

## Note for the attention of Tim Bowmer, Chair of the Committee for Risk Assessment

### Ref: Request to the Committee for Risk Assessment to prepare a supplementary opinion on the restriction dossier on intentionally-added microplastics

In accordance with Article 77(3)(c) of the REACH Regulation, the Committee for Risk Assessment (RAC) is requested to prepare a **supplementary opinion** on the proposed restriction on intentionally-added microplastics, taking into account new elements which emerged after RAC had adopted its final opinion in June 2020.

In particular, the RAC is requested to focus on:

**A.** The restriction options for infill material for artificial sport pitches, in view of submissions #686 and #811 to the consultation on the draft opinion of the Committee for Socio-Economic Analysis (SEAC), including:

1. the recently published CEN technical report TR 17519 on risk management measures (RMM) for infill material for artificial sport fields;
2. A recent (2020) study by Magnusson & Mácsik, commissioned by the EMEA Synthetic Turf Council (ESTC), assessing the effectiveness of the RMM proposed in CEN TR17519 to reduce infill releases to  $< 7\text{g/m}^2$ ;

**B.** The derogation for polymers without carbon atoms that was proposed by SEAC in its final opinion.

The RAC opinion should be based on the new information submitted during the 60-day external consultation on the SEAC draft opinion. This should take preferably the form of a supplementary RAC opinion on the Annex XV dossier which supported the restriction on intentionally-added microplastics.

### 1. Background

#### A. Restriction options for infill material for artificial sport pitches

During the 60-day consultation on the SEAC draft opinion, ECHA received information that (submissions #686 and #811):

- The European Standards Committee (CEN TC 217) responsible for sports surfacing developed and published (on 22nd July 2020) CEN Technical Report TR 17519 describing how infill material releases can be controlled and minimised through RMM. In particular, the CEN report details design, construction, maintenance, operation, and end-of-life disposal considerations for minimising the migration of infill from synthetic turf fields. Submission #811 by UEFA included a draft version of this technical report.
- A 2020 study<sup>1</sup> by Magnusson & Mácsik concludes that combining certain RMM detailed in CEN TR 17519 effectively reduces infill releases into the environment to 2 g/m<sup>2</sup> (or 15kg/year), i.e. below the limit of 7g/m<sup>2</sup> proposed by the Dossier Submitter under RO4. The main study conclusions are outlined in submission #686 by the ESTC.
- The RMM recommended in TR 17519 were incorporated in specifications for new pitches by the FIFA Quality Programme, the World Rugby's and the Rugby Football League, the Gaelic Athletics Association, the International Hockey Federation and funding agencies such as the Football Foundation.

The information above falls within the remit of and is relevant to RAC. In its opinion, RAC noted that annual releases of microplastics from EU pitches would remain significant even after the implementation of RMMs: amounting to 1 600 t/yr, on the basis of a max release of 7 g/m<sup>2</sup>. RAC also lacked evidence to conclude whether RMM capable of achieving the stated minimum effectiveness of annual losses of <7 g/m<sup>2</sup> actually existed. **RAC should conclude** whether "*the study by Magnusson & Mácsik indicates that an appropriate combination of RMM can reduce infill releases into the environment to 2 g/m<sup>2</sup> (or 15 kg/year<sup>2</sup>)?*"

In addition, RAC expressed concerns about the practicality and enforceability of RMM in the absence of appropriate international/European standards or guidance indicating which RMM should be used, and how, in order to curb releases. **RAC should also conclude** whether "the publication of CEN TR 17519 address this concern?"

Against this background, RAC is being formally consulted on this new information and is invited to supplement their opinion.

## **B. Review of the derogation for polymers without carbon proposed in the SEAC final opinion.**

RAC is requested to evaluate a possible derogation for polymers without carbon, as proposed by SEAC in their final opinion.

The SEAC proposal stemmed from information submitted during the two consultations. ECHA initially received comments from industry on inorganic polymers in the consultation on the Annex XV dossier and during the consultation Q&A webinar. However, there was insufficient information at the time to make a concrete proposal for a derogation prior to RAC concluding its evaluation. For this reason, a specific question on the impacts of the proposed restriction on inorganic polymers was included in the consultation of the SEAC draft opinion, with a view to collect information that could justify a derogation.

<sup>1</sup> Determining the effectiveness of Risk Management Measures to minimize infill migration from synthetic turf sports fields, Magnusson & Mácsik (2020)

<sup>2</sup> For an average sized pitch with an area of 7 600 m<sup>2</sup>

5 February 2021

Several relevant comments (Cefic #735; Clariant #784; VCI #785; Federchimica #793)

raised the issue of ammonium polyphosphates, polymers used in flame retardants, which do not contain carbon and are therefore considered inorganic polymers. The comments also pointed out that inorganic polymers do not contribute to the microplastic concern because they cannot be considered persistent according to Annex XIII of REACH. Against this background, SEAC considered that, if the restriction is to be targeted to the identified risk, as required by REACH Annex XV (thereby minimising the potential for legal challenges), a derogation for inorganic polymers was warranted.

Independent from the legal considerations, RAC is formally consulted and given the opportunity to express their opinion on the risk assessment-related aspects of this new derogation and whether it is possible to assess the persistence of inorganic polymers such as ammonium polyphosphates.

## 2. Terms of Reference

The Committee is requested to prepare a supplementary opinion on the restriction dossier on intentionally-added microplastics, taking into account new elements (as described above) which emerged after RAC adopted its final opinion in June 2020.

## 3. Timescale for the RAC

Following the letter from the Commission (dated 3 February 2021), the aim is to have a first discussion and adoption in the March 2021 RAC meeting.

Considering the limited scope of the analysis and that information on the risk, analysis of alternatives and socio-economic assessment is already available, the Commission considers that a RAC supplementary opinion can be prepared in a shorter time than usually required for the evaluation of an Annex XV dossier. As the aim of the RAC supplementary opinion is to inform the draft Commission proposal, the Commission would appreciate to receive it before the draft proposal is submitted to inter-service consultation (tentatively planned for June 2021).

## 4. Remuneration

The task for RAC following from this request is not considered to fulfil any of the requirements of a transfer of funds to the competent authorities of the Member States pursuant to Article 14(1) of Regulation (EC) 340/2008 and therefore no remuneration will be paid by the Agency.

*(e-signed)*<sup>3</sup>

Bjorn Hansen  
Executive Director

Cc: Jukka Malm, Peter van der Zandt

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<sup>3</sup> As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.