking here.
https://comments.echa.europa.eu/comments_cms/CallForEvidence.aspx?RObjectId=0b0236e1819ce872

For any clarifications on the call for evidence and the compliance costs survey, please contact: restriction@echa.europa.eu.