RESPONSES INTO THE ECHA PUBLIC CONSULTATION FOR

PENTALEAD TETRAOXIDE SULPHATE

General comments on the recommendation to include the substance in Annex XIV:

These below-mentioned comments represent the views of Lead (Pb) REACH Consortium member companies and Industry Associations representing the predominant uses of pentalead tetraoxide sulphate in the EU:

About the ILA
The International Lead Association is a membership body that supports companies involved in the mining, smelting, refining and recycling of lead. The ILA represents the producers of about 3 million tons of lead. As secretariat to the Lead (Pb) REACH Consortium, ILA Europe (a regional branch of the International Lead Association) is acting on behalf of the Lead Registrants for several lead substances.

Please refer to Appendix A for a list of all the Lead (Pb) REACH Consortium members.

Comments on Priority Scoring of Lead Compounds Managed by the Pb REACH Consortium

The major use of pentalead tetraoxide sulphate (<95%) is in the manufacturing process undertaken to produce automotive and industrial lead acid batteries. This use is an "intermediate use" in that the lead monoxide is transformed during the manufacturing process and not present in the final charged battery.

Use of pentalead tetraoxide sulphate as a stabiliser in PVC production is the other significant use with approx. 4.5% of the market. *Lead stabilizers can only be manufactured using lead monoxide (PbO) and again this is as an intermediate. Lead monoxide itself or* simple mixtures of tetralead trioxide sulphate and other additives cannot be used as stabilizers for PVC processing. It is worthwhile noting that this sector has already has a voluntary commitment to replace lead stabilisers completely by end of 2015 across the EU-28. Exposure scenarios are included in the registration dossier for the professional and consumer use of pentalead tetraoxide sulphate in batteries and rubber. However, once incorporated into these articles, there is no potential for exposure for workers, consumers or the environment. This is further explained in Appendix A and the REACH dossier.

The ECHA Draft background document for Pentalead tetroxide sulphate indicates that Pentalead tetroxide sulphate should have a priority score of 23.

*Using the latest ECHA Prioritisation scoring process Industry assesses that pentalead tetraoxide sulphate should receive a score of **21** based on the below-mentioned information:*

Inherent Properties: Toxic for reproduction (Article 57 c) **[score 1]**
Volumes: 100,000 - 1,000,000 t/a **[score 15]**

WDU: [score 5]
ECHA indicated that a score of 7 should be provided because the substance is used in the manufacture of articles however as indicated above there is no intentional release and only trace amounts are expected to be released.

For this reason we believe that consideration should be taken as to what additional score should be applied under the prioritisation system.

Table 1

ES number	Linked to Identified Use	Note
ES 1	PVC processing	**Lead-based stabilizers voluntary phase-out by end 2015**. The voluntary phase out initiative has already delivered significant results and in the period 2007-2012 lead stabiliser consumption (in the EU-27) decreased by 76%. In 2012 German BAuA undertook an RMO for use of all lead stabilisers in PVC production in relation to a potential restriction proposal. This concluded that since there was already a voluntary commitment by the European Plastics Industry (Vinylplus) to phase out use of lead stabilisers by 2015 then the preferred risk management option would be to wait until this had completed its course. The decision was to be re-evaluated after 2015 if Vinylplus did not deliver on expected outcomes.
ES 2	Lead battery production	Pentalead Tetraoxide Sulphate is used in the manufacturing process of lead acid batteries and hence the Exposure Scenario covering industrial use will be retained
ES 3	Use of lead oxide in stabiliser production	**Use reduced by the Lead-based stabilizers voluntary phase-out by end 2015.** The voluntary phase out initiative has already delivered significant results and in the period 2007-2012 lead stabiliser consumption (in the EU-27) decreased by 76%. In 2012 German BAuA undertook an RMO for use of all lead stabilisers in PVC production in relation to a potential restriction proposal. This concluded that since there was already a voluntary commitment by the European Plastics Industry (Vinylplus) to phase out use of lead stabilisers by 2015 then the preferred risk management option would be to wait until this had completed its course. The decision was to be re-evaluated after 2015 if Vinylplus did not deliver on expected outcomes.
ES 4	Professional use of plastics	In case lead stabilisers would become subject to Authorization this is likely to have a serious negative impact on the whole recycling chain of PVC. The administrative burden and costs linked to such a heavy procedure would likely be unsustainable for most recycling companies -mostly SME's - and thus push many recyclers to abandon recycling of PVC. This would jeopardize the decade-long efforts and success of the VinylPlus consortium (formerly Vinyl 2010) in developing a significant recycling chain, well on its way to reach the targeted 800 kT by 2020. It would also mean going counter-current with respect to the EU objective to encourage recycling in general. The ECHA guidance on information requirements and chemical safety assessment Appendix to Part F page 65 indicates that only those preparations and articles need to be taken into account in the CSR when the registered substance exceeds the concentration limits of article 14 (2) [which is 0.3% for Repro 1A]. For this reason we propose to keep this exposure scenario as the concentration of lead in stabilised PVC can be up to 1%. In conclusion, although lead stabilisers are added to PVC there will be no intentional release of the Pentalead tetraoxide sulphate from the from PVC article. The expected release is in trace amounts for this reason this should be considered when the priority scoring is applied under REACH authorization in particular for WDU.
ES 5	Professional use of batteries	No pentalead tetraoxide sulphate present in marketed article therefore this phase of the lifecycle should not be covered by an exposure scenario. Substance fully transformed into lead dioxide and spongy lead metal before the lead-based battery is charged and sealed ready for the market therefore the professional use of these lead acid batteries does not need to be covered in the CSR. The ECHA guidance on information requirements and chemical safety assessment Appendix to Part F page 65 indicates that only those preparations and articles need to be taken into account in the CSR when the registered substance exceeds the concentration limits of article 14 (2) [which is 0.3% for Repro 1A]. A very small percentage of the total amount of the lead acid batteries placed on the market are dry charged lead-based batteries which may contain concentrations higher than 0.3% of the pentalead tetraoxide sulphate before the sulphuric acid is added by the professional user after which the battery is charged whereby the pentalead tetraoxide sulphate reacts fully upon charging. However, it must be pointed out that the reaction takes place in the enclosed battery and there is no potential for the release of pentalead tetraoxide sulphate from the battery. **For this reason the CSR needs to cover the professional use for registration purposes. However, this should not be considered in the priority scoring under REACH as the registered substance pentalead tetraoxide sulphate was used to manufacture an article BUT is not released during the article service life and waste phase and therefore should not be taken into account in the WDU score of the priority scoring under authorisation.**

ES number	Linked to Identified Use	Note
ES 6	Consumer use of internal plastics	In case lead stabilisers would become subject to Authorization this is likely to have a serious negative impact on the whole recycling chain of PVC. The administrative burden and costs linked to such a heavy procedure would likely be unsustainable for most recycling companies -mostly SME's - and thus push many recyclers to abandon recycling of PVC. This would jeopardize the decade-long efforts and success of the VinylPlus consortium (formerly Vinyl 2010) in developing a significant recycling chain, well on its way to reach the targeted 800 kT by 2020. It would also mean going counter-current with respect to the EU objective to encourage recycling in general. The ECHA guidance on information requirements and chemical safety assessment Appendix to Part F page 65 indicates that only those preparations and articles need to be taken into account in the CSR when the registered substance exceeds the concentration limits of article 14 (2) [which is 0.3% for Repro 1A]. For this reason we propose to keep this exposure scenario as it is required under the REACH registration process based on the information provided by ELSA. In conclusion, there will be no release of the Pentalead tetraoxide sulphate from the PVC article. For this reason this use should not be included in the priority scoring under REACH authorization in particular for WDU.
ES 7	Consumer use of external plastics	
ES 8	Consumer use of batteries	No pentalead tetraoxide sulphate present in marketed article therefore this phase of the lifecycle should not be covered by an exposure scenario. Substance fully transformed into lead dioxide and spongy lead metal before the lead-based battery is charged and sealed ready for the market therefore the consumer use of these lead acid batteries does not need to be covered in the CSR. The ECHA guidance on information requirements and chemical safety assessment Appendix to Part F page 65 indicates that only those preparations and articles need to be taken into account in the CSR when the registered substance exceeds the concentration limits of article 14 (2) [which is 0.3% for Repro 1A]. A very small percentage of the total amount of the lead acid batteries placed on the market are dry charged lead-based batteries which may contain concentrations higher than 0.3% of the pentalead tetraoxide sulphate before the sulphuric acid is added by the consumer user after which the battery is charged whereby the pentalead tetraoxide sulphate reacts fully upon charging. However, it must be pointed out that the reaction takes place in the enclosed battery and there is no potential for the release of pentalead tetraoxide sulphate from the battery. **For this reason the CSR needs to cover the consumer use for registration purposes. However, this should not be considered in the priority scoring under REACH as the registered substance pentalead tetraoxide sulphate was used to manufacture an article BUT is not released during the article service life and waste phase and therefore should not be taken into account in the WDU score of the priority scoring under authorisation.**

The Pb REACH Consortium is submitting these comments on behalf of the entire sector for this substance in the event exemptions are not accepted and some uses would require authorisation applications.

The metals sector has investigated existing experience with Consortia formation and preparation for Authorisation Applications to identify best practices for organising Consortia for future applications. This information was not only gathered from recent Authorisation applications such as the Cr6+ compounds or As_2O_3 cases, but also from other sectors that have recent Consortia organizational experience that was necessary to generate information for submission purposes.

In the event an exemption is not recommended by ECHA for any or some of the uses we would like to request to have the latest application date (LAD) be extended to **36 months** rather than the proposed 21 months proposed by ECHA on the following reasons:

- There are a number of uses for this substance and the supply chain for some uses is rather complex (see flow diagram included in this submission).

  There is an existing Pb REACH Consortium which represents the manufacturers and importers of lead compounds that was established with the objective of co-ordinating registrations. However, in the event the arguments for exemption from authorisation are

not accepted, companies, the Pb REACH Consortium and even downstream user associations will need to reorganise themselves to develop authorisation applications. This is because many downstream users and letter of access holders are not members of the Pb REACH Consortium. Some of the individual uses, are represented by many Companies, **many** being SME's being located across EU Member States. This complexity impacts *the time to organize for authorization*, as well as th*e time required to develop a clear supply chain exchange*.

- It has been estimated that it may take a consultants 1.5-2 years to preparing an SEA and AofA for one use where there are many stakeholders involved. As in some sectors using lead monoxide it has been assumed that exemptions would be granted from authorisation as a result of intermediate arguments, SEA's and AofA have not yet been initiated.
- We believe that consortia with large scopes of uses with multiple, complex supply chains would require up to 3 years to prepare the necessary case and associated documentation.
- For most Downstream User Sector Associations it's difficult to quantify organizational activity until the substance is formally added to the Annex XIV list.

Based on the above-mentioned information, the Pb REACH consortium and all the downstream user sectors potentially affected would request that ECHA consider an extension on the proposed LAD for the pentalead tetraoxide sulphate to limit any unwanted side effects of the authorisation application process.

APPENDIX A

Lead (Pb) REACH Consortium members who registered Pentalead tetroxide sulphate

Akkumulatorenfabrik MOLL GmbH + Co. KG Angerstraße 50, 96231, Bad Staffelstein Bavaria, Germany
Baerlocher GmbH Freisinger Str. 1, 85716, Unterschleissheim, Germany
EnerSys AD Industrial zone, 7700, Targovishte, Bulgaria
EnerSys Newport Stephenson Street Newport, Gwent, NP19 4XJ, Newport South Wales, United Kingdom
ENERSYS SARL Alexander Fleming, 62033, ARRAS, France
Enersys Sp. z o.o. Leszczynska 73, 43-300, Bielsko-Biala, Poland
Exide Technologies GmbH Thiergarten, 63654, Büdingen, Germany
EXIDE Technologies LdA Av Dr Carlos Leal, 2600-719, Castanheira do Ribatejo, Portugal
EXIDE TECHNOLOGIES S.A. Gdynska 31/33, 61-016, Poznan, Poland
EXIDE Technologies S.A.S. 5, allée des pierres mayettes, 92636, Gennevilliers, France
EXIDE Technologies Srl Via Dante Alighieri, 106, 24058, Romano di Lombardia Bg, Italy
Exide Technologies, S.L. Ctra. Nacional II km 41,8, 19.200, Azuqueca de Henares Guadalajara, Spain
FIAMM Spa Viale Europa 63, 36075, Montecchio Maggiore Vicenza, Italy
Hawker GmbH Germany Dieckstr. 42, 58089, Hagen, Germany
Jenox Akumulatory Sp. z o.o. Notecka, 64-800, Chodzież, Poland
Johnson Controls Autobaterias S.A. C/Hermanos Pinzon 4, 28036, Madrid, Spain
Johnson Controls AUTOBATERIE spol. S.r.o. Dubicka 958, 47090, Ceska Lipa, Czech Republic
Johnson Controls Autobatterie GmbH & Co. KGaA Am Leineufer 51, 30419, Hannover, Germany
Johnson Controls Sachsen-Batterien GmbH & Co. KGaA Reichenbacher Str. 89, 08056, Zwickau, Germany
LOXA Sp. z o.o. Myszkowska 61, 42-310, Żarki, Poland
Midac Spa Via A. Volta, 2, 37038, Soave, Italy
PENOX GmbH 173 Deutz Muelheimer Strasse, 51063, COLOGNE, Germany
PPUH Autopart Jacek Bąk Sp. z o.o. Kwiatkowskiego 2a, 39-300, Mielec podkarpackie, Poland
S.I.A. Industria Accumulatori S.p.a. Via del Chiavicone, n°1, 40051, Altedo (BO), Italy
SC ROMBAT SA / Bistrita / Romania Drumul Cetatii Nr.6 -, 420129, Bistrita Bistrita Nasaud, Romania
Vipiemme s.p.a. SS11 Padana Superiore, 8, 24040, Isso (Bergamo), Italy
Yuasa Battery UK Ltd Unit 22 Rassau Industrial Estate, NP23 5SD, Ebbw Vale Gwent, United Kingdom
ZAP Sznajder Batterien S.A. Warszawska 47, 05-820, Piastów, Poland

Also supported by all Lead (Pb) REACH Consortium members

5N Plus Belgium SA	Johnson Controls Autobatterie GmbH & Co.
Akkumulatorenfabrik Moll GmbH	Johnson Controls Autobaterias SA (Spain)
Anton Schneider Sohne GmbH	Johnson Controls Autobaterie spol (Czech)
Asua Products SA	Johnson Controls Sachsen-Batterien GmbH
Aurubis GA	Johnson Controls Recycling GmbH
Azor Ambiental SA	KCM 2000 SA SC
BAE Batterien GmbH	KGHM Polska Miedz SA
Baerlocher GmbH	Kovohute Pribram Nastupnicka a.s
Banner GmbH	Le Plomb Francais Sarl
BASF SE	Loxa Sp. Z.o.o.
Berzelius Stolberg GmbH	MECA Lead Recycling SpA
BMG Metall und Recycling GmbH	Metalblanc
Boliden Bergsoe AB	MetAlliance LLP
Boliden Mineral	Metal Processors Limited
BSB Recycling GmbH	Metallo-Chimique NV
Campine Recycling NV	Metalurgica de Medina SA
Chemson Polymer-Additive AG	Midac

Colorobbia Italia spa	Midland Lead Manufacturers Ltd
COPLOSA, Sociedad Anonima	MPI Reciklaza d.o.o
Eco-Bat SpA	Muldenhutten Recycling und Umwelttechnik GmbH
Ecological Scrap Industry SpA	Nederlandse Accumulatoren Produktie
Ecometal Ltd	Nizi International SA
EnerSys Newport	Nyrstar
EnerSys SARL	Penox GmbH
EnerSys Sp. Zoo	Piombifera Italiana Spa
EnviroWales	Piomboleghe Srl
Exide Technologies GmbH (Deutsche Exide)	Portovesme Srl
Exide Technologies Lda (SPAT)	PPUH Autopart Jacek BAK Sp z o.o
Exide Technologies Recycling SL (Oxivolt)	RECOBAT
Exide Technologies Recycling II Lda (Sonalur)	SC Rombat SA
Exide Technologies SA (Centra)	SIA Industria Accumulatori Spa
Exide Technologies SA (Tudor)	STCM-APSM
Exide Technologies SAS (CEAC)	Sunlight SA
Exide Technologies Srl (Exide Italia)	TAB dd
Fenix Metals Sp. z o.o.	Teck Ltd
FIAMM SpA	Traxys Europe SA
Floridienne Chimie SA	Umicore
Glencore Import BV	Union Derivan SA (Undesa)
Glencore International Import BV	Uzimet
Hammond Lead Products	Vippienne SpA
Hakurnas	Uzimet
H J Enthoven Ltd	Vippienne SpA
Hoppecke Batterien GmbH & Co KG	Weser-Metall GmbH
Huta Cynku “Maisteczko Slaskie”	Wilhelm Grillo Handelsgesellschaft mbH
IKa Innovative Kunststoffaufbereitung GmbH & Co.KG	Xstrata Zinc (Britannia Refined Metals Ltd)
Jenox Akumulatory Sp. z o.o	Yuasa Battery UK Ltd
	Zap Sznajder Batterien s.a
Associate member	Association of European Sporting Ammunition Manufacturers (AFEMS)

Industry Associations representing Member Companies using Pentalead tetroxide sulphate:
Association of European Automotive and Industrial Battery Manufacturers (EUROBAT): Batteries
European Automobile Manufacturers’ Association (ACEA): Car, van, truck and bus makers
European Lead Stabilizers Association (ELSA): Lead stabiliser producers