

Restriction proposal on Dechlorane Plus

Summary

The Background Document details a proposal to restrict the manufacture, use and placing on the market of Dechlorane Plus. Dechlorane Plus was identified by ECHA as a Substance of Very High Concern (SVHC) in 2018 because of its very persistent and very bioaccumulative properties (vPvB).

Dechlorane Plus is imported into the EU in articles. It is not manufactured in the EU. Even though there are no natural sources of Dechlorane Plus, it is detected in humans, wildlife and environmental samples globally, including the Arctic and Antarctic. Releases of Dechlorane Plus to the environment are principally attributable to the waste life cycle stages of articles. Humans can be exposed to Dechlorane Plus through drinking water, food and air. The unborn child may ingest Dechlorane Plus via the umbilical cord and via breast milk after it is born.

Dechlorane Plus is mainly used as a flame retardant in adhesives, sealants and polymers as well as an extreme pressure additive in greases. The main applications of Dechlorane Plus are reported to be in motor vehicles, electrical and electronic equipment (including consumer electronics) and in aerospace and defence. Additional uses in marine, garden and forestry machinery and in medical devices were reported in the consultation on the Annex XV report. The Dossier Submitter considers that alternatives exist, but uncertainties remain whether these alternatives are available and feasible in all uses.

The Dossier Submitter concluded that the risks posed by Dechlorane Plus are not adequately controlled and that a comprehensive restriction under REACH is therefore the most appropriate risk management option to address the identified risk.

The proposal is coordinated with regulatory activities on Dechlorane Plus under the Stockholm Convention on Persistent Organic Pollutants. An EU restriction would be an important step towards reducing the risks from Dechlorane Plus within the EU internal market. It would also assist the global regulation in the Stockholm Convention by analysing the impacts in the EU of an equivalent global regulation and supporting the EU position for the listing in the Convention.

SEAC DRAFT OPINION CONSULTATION

The consultation on the SEAC draft opinion for this proposed restriction will start on 17/03/2022 and end on 16/05/2022.

Interested parties can comment on the restriction report using the relevant web form on the ECHA website.

When submitting information, please keep in mind that:

- It is necessary to provide **supporting evidence** to justify the information submitted in the consultation, otherwise SEAC may not be able to independently evaluate the information submitted. SEAC would like to remind stakeholders that in order for SEAC to have sufficient information to conclude that a requested derogation is recommended to decision makers, all requests for derogation must

be accompanied by detailed and substantiated justification with supporting information.

- In order for SEAC to evaluate whether a derogation could be supported, **detailed and substantiated information** on the following elements is needed:
 - The **tonnage used and function** of Dechlorane Plus in the specific use/sector;
 - **Alternatives** that have been assessed, including information on the search for alternatives, and why they are considered not technically or economically feasible;
 - If alternatives are currently available, but more time than the 36-month general transition period currently proposed by SEAC (from entry into force of the restriction) is considered necessary for substitution, a detailed justification of the substitution timeline;
 - The **socio-economic impacts** in case a derogation is not proposed. This includes the financial impact to companies manufacturing the products in question, but also to companies manufacturing alternatives, as well as the potential impact on society if these products are not available any longer or do not provide the same level of performance, following the restriction.
- Information arriving after the closing date or via other channels than the web form will not be taken into account by SEAC.
- It is your responsibility to remove **confidential information** from the comments and attachments submitted with non-confidential status.
- As far as possible, justifications based on non-confidential information are preferred to those based on confidential information. Should the submission of confidential information be considered to be fundamental to justify a derogation, then a non-confidential form of the confidential information (i.e. generic use descriptions, a tonnage or concentration range or aggregated data from multiple sources to prevent back-calculation) should also be submitted in addition to the confidential information. This is to allow for the most transparent discussion of the justification for a derogation in the SEAC opinion.
- In the specific case of Dechlorane Plus, information relevant to derogations under REACH would also be relevant to discussions at the global level under the Stockholm Convention on POPs. Any derogation agreed as part of the REACH restriction process may not be taken forward at a global level unless duly substantiated.

Further information can be found in the consultation guidance available at: https://echa.europa.eu/documents/10162/13641/restriction_consultation_guidance_en.pdf

When responding to the consultation, stakeholders should ensure that they are referring to the SEAC draft opinion and the most recent version of the Background Document and its annexes that are published alongside the consultation.

How to submit a comment in the consultation on the proposed restriction

When you are ready to make your comments, click on the appropriate link on the ECHA website. Please be aware that it is not possible to save your submission and come back to

it, so you should already have your comments prepared in an attachment or saved in some other format in advance.

The web form contains five main parts:

- Introduction: containing some general information on the restriction and a link to this note and the consultation guidance.
- Section 1: personal information.
- Section 2: organisational information.
- Section 3: non-confidential comments on the SEAC draft opinion - both general comments and information on specific issues (see below). Your responses can be entered directly into the form or through section 4 as an attachment. However, please do not submit the same comments via both means. General comments can be on any aspect of the SEAC draft opinion.
- Section 4: Non-confidential attachments can be added here.
- Section 5: Confidential attachments can be added here. Confidential information will only be available to the ECHA Secretariat, the Committees and Member State Competent Authorities. However, if ECHA receives an Access to Documents request, we may come back to you for justifications why the information is confidential. You can also add this information already in the relevant part of the webform.

Once you have finished your submission press the submit button and your comments will be submitted. You will receive a submission number via e-mail, and you should refer to this in any communication with ECHA on this issue. It is not possible for you to retrieve your submission so you may want to take a screen shot, or printed copy for your future reference.

Specific information requests

1. Sector specific information

1.1. Aerospace and defence applications

During the consultation on the Annex XV report, stakeholders requested a longer derogation for aerospace and defence applications and relevant spare parts until 2031. To substantiate this request and to be able to assess the impacts could you provide the following information:

- a. Further detailed information on specific uses of dechlorane plus in these sectors to justify the longer derogation; Information on the socio-economic implications if the derogation is not put in place.
- b. Additional information on specific uses and emissions Dechlorane plus in aerospace and defence applications, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future).

1.2. Medical imaging applications and radiotherapy devices/installations

During the consultation on the Annex XV report, a stakeholder provided a comment to support a derogation, related to medical imaging applications and radiotherapy devices/installations (comment #3537). In response to these comments, the Dossier

Submitter has proposed a derogation for medical imaging applications and radiotherapy/installations and relevant spare parts in these sectors in the proposed restriction. However, for a complete evaluation of this derogation further information is needed on:

- a. The quantity of Dechlorane Plus used in the EU per year for this industry;
- b. How widely is this substance used in the EU;
- c. Further detailed information on the exact type of use, conditions of use, related emissions and impacts of a restriction (including why alternatives are not available/technically or economically feasible). Please provide an estimate of the quantities of Dechlorane plus used per year in specific uses and a forecast for use quantities in the future (ideally per year) in the event that a derogation is included in the conditions of the restriction;
- d. Suggested wording for a possible derogation such that it covers the necessary uses and only those uses (specific equipment and part of the equipment), including the duration for any specific uses.
- e. Additional information on specific uses and emissions Dechlorane Plus in medical imaging applications and radiotherapy devices, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future).

1.3. Motor vehicles

In response to the comments received in the automotive industry, the Dossier Submitter has proposed a derogation for relevant spare parts in these sectors in the proposed restriction.

Could you please provide:

- a. During the consultation on the Annex XV report, a stakeholder (comment #3527) provided further information on the use, availability of alternatives and the current use scenario of DP in the Japanese automotive industry. Could further detailed information on alternatives and use volumes in European companies, any additional information on ongoing substitution projects and on why alternatives are not technically or economically feasible be provided?.
- b. Additional information on specific uses and emissions Dechlorane Plus in motor vehicles, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future).

1.4. Marine, garden and forestry machinery applications

Comments (comment 3533 and 3535) were received proposing derogations for specific uses in marine, garden and forestry machinery. In response to these comments, the Dossier Submitter has proposed a derogation for relevant spare parts in these sectors in the proposed restriction.

However, for a complete evaluation of this derogation further information is needed on:

- a. Additional information on specific uses and emissions Dechlorane Plus in marine, garden and forestry machinery applications, with a particular emphasis on use in spare parts (including overall quantities per year and a forecast for the future). Please specify clearly the specific equipment or parts of the equipment that use Dechlorane plus. Please provide an estimate of the quantities of Dechlorane plus used per year in specific uses and a forecast for use quantities in the future (ideally per year) in the event that a derogation is included in the conditions of the restriction.
- b. Suggested wording for a possible derogation such that it covers the necessary uses and only those uses, including the duration for any specific uses.

