



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Consumer, Environmental and Health Technologies

Directorate-General for Environment
Circular Economy and Green Growth

Directors

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NOTE FOR THE ATTENTION OF MR B. G. HANSEN, EXECUTIVE DIRECTOR ECHA

Subject: Request to the European Chemicals Agency to prepare a restriction proposal for the use of TCEP, TCPP, and TDCP conforming to the requirements of Annex XV to REACH

Article 69(2) of REACH requires ECHA to consider, after the sunset date, whether the use of a substance listed in Annex XIV of REACH in articles poses a risk to human health or the environment that is not adequately controlled. If ECHA considers that the risk is not adequately controlled, it must prepare an Annex XV dossier.

The substance tris(2-chloroethyl) phosphate (TCEP) was included into Annex XIV of REACH (Commission Regulation (EU) No 125/2012) with a sunset date of 21 August 2015. The intrinsic property for which TCEP is included in Annex XIV is toxic for reproduction (Article 57(c)).

In making its Article 69(2) assessment for TCEP, ECHA identified two other substances, not included in Annex XIV, namely TCPP¹ and TDCP² as substances with similar properties and uses to TCEP. These two other substances were therefore also included in the scope of ECHA's screening report.

The findings of ECHA's assessment for all three above substances are summarised in the screening report submitted to the Commission on 11 April 2018.

¹ The acronym TCPP covers the substance tris(2-chloro-1-methylethyl) phosphate with EC number 237-158-7 and CAS number 13674-84-5; the substance Reaction mass of tris(2-chloropropyl) phosphate and tris(2-chloro-1-methylethyl) phosphate and Phosphoric acid, bis(2-chloro-1-methylethyl) 2-chloropropyl ester and Phosphoric acid, 2-chloro-1-methylethyl bis(2-chloropropyl) ester; as well as these substances with possible different substance identifiers (the identity of the currently registered substance is challenged in a compliance check decision and thus, the identifiers for the registered substance may change in the future).

² tris[2-chloro-1-(chloromethyl)ethyl] phosphate with EC number 237-159-2 and CAS number 13674-87-8.

The assessment identified a risk for children from exposure to TCEP, TCPP and TDCP in flexible polyurethane (PUR) foams in childcare articles and residential upholstered furniture.

The similarities between TCEP, TCPP and TDCP warrant preparing a single Annex XV dossier for the three of them with a view to a possible restriction.

In view of the above, the Commission would like to request ECHA to prepare an Annex XV restriction dossier in accordance with Article 69(1) of the REACH Regulation that addresses at the minimum the risk for children from exposure to TCEP, TCPP and TDCP in flexible polyurethane (PUR) foams in childcare articles and residential upholstered furniture.

Following this, ECHA shall enter the relevant intention into the Registry of Intentions (RoI). We would expect the RoI entry to be made no later than 1 month following the receipt of this letter.

Within 12 months after the entry in the RoI, ECHA should communicate its conclusion to the Commission and initiate the restriction process, if the Annex XV dossier demonstrates that action is necessary in accordance with Article 69(3).

Yours sincerely,

(e-signed)
Carlo Pettinelli
DG GROW

(e-signed)
Kestutis Sadauskas
DG ENV