BACKGROUND NOTE

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

Introduction and scope

The European Commission has requested ECHA to prepare a dossier in line with the requirements of Annex XV of REACH in view of a possible restriction of at least two substances of very high concern leading to exposure to hexavalent chromium (Cr(VI) hereafter):

- **Chromium trioxide** (entry 16 in Annex XIV of REACH) is the Cr(VI) substance that generates the largest number of applications for authorisation and must be included in the scope of the restriction.

- **Chromic and Dichromic acids** (entry 17 in Annex XIV of REACH) are a group of acids generated from chromium trioxide and substitution from chromium trioxide to chromic acid is therefore relatively easy. To avoid regrettable substitution, entry 17 needs to be included in the scope of the restriction proposal as well (see the official request to ECHA).

During the investigative stage, several calls for evidence might be carried out to gather information from interested stakeholders. The purpose of this call for evidence is to compile and gather specific information on the possible response of the affected industry to various binding Scientific Limit Values for Cr(VI) exposure and emissions to air and water.

Companies using Cr(VI) compounds currently listed in Annex XIV are asked to report their current worker exposure, current risk management measures, possibility to comply with a set of binding Scientific Limit Values, and the compliance cost associated with meeting such limits. Other stakeholders (industry associations, NGOs, alternative providers, MS representatives, and other interested parties) are invited to submit any other information relevant for the preparation of an Annex XV restriction dossier on Cr(VI) compounds.

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.

As part of the applications for authorisation, the costs of non-use of Cr(VI) compounds (i.e. relocation, shutdown, or substitution) have been reported by applicants, and assessed by SEAC. However, the costs of risk management measures 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. The main objective of this call for evidence is to gather pertinent information on the most likely response of companies per different limit value 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 documents[1].)

Parties contributing to this call for evidence 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 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 13 December 2023 and ends on 13 February 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) compounds (incl. manufacturers, suppliers, recyclers, downstream users, distributors, importers etc.), sector associations, laboratories, scientific organisations, NGOs 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

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