

## EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us online for:

- 7 May: MISA Exposure webinar
- 28 May: CM Steering Committee

### Contents

COMMISSION.....	3
EU AGENCIES.....	3
EUROPEAN CHEMICALS AGENCY (ECHA).....	3
ECHA COMMITTEES .....	3
ECHA OTHER ACTIVITIES .....	4
EUROPEAN ENVIRONMENT AGENCY (EEA) .....	5
EUROMETAUX CHEMICALS MANAGEMENT .....	5
EUROMETAUX FUNCTIONING .....	5
CHEMICALS STRATEGY FOR SUSTAINABILITY .....	7
EVALUATION.....	8
REACH REGISTRATIONS .....	9
RISK MANAGEMENT .....	9
INDUSTRIAL EMISSIONS.....	9
OUTREACH .....	10
OTHERS .....	10
CALENDAR.....	11
GENERAL INFORMATION & ACRONYMS.....	11

Dear All,

*And here we are... one year later.*

*The Chemicals Management week meetings we held in April came -unavoidably- with some reminiscence of the past year and an assessment of the path we have all walked. Our dominating feelings are of course relief and gratitude to see most faces still present, but also thoughts for the losses and those who 'disappeared from the screen' following 'collateral pandemic damage'.*

*Remember -at least in this part of Europe- how sunny and luminous April 2020 was. 'Normal life' had changed drastically, keeping us at home, trapped by fear (and the daily COVID numbers) making us to accept an amazing number of rules that changed our "daily routine". The angst of being able to contaminate one another without knowing and hence the possibility of 'killing' others, colleagues who fell ill, the disbelief that this plight could happen to us and that authorities seemed to be as lost as we felt, were compulsory to 'adapt' at high speed.*

*However, the beautiful spring weather conveyed a kind of light touch to the situation, with flowers we had the time to look at, birds re-populating towns, people rediscovering the support we can get from nature (at window sill-, terrace-, garden-, or limited perimeter walks scales). We marvelled at the images of Venice less polluted, felt that our ecosystems weren't under so much pressure. We promised ourselves that we would keep the learnings of this period in mind: the combination of human fragility and the needs of our planet. We saw some opportunities to change, be(come) more authentic when we would be allowed to go back to 'normal'.*

*And now, we are several months later and have been through the ups and downs of semi-, light, severe lockdowns, several patterns of restrictions adapting to the COVID numbers and experts' announcements still running in the background. The winter added an additional grim note as well the knowledge that the recovery would be as much a challenge as the pandemic itself. We are continuing to adapt, modulating schedules and communication, defining strategies to avoid being overwhelmed but our focus is changing slightly, progressively with the promises of vaccines, the IT improvements (yes, including zoom 😊). While in spring we turned back to nature, our hopes and motivation re-associated with science and technology. Normality would come back with human progress, rather than from the dolphins in the Venetian lagunes.*

*Philosopher Pascal Chabot refers to the concept of "Kairos" as a dimension of time development or civilization scheme. The Greek word refers to the right time," "season" or "opportunity". It has been used to represent related ideas like circumstance, occasion, event, happening, the critical or opportune moment that are important for a discourse on the contingency of human life, particularly as this life tries to act ethically or become good. Chabot says that the concept is both about acting and contemplating and has the merit to shuffle the cards of the past, present and future. It is the event in which something new, unforeseen irrupts and confuses what was ordered, to requalify time as a whole.*

*"Kairos" has been continuously present over this past year, from spring 2020 to spring 2021 and will occur again in the coming months when at some point we will have to modify our behaviour once again, reconnect with the risk of being out of our safe place ("in the open") and meet, follow the rhythm of a group or team, and learn to re-trust. Another "inflexion" of our path.*

*And hopefully the possibility to reflect further and have a discourse. Provided we can combine learnings from action and contemplation, to synergistically unite humans, nature and technologies, future will expand our "possibles", starting from what we are today, here and now.*

Violaine Verougstraete

# COMMISSION

## **Working Group Chemicals 29 April: a full agenda in a nutshell**

**Candidates Priority Substances (PS):** Overall, the candidate Priority Substances dossiers are running late. So far, only 3 drafts were sent to the Scientific Committee on Health and Environment & Emerging Risks (SCHEER) for feedback (including the Silver dossier). They presented the comments they submitted to the SCHEER for each dossier. No specific dates were given concerning the expecting feedback of the SCHEER. JRC are using different approaches for the substances without following their own guidelines and the lack of transparency and clear timeline is still raising concerns, these were highlighted in the letter we sent to the Commission on the 22<sup>nd</sup> of April, for which we are still waiting for an answer...

**Existing PS and deselection:** Nothing new on the revisions of the existing Priority Substances (which includes nickel). They are currently only focussing on the candidate PS. JRC will discuss internally which existing PS they will be able to review and will then inform us of the possible timeline. JRC presented their criteria for deselection and the possible candidates as well as the approach they are using (no metal substances are considered in their assessment). WCA is currently working on a different and more evidence-based approach for deselection.

**Impact Assessment of the follow-up to the Water Framework Directive (WFD) Fitness Check:** Wood (consultant working on the Impact Assessment (IA), together with Trinomics) presented the organisation and state of play of their work for the IA. A list of substances that will be assessed was provided, including the Priority substances (i.e., nickel) in addition to some of the PS candidates (i.e., silver). An Open Public Consultation is scheduled for mid-June and two workshops with the stakeholders are planned on 17 May (to discuss Policy Options) and for September 2021 (to discuss preliminary results). Their timeline is overlapping with the candidate dossiers' revision, which raised concerns about which Environmental Quality Standards (EQS) values would be used for the impact assessment. When asked, JRC stated that of course they would like to align and that they are involving the consultants working on the IA in the EQS dossier revision. An option they suggested would be to use ranges instead of EQS values... which we believe would not be an acceptable solution.

**Metal EQS implementation technical guidance:** Last February during the WG Chemicals meeting, it was stated that the Metal EQS TG will be published soon...but it has not! The Metal EQS TG was not in the agenda of the 29 April meeting and when asked, Commission gave us the same answer. We raised the issue several time during the meeting and stressed the importance that this guidance be published, which was strongly supported by several Member States. Follow up actions will be taken by EM regarding this issue.

**Effect Based Method (EBM) guidance:** The EBM report (2016-2018 work) is in the progress of being published, although further work is foreseen for the guidance and there is a call for volunteers to participate in the sub-group, names are to be sent out by the 31 May.

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## EU AGENCIES

### EUROPEAN CHEMICALS AGENCY (ECHA)

#### ECHA COMMITTEES

##### **RAC CLH process: a Working Group on Classification and Labelling established.**

Due to the high workload and based on the experience with the RAC Working Group on Authorisation and Restrictions (RAC WG A&R), ECHA launched a parallel RAC Working Group on Classification and Labeling (RAC WG CLH), to better prepare for the RAC plenary sessions. The working group sessions aim in theory for more discussion time and earlier preparation and an easier and less administrative platform for members' experts to participate. The generic working and participation rules for such working group meetings remain the same as for the plenary sessions. The first meeting of the RAC WG CLH recently took place on 27 and 28 of April and was heavily focused on Pb (see below). While these working groups increase the workload for industry and Eurometaux in particular, it may offer a potential opportunity for earlier (6 weeks in advance) and better interaction with the Rapporteur and RAC members (more information: Violaine Verougstraete and Hugo Waeterschoot).

### **RAC-57 CLH Working Group on Classification and Labelling: *intensive discussions on the environmental classification of Pb metal with striking surprises on the discussion on the single versus split entries for massive and powder form.***

The environmental classification review of Pb metal was prominent on the agenda of the first RAC CLH WG with close to 6 hours discussion on two issues related to the environmental classification for this substance: *the ecotoxicity derivation of Pb ion* and the infamous discussion on the **relevance of “a split” or “a single” classification entry for the massive and powder form of Pb metal**. On the latter issue, industry demonstrated that *lead sheet and foil are articles*, hence the releases resulting from reasonably expected uses, are out of scope of the EU Classification Labelling and Packaging Regulation (CLP). A first opinion by ECHA staff confirmed “article status” for both forms but equally specifies that the collected particles from the handling of the articles are reused like normal secondary materials. Hence, they fit with the definition of by-products and therefore substances, resulting from the reasonably expected use “of the massive form”. ILA and Eurometaux challenged this interpretation and will further review this opinion given the serious consequences for the ‘reasonably expected uses’ interpretation for many other metals but also other health endpoints. Industry further demonstrated that the particles released from the cutting and sawing of the Pb metal articles are very small in quantity and belong to the same size range as the default particles used for the assessment of the massive form (1 mm). Consequently, they cannot be used to classify the massive ingots as equal to powders, neither would a mixture with such a small concentration of the powder form, be classifiable. RAC has not considered these arguments in full yet, so it remains critical for industry to further insist on those. In follow-up of the RAC session, the consequences and required follow-up actions by Eurometaux will be discussed by the ENV Taskforce early May (more information: Steve Binks, Jasim Chowdhury and Hugo Waeterschoot).

### **RAC-57 CLH Working Group on Classification and Labelling: *the method used to review the ecotoxicity of Pb metal deviated from the present ruling on metals environmental hazard identification.***

Much of the discussion on Pb metal at the first RAC CLH WG was focused on a review of the **ecotoxicity of the Pb metal ion**. The Commission asked ECHA via an Article 77(3) request to review *the new evidence provided by industry on the snail study*. However, the RAC rapporteurs took this mandate in a “senso largo” way, reviewing the entire ecotoxicity reference data set for Pb even on endpoints clearly out of scope like the acute ecotoxicity, bio-accumulation and Rapid Environmental Transformation. ECHA agreed with the request from industry to keep focus and therefore deleted the other issues from the RAC review but maintained the review of the entire ecotoxicity database. Most importantly, the RAC proposal included a detailed splitting of the ecotoxicity data base into different sub-groups for abiotic factors that influence toxicity like pH, DOC and hardness for each different family (fish, algae, ...). To the contrary, industry suggested to normalise the whole dataset using approved Biotic Ligand Model (BLM) models that use all available data. Additionally, even though RAC accepted the new snail data provided by industry that was conducted according to OECD guidance as valid and of good quality, they did not reject the old, contested data on the argument that “they show more sensitive results for a more sensitive life stage”. The arguments made by industry that this was being caused by the inappropriate feeding conditions have not so far convinced RAC. As a consequence, the classification is proposed to be set on a single lowest value from the old (contested) snail data. Furthermore, RAC agreed to use Species Sensitivity Distribution assessments as supporting evidence, in theory an improvement when handling data-rich substances but in this case incorrectly applied. In general, the discussion was difficult, complex and set a high-level of precedence on how ecotox data sets on other metals will be reviewed. This strengthens Eurometaux’s view to continue supporting the lead sector on the methodological aspects of this RAC proposal (more information: Steve Binks, Jasim Chowdhury and Hugo Waeterschoot).

## **ECHA OTHER ACTIVITIES**

### **Monthly update with ECHA: *CSR manual check and guidance on registration dossier updates.***

The last Registration Monthly Update call between industry and ECHA was organised on the 30th of April. Besides confirming previously communicated registration trends, ECHA provided an update on the manual checks on the Chemical Safety Reports (CSR) that have already been running for 2 months. The focus of the check is to verify the presence of information needed for exposure assessment and risk characterisation. A total of 715 CSRs were checked (i.e., 32% of all dossiers submitted during that period), out of which 189 (26%) were found incomplete. The main problems were related to uses that were not assessed in the CSR.

ECHA also reported on the revocation of the registration numbers following Brexit. On the first of January 2.900 registrations were considered void because they were not transferred from the UK to EU. An additional 64 registrations were revoked after the 1<sup>st</sup> of April because the transfer was not accepted by the successor. The process of transferring/revocation is now completed.

During the call, industry also took the opportunity to exchange on the guidance documents on REACH registration updates that are currently under development. Cefic is still working on a best practice document while Concawe is finalising a table with recommendations for each of the types of updates listed in Art. 22 for lead registrants and co-registrants of petroleum substances. Eurometaux communicated that its checklist for co-registrants is almost finalised and will soon be published (more information: Lorenzo Zullo, Violaine Verougstraete)

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## EUROPEAN ENVIRONMENT AGENCY (EEA)

### **EEA: Diffuse Sources Project**

On 29 April, a bilateral meeting was held with EEA/Deltares and Eurometaux representatives for the Diffuse sources project (Sean Comber & Iain Wilson (WCA) and Frank Van Assche). As a reminder: the aim of this project is to provide a general guidance to the Member States on the major relevant pathways for diffuse emissions. For this purpose, the metals industry has contracted Professor Sean Comber to perform two studies: one on the input of several metals into Sewage Treatment Plants (STPs), identifying and quantifying input sources and outputs to water, and the second is an EU-27 overview study of all main sources of Cd, Ni and Pb to water, integrating point source emissions, STP inputs, and diffuse emissions.

The results of both studies were presented by Sean Comber to EEA/Deltares during the 29 April meeting. This included cross-checking the data to get a sense of the accuracy/robustness of the approach, identification of the most uncertain elements (e.g., on run-off) and data gaps of the study (e.g., emissions from abandoned mining sites, mineralogical loads from soil, ...). The importance of accounting for scale (from local to widely dispersed) and use pattern of metal-containing products was recognised. This work was much appreciated by EEA/Deltares who asked for the reports and data to be shared and included in their status presentation of the project during the 8 June Workshop with the Working Group Chemical sub-group. Sean Comber and Frank Van Assche were also invited to present respectively the results and any ideas for further work at the workshop.

This work done is relevant not just to WG chemicals but also to the Urban Waste Water Treatment Directive (UWWTD) impact assessment, and for further discussions under the Water Framework Directive on risk management.

It was mentioned that JRC are interested to work on emission factors and would like to be involved in the project.

The next step for the metals industry is to discuss the dissemination of the report/data to enable the inclusion of the results in the June workshop information package. ETC team will then update the UWWTPs and diffuse emissions papers for the June sub-group meeting, then finalise the papers over the summer for submission to the WG Chemicals meeting scheduled for the 18 October (more information: Lara Van de Merck).

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## EUROMETAUX CHEMICALS MANAGEMENT

### EUROMETAUX FUNCTIONING

#### **Chemicals Management Spring Week: Science Forum – Human Health: OELs and classification**

Human Health kicked off the first of four days of meetings of our long-standing Chemicals Management Weeks. We would hereby like to thank you all for your continuing support, as even though, or because of, the online format the meetings were attended by numerous participants interested in the appealing presentations, and the discussions were broad and enlightening. Ilse Schoeters (Glencore) & Martin Wieske (WVMetalle) brilliantly hosted the 2 days of the Science Forum. Martin started the afternoon by giving a presentation on the setting of the Occupational Exposure Limits (OELs) and the “gambling” game it can become due to different scientific interpretations and complex debates. The recent developments at the Working Party Chemicals (WPC), in ECHA and EP; were highlighted. There is an increasing demand from industry to have OELs developed to tackle workplace issues via Occupational Safety Health (OSH) rather than through REACH. However, in view of ECHA & RAC’s capacity to handle only 5 substances /year on top of their usual classification and risk management agendas, priorities need to be set. The WPC has discussed priorities and an Advisory Committee on Safety and Health at workplace (ACSH) opinion on the list of substances to tackle under the Chemicals Agents at work Directive (CAD) and Carcinogens and Mutagens Directive (CMD) will be issued soon. Priorities Martin also announced were that Eurometaux and the Cross-Industry Initiative would meet the cabinet of Commissioner Nicolas Schmit on 21 April. This will be the opportunity to stress the importance towards Commission that an efficient workplace



legislation is crucial and that the current OSH process is effective in addressing workplace-related issues, providing a frame to derive OELs (considering science, feasibility, impact assessment and tripartite discussions).

This was followed by a presentation by Patrick Van Sprang & Joonas Koivisto (ARCHE) on ambient air pollution and its health impacts. The EEA 'Air quality in Europe - 2020 report' published in November 2020 shows that, although emissions of most air pollutants have declined in the EU in recent decades, air pollution continues to be a significant problem. It states that air pollution overall is responsible for about 400 000 premature deaths in the EU every year and entails considerable economic costs by inducing increased medical expenses, reduced productivity. As industry is identified as a contributor to air pollution, it is important to understand the science that lie behind the values, and the communication needs. Patrick and Joonas explained what is behind the values and the approach followed to quantify burden of disease, providing clear examples and inviting to reflect on how to further build up the sector's capacity on these concepts.

Violaine came next and presented some learnings regarding communication & advocacy on metals health classifications, including on potency/T25, for which a more precise update was also given by Lara (EM) and Ruth Danzeisen (Cobalt Institute) about the work done so far by the ECHA Expert Group on T25, the first findings and the benefits to be and remain engaged in the work. The detailed minutes will be sent out during the month of May (more information: Violaine Verougstraete).

### **Chemicals Management Spring Week: Science Forum – Environment: focus on a raising number of impacting environmental issues.**

Since 2020, we have noted a clear and strong rising number of environmental science issues that affect the metals sector, testified by the substantial agenda of the Environmental part of the Science Forum. Lots of attention was spend on the recently launched discussion in RAC to classify Pb metal for the chronic environmental endpoint for all physical forms. RAC proposed to classify the massive in the same way as the powder, based upon the releases from products like lead sheet and foil. Another issue is the very precautionary way that RAC uses to derive the Ecotoxicity Reference Value (ERV) for classification. The emphasis at the Science Forum was on the huge precedent setting for all other metals for which the massive form is not classified for the environmental endpoint, but the powders or soluble forms are.

As a second item Eurometaux presented in short the findings of the environmental part of the Mixture Assessment Factor (MAF) approach demonstrating that close to 80 % of the local Exposure Scenarios and a majority of regional scenarios would be at risk of non-compliance if a MAF of 10 would be implemented, hence requiring further refinement. The next step in the 4-tier refinement scheme of Eurometaux's strategy aims at refining the MAF concept for typical metal properties like natural background and others. A next phase of the impact study will be launched as a pilot study, aiming at identifying how and to what extent the safe use can be demonstrated by just refining the present approach. While this may be of help for some metals, it will not be enough for others (mainly the base metals), therefore requiring more extensive Research & Development work on metals combined effects or the even less explored territory of metals/organics combined effects. Professor de Schamphelaere (RUG) and Patrick Van Sprang (ARCHE Consulting) presented the way a level 3 assessment could take this into consideration, indicating what further research aims would be needed for this purpose. It remains the objective of the ENV Taskforce to come forward -by the summer- with a detailed plan on how safe use can be demonstrated for all metals including recommendations for all 4 tiers and suggestions on how to create a combined effort.

Thirdly, the Science Forum was informed about the extensive work done by the Evaluation Taskforce on the assessment of environmental metal nano-effects. At a recent workshop of the Taskforce, ZnO presented its findings on the environmental nano part of the Substance Evaluation (see further in this News) that the ion hypothesis remains a conservative approach so far and that the OECD environmental assessment strategy is overly complex and costly. Eurometaux will therefore raise this issue with the OECD and ECHA as soon as the work on ZnO is completed.

A last theme covered the growing need to update several environmental exposure and effects aspects of the registration files. MISA 4, the Zero Pollution Action Plan (ZPAP) and other EU programmes confirmed that aspects like regional exposure assessments, the MAF, demonstration of ecological status of waters, diffuse sources allocation and others require extensive data gathering and sometimes also research. It was presented and concluded that collective action by Consortia/associations would be the best way forward to capitalise on efficiencies of scale and combined learning and preventing extensive overlap. Moreover, companies often have multiple metal interests that could help promote collective activity as much as possible. Eurometaux agreed to identify such areas as well as different scenarios to resolve the information needs in the most efficient way by the end of the summer, so consortia and companies can think about this in advance of their 2022 priority and budget planning. The detailed minutes will be sent out during the month of May (more information: Hugo Waeterschoot and Violaine Verougstraete).

### **Chemicals Management Spring Week: Regulatory Forum 2 days**

For this edition of the Regulatory Forum, Eurometaux Secretariat decided to dedicate one day to the Zero Pollution ambition and the other to the Chemicals Strategy for Sustainability (CSS). On the first day, we had a keynote speech on the upcoming Zero Pollution Action Plan (ZPAP) by Joachim D'Eugenio, Senior Expert at DG Environment working on the file. This was followed by discussions on the IED/E-PRTR, water legislation, and a presentation of the outcome of a study on the environmental impacts of the transitions in relation to industrial emissions. On the second day, Sylvain Bintein, Policy Coordinator at DG Environment, gave us a keynote speech on the revisions of REACH and CLP. This was followed by an interview of Otto Linher, Senior Expert at DG GROW, conducted by our Director General Guy Thiran, where Mr Linher shared with us some very insightful elements on risk management and its future.

It was then time to tackle the “safe and sustainable by design” concept introduced by the CSS with Dr Dorota Bartkoviak from Leuphana University, also a member of the High-Level Roundtable on the implementation of the CSS. After this, we heard the concerns over the future of chemicals policy from one of our downstream users, the solar panel industry, with a presentation from Leah Charpentier. The afternoon ended on a session led by the two CLP queens of the Brussels bubble, Liisi de Backer from Cefic and our very own Violaine Verougstraete. Eurometaux Secretariat would like to wholeheartedly thank their Honourable Chairs, Mr Sandro Starita and Mr Steve Binks, for managing both sessions so smoothly (more information: Lara Van de Merckt & Noam El Mrabet).

## **CHEMICALS STRATEGY FOR SUSTAINABILITY**

### **CSS Project Group: first meetings**

This newly-formed group had its first two meetings in April to get up to speed on the many aspects of the Chemicals Strategy for Sustainability (CSS). The mandate of the group is to: closely follow developments of the CSS priorities, anticipate and prepare the input to be provided on behalf of the sector on the different advocacy/technical/concept related items (e.g. the High Level Round Table - HLRT, working groups, CARACAL, etc.); ensure good information/communication flow between the members, different EM taskforces/committees and other cross-industry groups; and monitor outreach on CSS-related topics. The work will be varied and will depend on the most urgent priorities. In the meetings, the group were brought up to date on some recent developments of the CSS – the roadmap for group restrictions, discussions in CARACAL on the Essential Use Concept (EUC), and the launch of the Safe and Sustainable-by-Design (SSbD) work stream. Learnings from the CSS impact survey completed by many commodities were analysed and debated, with a useful discussion on EUC and how to take Eurometaux’s work forward. The importance of metals and inorganics to some of the key value chains that underpin the delivery of the Green Deal objectives was discussed, and a simple model agreed upon to summarise and communicate this to relevant stakeholders, emphasising the many unique benefits that they bring. On SSbD, DG GROW required input by the end of April on their action to develop Key Performance Indicators (KPIs) to measure the industrial transition, and the group agreed on a way forward developed jointly by Chemicals Management and Sustainability teams, guided by Eurometaux’s “Sustainable Metal Concept” and emphasising the importance of taking a holistic view of sustainability.

To continue mapping out the likely work plan for the coming months, the group reviewed the updated action list (originally developed in Q4 2020). An additional pillar specific to CLP was added as the group felt that this was warranted given the range and complexity of Commission’s intentions in this space. Immediate next steps for all CSS aspects were discussed and agreed. There will be further meetings before the summer as some topics are moving quickly (more information: Simon Cook).

### **CSS High Level Round Table: preparation**

The Commission has established this High-Level Roundtable (HLRT) on the implementation of the CSS, with representatives from industry, science and the civil society. The Roundtable consists of 32 members and will advise the Commission on realising the strategy’s objectives in dialogue with the stakeholders concerned. The roundtable discussions will focus in particular on how to make chemicals legislation work more efficiently and effectively, how to boost the development and uptake of innovative, safe and sustainable chemicals across sectors, and how the CSS may be implemented smoothly. Eurometaux is represented by Guy Thiran, who has one of ten seats allocated to industry. The first meeting will take place by Zoom on 5 May and will serve as an exchange on the role and operations of the Roundtable, provide an update on the implementation of the Chemicals Strategy and allow for a discussion on the social and economic dimensions for the industrial transition to safe and sustainable chemicals. Six “high level” questions (for example, on expectations, topics for discussion, investments, policy tools) have been posed by the Commission prior to the meeting and all participants are invited to provide written answers in advance, in addition to contributions they will make during the meeting (which will be short due to the number of participants and time constraints).

To facilitate preparation and execution of the meetings, a Sherpa structure has been set up with one per HLRT team member. Industry input is being coordinated by Cefic via the industry Sherpas but is also being widened to Sherpas of industry stakeholders who were not successful in their applications for seats on the HLRT. This wider group is broad and includes Cefic members and around 40 industry sector associations (more information: Simon Cook).

### **Essential Uses: *clear as mud***

Several discussions have taken place within the membership on the Essential Uses Concept (EUC) announced in the CSS, allowing to exchange understandings of where it could/would possibly apply and assessing potential impacts. Possible actions and timings to raise industry's concerns were identified. A key message is that introducing the EUC would adversely affect regulatory efficiency and negatively impact safe uses of articles and possibly overall sustainability, with consequences on competitiveness. But also that the EUC should not be automatically linked to hazard classifications, but applied in a targeted manner, i.e., where uses of a hazardous substance present an unacceptable risk that cannot be addressed by other risk management options. Essentiality is dynamic and subjective, and hence the impact of an essentiality assessment will not be limited to the EU and will change over time. Members agreed that clarifications from the Commission on how they would operationalise the EUC are therefore utmost welcomed. A start has been given in the just published REACH Inception Impact Assessment that refers to the operationalization of the essential use as an option **in the reform of the restriction process**, including the criteria for granting derogations (more information: Simon Cook, Hugo Waeterschoot and Violaine Verougstraete).

## **EVALUATION**

### **Evaluation Taskforce meeting (1 April/Session 1): *a workshop on the Environmental metal nano effects***

This meeting of the Evaluation task Force consisted of 2 distinctive parts: a workshop on metal environmental nanos experience and a session on regulatory, technical and legal learnings from the recent ECHA evaluation activity. During the workshop on nano metals, participants took note and debated the extensive experience resulting from the Substance Evaluation programme on ZnO. The assessment confirmed that the OECD environmental nano testing strategy needs a review given it is too complex and includes testing and assessment requirements that are not needed to assess the environmental hazard properties of metal nanos. An important and practical learning from the ZnO work is that a differentiated filtering technique allows to distinguish between the nano form, the truly dissolved and the larger material fraction. This is consistent with earlier experience for silver, but one must be careful to avoid artefacts of the filtering techniques due to the presence of colloids. The differentiation is critical to correctly assess the properties of the different fractions and especially to attribute ecotoxicity results to the occurrence of specific fractions. The ZnO programme further indicated that the Transformation/Dissolution Protocol (T/Dp) seems to correspond well with the toxicity of the different fractions, whilst the OECD dispersion stability test did not provide information relevant to define the hazard for ZnO. Most importantly, the ion hypothesis, referring to the toxicity measured from the soluble salt as a worst-case for the nano form, still holds for non-hydrophobic metal forms that do not express specific additional cation toxicity. It was agreed to leverage the learnings and key messages from the ZnO case to the OECD and ECHA level aiming to improve the OECD environmental assessment strategy for metals and to promote an informed assessment of the ZnO SE outcome by ECHA (more information: Christine Spirlet, Koen Oorts and Hugo Waeterschoot).

### **Evaluation Taskforce meeting (1 April/Session 2): *a series of technical, regulatory and legal learnings***

The second part of the Evaluation Taskforce meeting zoomed in on recent regulatory experiences and legal learnings. The CoRAP is an annual prioritisation tool that defines the substances that will undergo Substance Evaluation (SE) as well as the initial grounds of concern for that SE. Carbon black and cerium dioxide are both listed for SE in 2022 respectively by France and Germany as evaluating countries. The SE, but also the Compliance Check Evaluation (CCH) programmes drastically slowed down in 2020, partly due to the Covid crisis but certainly also due to the decreased resources invested in both programmes by Member States and ECHA. The CCH programme is expected to pick up quickly after Covid given the Commission also indicated that "*ECHA cannot miss its targets given part of the funding mechanism*". It is however unsure if the SE programme would reach previous numbers once more, as rumours indicate that ECHA may take it over under the REACH Review.

The TiO<sub>2</sub> consortium shared its challenging but most interesting experience in anticipation of a nano health-based substance evaluation. They already passed 2 rounds of discussions with the SE country without having received formal Draft Decisions to deal with the assumed human health risk of the different nano forms. In this respect the sector conducted screening studies to identify differences in the inflammatory potential of major product groups, to define the



most relevant nano forms for evaluation. Despite this pro-active input, the sector has not heard anything so far from the French authorities on how they are evolving with the SE draft decision processing.

Two legal aspects were shortly presented during the meeting, the first one related to the follow-up of an evaluation in the case where the registrant concluded to an adaptation of the requirements instead of delivering on the requested test result. The case and its follow-up demonstrated that a Statement of Non-Compliance (SONC) by ECHA is not a formal non-compliance note but merely a communication to a national Member State, and that while a registrant may apply an adaptation, he may bear its consequences if ECHA triggers a follow-up CCH therefore triggering non-compliance on the first one. The second case A-010-2019 related to what long-term (LT) fish testing to conduct at Annex IX level. The Board of Appeal (BoA) contested the view of the registrant that at Annex IX level the adaptation allows for not conducting any of the 3 suggested long-term fish tests. On the contrary, the registrant is obliged to pick one of the 3 and subsequently consider if further long-term testing beyond one of the 3 tests is relevant for specific concerns (like a Medaka fish test in case of potential ED properties) (more information: Noömi Lombaert, Kai-Sebastian Melzer or Hugo Waeterschoot).

## REACH REGISTRATIONS

### **Registration and Maintenance Taskforce meeting: UK REACH - Need for cooperation between metals?**

On the 30 April, the Registration Taskforce organised a call dedicated to UK REACH with the intention to explore possible forms of cooperation among metals consortia. The general intention is to join forces to optimise resources, align understanding of the regulatory requirements and exchange common practices, for example with regards to data sharing. Additionally, for future scientific debates, it would be important to ensure alignment of positions across the industry. Considering the variegated organisation and roles of consortia on UK REACH, an online questionnaire was developed to better understand who is interested in what; based on the responses, follow-up discussions with specific parties will be organised to define how to better shape and frame such cross-metals cooperation (more information: Kai-Sebastian Melzer and Lorenzo Zullo)

## RISK MANAGEMENT

### **SEA & AoA Taskforce: 1<sup>st</sup> meeting**

The first meeting of the Socio-Economic Analysis & Assessment of Alternatives (SEA & AoA) TF was held on 15 April 2021, under the chairmanship of Rohit Mistry (eftec).

The learnings of the “Chemicals Strategy for Sustainability (CSS) Impact” self-assessment Survey were discussed, and the secretariat (Michel) was tasked to check with participating consortia if and how their impact data could provide additional information that may be useful in future impact discussions with the Commission. Members made suggestions for further improving the recently updated Industry-Risk Management Option analysis (I-RMOa) guidance, integrating Circular Economy and Climate Change in the analysis. A panel discussion on SEA in REACH risk management followed by a detailed discussion of two restriction cases led to a call for industry to start SEA and substitution assessment activity as early as the RMOa phase.

The next meeting (October or November) will dig into the ECHA guidance on the acceptable levels of “profit loss” and will further explore the conditions for analysing alternatives at candidate listing or even pre-RMOa phase (more information: Michel Vander Straeten).

## INDUSTRIAL EMISSIONS

### **Update April: TSS IED and E-PRTR review and joint statements, presentations to the Regulatory Forum**

After a submission end of March for the open Public Consultation on the IED Review, the Industrial Emissions Taskforce had two additional consultations to tackle in April, i.e. the target stakeholders surveys on the IED and E-PRTR Reviews. A big thanks to the members of the taskforce who helped Lorenzo Ceccherini and Lighea Speciale (Seeds Consulting) to compile coherent input for the sector despite the tight deadlines. In addition, Eurometaux co-signed the joint statement of the energy intensive industries on the climate change related policy options in the Targeted Stakeholders Survey (TSS) for the review of the IED. The key message is that these industries remain committed to develop and implement Green House Gases (GHG) abatement measures that contribute to the achievement of a climate-neutral EU economy and that in doing so, they want to ensure full coherency with any other policy measures that address other environmental issues, in particular the Industrial Emissions Directive, which is the backbone of the environmental legislation applicable to large industrial installations (i.e., the integrated approach based on the Best Available Techniques (BAT) concept). Therefore considering the better regulation principles and that the Emissions Trading System (ETS) regulates the GHG emissions,

the energy intensive industries reject the option to regulate GHG emissions under an IED permitting regime. Last week, Eurometaux also co-signed a set of high-level messages to be conveyed to the consultants/EU Commission officials in charge of the revision of the European Pollutants Release and Transfer Register (E-PRTR) Regulation stressing for example that the E-PRTR Regulation shall not be the reference to identify well-performing installations for the BREF (Best available technology Reference document) review process or identify key environmental issues in the context of the BREF making process, and that the alignment of the scope of the E-PRTR Regulation with the scope of the IED and other EU legislation should be carefully assessed.

During the Regulatory Forum meeting (see above), Lorenzo Ceccherini (Seeds Consulting) presented an overview of what is at stake with these ‘emissions reviews’ and Keir Mc Andrew (from Wood Consulting) presented the outcome of studies they have been carrying out to assess the wider environmental impacts of industry and the potential contribution of IED installations to the Circular Economy (more information: Eva Tormo, Juan-Antonio Suarez and Violaine Verougstraete).

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## OUTREACH

### OTHERS

#### **Helsinki Chemicals Forum: *CSS ambitions, transparency and risk communication***

The 12<sup>th</sup> Helsinki Chemicals Forum (HCF) was organised as a virtual event and brought together over 200 participants. Keynote speeches were provided by Virginijus Sinkevičius, Commissioner for Environment, who recalled that the CSS aims at increasing protection, striving for innovation and streamlining/simplifying the legal framework to lead by example. Jan Vapaavuori, Lord Mayor of Helsinki, explained how they intend to reach carbon neutrality by 2035 and Bjorn Hansen, ECHA’s Executive Director reflected on the functioning of REACH and CLP. Interesting to note in Bjorn’s speech are the references to missing tools when it comes to supply chain communication and lacking interactions between REACH and other legislations. He referred to authorisation as a double act: on the one hand, the system contributes to meet objectives of REACH as they see substitution by listing and along the applications for authorisation but on the other hand, a lot needs to be done to create efficiency. These are, with grouping, clear topics to follow closely. The opening ceremony was followed by a series of panels, among others on Green Chemical Policy, the ambitions of the CSS (anticipating some of the discussions that will take place at the High-Level Roundtable), and Safer Substitution. Eurometaux participated as panelist in a discussion on transparency and risk communication. The panel was moderated by Jukka Malm (ECHA’s Deputy Executive Director) and included Apolline Roger (ClientEarth), Julian Schenten (University of Darmstadt, Society for Institutional Analysis), Pelle Moos (BEUC) and Mirva Kipinoinen (Tukes). This was an opportunity for Eurometaux to stress that the debate on communication and transparency should not only focus on the ‘safety’ debate, opposing NGOs and industry on ‘full material disclosure’, but also discuss how information can enable material recovery, to maximise efficient use of resources. Providing a full list of chemical ingredients to a consumer or a waste operator is probably meaningless: they should rather be able to understand whether the product is safe or not, or where and how it could be dismantled/recovered. Hence it is proposed to move to Controlled Full Materials Disclosure to ensure the right information reaches the right audience at the right time, guaranteeing transparency while protecting companies’ know-how. Blockchain is typically a technology explored in this context and several ongoing industry projects in the organic sector (and supported by ChemChain/ Lorenzo Zullo) were referred to. Eurometaux also recalled the critical role played by consumers in closing the loop. The recordings of the Forum will be available on the HCF website till the end of August (<https://helsinkichemicalsforum.messukeskus.com/>) (more information: Lorenzo Zullo, Hugo Waeterschoot and Violaine Verougstraete).

# CALENDAR

**Please find here below a non-exhaustive list of the meetings that are planned so far for 2021.  
This list will be kept up to date on a regular basis and communicated throughout the year.  
Please save the dates for the meetings of interest for you.**

## For meetings at Eurometaux

For the moment due to the current situation beginning of 2021, **it will be possible to join our meetings by Webex (links to join will be sent ahead of the meetings).**

Any further update, decisions and/or cancellations will of course be communicated in due time.

## For meetings at ECHA

ECHA confirmed that **until the 30 June 2021 all ECHA meetings will continued to be held remotely.**

ECHA will keep the situation under review and will provide any further information as appropriate.

This information is published on ECHA's [website](#)

Further information on the COVID-19 situation information can be found on the [ECDC website](#)

- 4 May: CARACAL meeting (on the proposed changes to the classification of TiO<sub>2</sub>)
- 5 May: Li CLH Meeting
- 7 May: MISA Exposure – Final Webinar
- 28 May: Chemicals Management Steering Committee Meeting
- 31 May-4 June: ECHA RAC-57 & SEAC-51 Meetings
- 7-11 June: ECHA RAC-57 & SEAC-51 Meetings
- 14-18 June: ECHA MSC-74 Meeting
- 15-16 June: WPC meeting
- 22 June: Risk Management Taskforce Meeting (TBC)
- 23-24 June: ECHA MB-62 Meeting
- 24-25 June: REACH Committee Meeting TBC
- 29-30 June: CARACAL-39 TBC
- 31 August: Chemicals Management Steering Committee Meeting

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## GENERAL INFORMATION & ACRONYMS

Follow the logo and check out our new Metals Gateway website.



This website is a (new) one stop information source for regulators & risk assessors dealing with metals/metal compounds and is tailored to the specific needs of the metals industry sector.

A continuously updated list of acronyms is available under the Reach Metals Gateway (RMG)