

BACKGROUND NOTE

CALL FOR EVIDENCE AND INFORMATION ON USES OF CERTAIN HEXAVALENT CHROMIUM SUBSTANCES

Introduction and scope

The European Commission has requested ECHA to prepare a dossier in line with the requirements of REACH Annex XV in view of a possible restriction of certain Cr(VI) substances. As ECHA received on 29th April 2024 an amendment to the original mandate, the scope of the restriction preparation now includes next to entries 16 and 17 of REACH Annex XIV also other Cr(VI) substances listed in Annex XIV; namely, entries 18, 19, 20, 21, 22, 28, 29, 30, and 31. To avoid regrettable substitution and to ensure implementability and enforceability, the European Commission requested ECHA to also include Cr(VI) substances not listed in Annex XIV, but with a demonstrated potential to lead to regrettable substitution in the scope of the restriction preparation. Specifically, this concerns barium chromate (EC: 233-660-5, CAS: 10294-40-3, Molecular Formula: BaCrO₄).

Notwithstanding additional inclusions, the list of substances in the scope of this restriction proposal now includes:

- Chromium trioxide (entry 16 in Annex XIV of REACH)
- Chromic and Dichromic acids (entry 17 in Annex XIV of REACH)
- Sodium dichromate (entry 18 in Annex XIV of REACH)
- Potassium dichromate (entry 19 in Annex XIV of REACH)
- Ammonium dichromate (entry 20 in Annex XIV of REACH)
- Potassium chromate (entry 21 in Annex XIV of REACH)
- Sodium chromate (entry 22 in Annex XIV of REACH)
- Dichromium tris(chromate) (entry 28 in Annex XIV of REACH)
- Strontium chromate (entry 29 in Annex XIV of REACH)
- Potassium hydroxyoctaoxidizincatedichromate (entry 30 in Annex XIV of REACH)
- Pentazinc chromate octahydroxide (entry 31 in Annex XIV of REACH)
- Barium chromate

During the investigation stage, several calls for evidence might be carried out to gather information from interested stakeholders. For this dossier, a first call for evidence was held from December 2023 until February 2024. The first call for evidence was successful in terms of gathering data for a thorough analysis of some of the Cr(VI) substances and some of their uses. The main gaps identified are related to:

- information on the uses of substances in entries 29-31
- information on the uses of Cr(VI) substances in i) electroplating on plastics, ii) painting, spraying, brushing and slurry coating, and iii) speciality surface treatment incl. chemical conversion coating, anodization and passivation
- information related to alternatives for and substitution of Cr(VI) substances

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The gaps identified are directly related to the transportation (maritime, rail, road, aviation) and Aviation & Defence (A&D) sectors since there is indication that multiple of the Cr(VI) substances for which the least information was obtained in the first call for evidence are used in these sectors.

The purpose of the second call for evidence is to close gaps from the first one and inquire about additional elements identified in the meantime. The second call for evidence will be split in two separate surveys (identified as 2a and 2b). The survey 2a targets companies using Cr(VI) substances and the survey 2b is targets alternative providers and companies who have substituted to alternative(s).

The survey 2a is almost identical to the first call for evidence. Companies that already responded to the first call for evidence are therefore kindly asked not to provide again the same information to eliminate any double counting of answers. Due to the identified gaps and recent inclusion of more substances in the scope of the restriction dossier, ECHA is looking forward to receive more answers from the users of Cr(VI) substances used in the transportation (maritime, rail, road, aviation), aerospace and defence sectors and generally from users of Cr(VI) substances other than chromium trioxide and chromium acids incl. users of barium chromate. However, ECHA also welcomes answers from any company using any Cr(VI) substance that did not respond to the first call for evidence.

The restriction proposal will spell out various restriction options. Some of these restriction options will likely rely on one or several Scientific Limit Values for worker exposure and emissions to the environment. If a company is currently operating above any of the proposed limit values, they will have to either invest in additional risk management and release mitigation measures, substitute to an alternative substance or technology, or cease their activities in the EU. The purpose of the survey 2a is therefore to compile and gather specific information on the possible response of affected actors to various Scientific Limit Values for Cr(VI) exposure and emissions to air and water. Companies are asked to report their current worker exposure, risk management measures, possibility to comply with a set of Scientific Limit Values, and the compliance cost associated with meeting such limits.

As part of many applications for authorisation, the cost of non-use of Cr(VI) substances (due to relocation, shutdown, or substitution) have been reported by applicants, and assessed by SEAC. However, the costs of risk management measures that are needed to meet specific exposure and/or emission standards have not been assessed and reported to the level of detail required as to allow ECHA to perform a rigorous impact assessment of the restriction options. One key objective of this survey 2a is to gather pertinent information on the most likely response of companies to different limit values and the compliance costs associated with meeting them. This information will allow ECHA to assess the effectiveness and proportionality of different restriction options. (The elements that need to be considered during the preparation of a restriction proposal are set out in Annex XV to REACH and further elaboration can be found in ECHA Guidance documents¹.)

The purpose of the **survey 2b** is to compile and gather specific information on the feasibility and cost of substitution. The survey 2b is targeted to providers (formulators) of alternative(s) to Cr(VI) substances as well as to companies that have substituted Cr(VI) substances or are just completing the substitution. More specifically, the survey will ask information related to the type of alternative, use categories for which the alternative would/could work, typical investment costs and operational costs of using alternatives.

Parties contributing to this call for evidence by filling either of the surveys should expect that the information they submit will be used to in the assessment of the risk(s) and socio-economic impacts of restriction options, the feasibility of alternatives and the likelihood of

¹ <https://echa.europa.eu/support/restriction/how-to-prepare-an-annex-xv-report/general-instructions>

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substitution taking place in the EU, as well as the need to investigate potential derogations from the restriction option(s). However, derogations cannot be investigated without adequate information. If a derogation is not proposed in the initial restriction proposal it will be incumbent on relevant stakeholders to provide a full justification based on a comprehensive information on risk, socioeconomic elements and alternatives, during the restriction opinion-making process.

In areas where no specific information is available, ECHA typically uses realistic worst-case assumptions.

The call for evidence will start on 5 June 2024 and ends on 15 August 2024 (23:59 Helsinki time).

Any statement, figure or information provided via this call for evidence should be supported with a robust justification, and reference and calculation whenever relevant. Where information is submitted in this call for evidence, but no reference to sources or calculations are made to justify such information, we are unlikely to be able to take the comments into account.

Who should participate to the call for evidence?

This call for evidence is intended for interested parties including but not limited to:

- private companies using Cr(VI) substances (incl. manufacturers, suppliers, recyclers, downstream users, distributors, importers etc.) and in particular companies working in the transportation (maritime, rail, road, aviation), aerospace and defence, electroplating on plastics, painting, spraying, brushing and slurry coating, and speciality surface treatment incl. chemical conversion coating, anodization and passivation sectors
- providers (e.g. manufacturers, formulators, suppliers, importers, distributors) of alternative(s) to Cr(VI) substances as well as to companies that have substituted Cr(VI) substances or are just completing the substitution
- sector associations, scientific organisations, NGOs
- laboratories, and other stakeholders or Member State Authorities holding relevant information.

Both EU/EEA and non-EU stakeholders are encouraged to participate.

Information can be submitted confidentially and will be treated as such by ECHA:

<https://echa.europa.eu/calls-for-comments-and-evidence>

For any needs for clarification please contact: restriction-crvi@echa.europa.eu