

EU Releases New Data on Hazardous Substances in Products

March 2012

On March 5, 2012, the European Chemicals Agency (ECHA) published for the first time information on substances of very high concern (SVHCs) reported to be in "articles" (e.g., products formed to a specific shape or design for a particular function) that are imported into or produced in the European Union (EU). The publication is based on information obtained from required notifications by companies that incorporate into their products any of 73 substances on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) SVHC Candidate List. This list will be updated on a regular basis to include new substances, and lead oxide (which is used to produce lead-acid batteries) is proposed to be added to the list. (ECHA also reports on SVHCs known to be in products through information obtained by EU producers in REACH registration dossiers.)

ECHA says it is releasing this information to increase knowledge on the use and presence of hazardous substances in consumer products. It is also to remind importers and producers of their legal obligations, under certain conditions, to notify the Agency when their products contain substances on the Candidate List. Finally, consumers are reminded that they have the right to know when substances on the Candidate List are present in products that they want to buy.

The majority of notifications received so far relate to four phthalates that are considered to be reproductive toxicants. These can typically be found in plastic products, such as cables, bags, packaging material, waterproof garments, and PVC flooring. The second most common notification is for the brominated flame retardant (HBCDD), which is persistent, bioaccumulative, and toxic. This substance can be found in products used by the construction and building sectors such as plastic panels for the thermal insulation of buildings. ECHA has also been notified of polystyrene foam used for packaging and in the plastic housing of electronic appliances.

ECHA cautions that not all products of these types contain the substance, just that they may. Similarly, ECHA emphasizes that not finding a product in the list does not mean that it does not contain an SVHC.

From April to December 2011, the Agency received "only 203 notifications," which is far fewer than they were expecting. ECHA believes that many producers and importers may not yet be aware of this new obligation to notify, thus, it suspects the information does not provide a full picture of SVHCs in products on the EU market.

They are encouraging all producers and importers to check that they have implemented their legal obligations.

The deadline for producers and importers to notify ECHA of the presence in products of the 20 SVHCs that were included in the latest update of the Candidate List (from December 2011) is June 2012.