



**MINUTES OF THE TECHNICAL WORKSHOP – RESTRICTIONS OF CMRS
1a AND 1b IN TEXTILES AND CLOTHING
7 February 2017 - Centre A. Borschette, Room 0B, Rue Froissart 36, Brussels**

I. Opening and introduction

COM made a brief introduction on the goals, the objectives and the general background of the workshop. It represents the second step of the consultation procedure on this restriction. The first step was the broad involvement of stakeholders via a public consultation. COM explained the simplified procedure used for this restriction, foreseen in Article 68(2) of the REACH regulation and significantly different from the normal restriction procedure in Art. 69. COM is following the approach presented in 2014¹, where it was also decided that CMRs in textiles should be the first case to test the procedure.

COM also underlined the intention of making the procedure as open as possible, with a collaborative approach and a wide participation of stakeholders, instead of bringing the proposal directly to the REACH committee as potentially foreseen in Art. 68(2). COM believes that such feasibility check is needed due to the potential wide impact of the restriction.

COM listed the key topics to be discussed: whether the scope of the restriction is sufficiently clear concerning the articles covered and proposed derogations; whether the substances proposed for the restrictions are the relevant ones; whether the specific limits proposed are achievable and enforceable and if there are testing methods available. Said that, COM reminded that the use of the Art. 68(2) procedure itself and the need for a risk or a socio-economic assessment were not the object of discussion.

II. Scope of the restriction

- Articles to be covered

COM explained the articles intended to be covered, i.e. all clothing articles and footwear (due to the potential direct contact with the skin) as well as other textile articles where the contact with the skin is comparable to clothing (bed linen, pillow cases, towels...). COM proposed to have a non-exhaustive list of the articles in a Q&A. COM also asked for comments from the audience about whether the “direct and prolonged contact with the skin” concept should be

¹ <http://ec.europa.eu/DocsRoom/documents/10045>

used for textile articles other than clothing and, if yes, whether it would need to be quantified. During the discussion, participants raised various points.

Firstly, it was said that if the the concept of "direct and prolonged contact with the skin" is used, a clear definition is necessary. Some participants further saw the he need to distinguish components with or without skin contact (and limit the restriction to the former), whereas some others pointed out that substances could migrate from inner to outer layers.

COM recalled that it would be very difficult to have a definition of "direct and prolonged contact with the skin" for so many cases as those covered in this restriction.

For the definition of "direct and prolonged contact with the skin ", a suggestion was to use a similar approach to the Ni restriction, where the concept was defined to identify the scope of the restriction. COM underlined the risk that the more detailed the definition is, the more complex implementation and enforcement become. Therefore, COM proposes to have a non-exhaustive list of article (including potential borderline cases) covered in a Q&A and leave out the concept of "direct and prolonged contact" from the restriction. Bearing in mind that all clothing articles are included, the Q&A would help to identify the non-clothing articles covered without referring to contact with the skin.

A participant pointed out that the proposed restriction lacks a scientific basis, since there was no risk assessment: in order to define relevant skin contact it would be necessary to assess exposure from different kinds of textiles. COM answered that the risk assessment was not a topic for discussion, since it is not required in the Art. 68(2) procedure.

A participant recalled that the general aim of article 68(2) is to eliminate CMRs in mixture and articles used by consumers, independently from the possibility of exposure.

A participant remarked that it would be necessary to give a transition period, in case of updates of the Q&A, for the articles already on the market. COM clarified that the mentioned list would be merely guidance which could be expanded over time with more relevant examples (in particular borderline cases), but would not change the actual scope of the restriction.

Eventually, it was pointed out that, especially for new and innovative products, the composition of the imported material is not always clear, since production happens mainly outside of Europe and because of IP issue of the producers. Therefore, the lists will never be complete for that. COM confirmed that for this reason the substance list and limits can be updated in the future.

COM concluded the discussion on this topic recalling that its objective is to keep the scope of the restriction as simple and as clear as possible.

- Derogations

COM opened the discussion by making a summary of articles that are not intended to be covered by the restriction (i.e. metal parts of clothing, footwear or clothing made of real

leather, natural furs and hides). Furthermore, COM raised the questions about the need and feasibility to exempt second-hand articles and recycled materials from the restriction.

A participant asked to use end-of-waste standards and referred to a pilot traceability program in Sweden aiming at avoiding the problem of legacy chemicals by collecting information on the history of materials and the presence of dangerous substances, given that some materials were introduced in the market before applicable chemical legislation was in force.

The recycling sector asked for a general exemption for recycled materials, since it is not possible to test every material coming in for recycling, due to the fact that they come from a variety of sources.

It was further suggested to give a time-limited exemption so that the sector has the time to clean up the processes. Another possibility would be to identify specific problematic cases (i.e. accumulation of PAHs in recycled footwear soles), and to give specific derogations when needed, detailing the relevant articles and substances.

COM agreed that recycling is one of the goals of the Circular Economy. However, a blanket exemption for recycled materials from the intended restriction would apply not only for legacy chemicals, but would also open the door for new use of restricted chemicals in the production process in new products containing recycled fibres or other materials.

Different participants shared this concern about a blanket exemption for all recycling material. In particular, it was proposed to apply the same requirement of the virgin materials to recycled material. Moreover, some participants asked for a better definition of recycled article.

Afterwards, there were comments on recycled products imported from outside the EU, which make the situation more complex. COM focused on the responsibility of the importer, which is responsible for the compliance of the imported goods.

A participant said that enforceability of the exemption would be possible if the burden of proof is on the actor making use of it. COM remarked the difficulty to distinguish between the products recycled in Europe and those imported, considering more appropriate to treat all articles in the same way.

Answering to a question, COM confirmed that plastic and polymers are included in the scope of the restriction, while the metals parts are excluded. An Industry participant pointed out that the scope needs to be clarified in relation to certain parts like plastic buttons.

COM asked participants to submit further information describing cases that would require specific consideration in relation to the scope of the restriction and possible exemptions.

The discussion continued on other possible derogations, i.e. protective clothing, disposable product, upholstery, in particular on the issue of enforceability.

Regarding protective clothing, it was remarked that specific technical requirements have to be met which in some cases require the use of CMRs. Moreover, it was said that, for some protective equipment, it was difficult to make a distinction between professional and

consumer use, as they are also sold to the general public. COM explained that articles used by workers would generally be excluded from the restriction, because Art. 68(2) only applies to consumers uses. COM further proposed to exempt articles covered by directive 89/686/CE on Personal Protective Equipment.

The discussion on disposable (clothing) articles showed that there is potentially a variety of such articles with different uses and functions. Categories mentioned were nappies, disposable protective clothing designed not for health protection but to keep clean and avoid dirtiness (e.g. while painting), single-use articles used in the medical area (some, but not all, may fall under the legislation for medical devices). Some of these articles, while intended only for single use, may still lead to relevant exposure if they are used repeatedly, for many hours or even days. COM proposed to use the Q&A for such borderline cases and asked stakeholders to provide specific information for cases they consider problematic (specifying the type of articles and substances).

Regarding upholstery, some participants raised a concern related to flammability requirements which in their view justified the presence of higher formaldehyde levels in inner layers of upholstery. It was suggested to consider a specific derogation.

III. Substances included in the restriction

COM presented the list of substances selected after the public consultation and explained the proposed limits. Then it opened the discussion for each group of substances.

a) Formaldehyde

COM introduced the proposal. In the discussion it emerged that the limit of 75 ppm seems not to create problems for general clothing applications, whereas it could be difficult to achieve for the internal part of upholstery. A participant said that it seems to be difficult to find alternatives to formaldehyde in some applications. Formaldehyde can be released from glues used to keep together the different components of the internal part of upholstery, and can be used as a flame retardant. Moreover, there is a risk of contamination of formaldehyde in the production processes because of different potential sources, despite of the strict limits. Some participants proposed to have a higher limit (300 ppm) for upholstery, because industry had already some experience with such an approach.

b) Heavy metals – Cadmium compounds

COM introduced the proposal and raised the topic of limits referring to total vs extractable content. Regarding comments received before the meeting, COM stressed that it did not intend to prescribe any specific test method in the restriction, but considers listing available ones in a Q&A document.

The discussion focused on pros and cons of a limit based on total content versus extractable content. It was pointed out that extractable content is feasible for textiles, while only total content is feasible for plastic materials. While some participants considered extractable limit more relevant for consumer exposure, other argued that total content is appropriate when the presence of a chemical is to be regulated, and would take into account also other exposure

situation, such as inhalation. Some participants suggested considering also the availability, cost and simplicity of the method. On this point, diverging arguments were brought forward which is the easiest and cheapest method to use.

The participants considered that 1 ppm for extractable and 100 milligram for the total content were feasible limits.

There was a general support to regulate on the basis of the presence of the metal and not on the specific compounds.

c) Heavy metals – Chromium

COM introduced the proposal and the comments received before the meeting.

Participants pointed out that in this case limits would need to refer to the extractable fraction, as destructive methods for total content would measure also Cr(III), not only Cr(VI).

Regarding the test methods, a preparation method specific for textiles is available for the extraction. The standard methods used for leather could be used for detection.

Diverging views were brought forward on an appropriate limit for extractable Cr(VI). Some participants suggested using same limit as for leather (3 ppm), as this is well established in the clothing industry. Some concerns were raised on the reliability of the method to measure down to 1ppm. Other participants remarked that for leather the achievable limit is indeed 3 ppm, but that, for textiles, 1 ppm would be possible to measure with the method.

On the other hand, it was remarked that in practice, there are few cases where chromium VI level is so high.

d) Heavy metals – Arsenic

COM introduced the proposal and the comments received before the meeting. On the methods, it was requested to identify an applicable one, whereas some participants said that there are appropriate methods available (same as for Cr(VI)). There were arguments for extractable regulation and for total content. It was said that arsenic is rarely found, although it may occur as a contaminant from some processes, e.g. in plastic parts or fake leather.

e) Heavy metals – Lead

COM introduced the proposal and the comments received before the meeting. Again, there were arguments for extractable regulation and for total content. While considered as a minor issue in textiles, it may be found as contaminant in imported products. The existing lead restriction in REACH annex XVII was pointed out, with the request to avoid multiple regulation.

f) Chlorinated aromatic hydrocarbons. COM introduced the proposal and during the discussion it was generally supported, as it is feasible and methods are available. No significant comments or issues were raised.

g) Phthalates

COM introduced the proposal and through the discussion it was suggested to consider whether to set a limit for individual compounds or combination of phthalates, including the

four phthalates which will be covered by the on-going Art. 69(2) restriction. Moreover, since phthalates are mainly present in plastics, another question was whether the limit should be applied specifically to parts which are made of plastic materials (in clothing products). Some participants supported the option of measuring in homogeneous parts, which reflects the view of COM. COM confirmed its intention to consider this point when drafting the restriction.

h) Polar aprotic solvents

COM introduced the proposal and the comments received before the meeting. Some industry representatives were of the opinion that these substances cannot be completely avoided. They are used as process solvents and traces remain in the final product, because they stick to the polymer. It is possible to lower them by additional washing steps, but these processes might result to an increased exposure of workers and the environment. Moreover, there was a debate on the limit of 3000 ppm: some participants considered this too high, not giving any incentive to improve processes. Participants said that the analytical method available for shoes is being adapted for textiles and 1000 ppm should be analytically feasible.

i) Benzene and PAHs

COM introduced the proposal and the comments received during the public consultation and before the meeting. Regarding the limits, for PAHs there was an agreement on 1ppm, whereas for Benzene this limit was considered problematic by some participants due to the danger of false positives when measuring at such low levels. Levels of 5 or 20 ppm were stated as more appropriate limits by participants. The issue of possible PAH accumulation in plastic parts following recycling was raised again. COM recalled that for practical reasons it would be important to receive all comments and potential issues on substances and limits as soon as possible, before the development of the restriction text which should take into account these remarks.

j) Azodyes and arylamines

COM introduced the proposal and the comments received before the meeting, dividing the substances in four different groups to be discussed.

Group 1 (Basic violet 3, Disperse Blue 1, Basic red 9):

These substances are dyes classified by themselves as carcinogenic and were considered not to be covered by the current entries in Annex 43. The normal test method for entry 43 of Annex XVII was not considered feasible for those substances. A participant preferred the DIN method to the ISO one, and stated that 75 ppm could be measured with this method. There was a general agreement that these substances should be included in the restriction even if they are old dyes no longer used in Europe, but they may occasionally still be found in imported textiles.

Group 2 (Disperse orange 149, Direct red 28, Direct blue 6, Direct black 38, Direct brown 95):

Those substances were considered to break down to arylamines already covered by entry 43 of Annex XVII, so there was a general support to remove them from the restriction in order to avoid double regulation.

Group 3 (4-chloro-o-toluidinium chloride, 2-naphthylammoniumacetate, 4-methoxy-m-phenylene diammonium sulphate, 2, 4, 5-trimethylaniline hydrochloride):

These substances are salts of substances already listed in entry 43. However, the restriction addresses azodyes which cleave into these aryl amines, but not the aryl amines themselves. For the sake of legal certainty, there was agreement that they should be subject to this restriction.

Group 4 (N,N,N',N'-tetramethyl-4, 4'-methylenedianiline, 4,4'-bis(dimethylamino)benzophenone):

These two substances were said to be contaminants in dye stuff which can drive their classification as carcinogen. However, there is no applicable test method available and the relevance to restrict these two compounds themselves was considered to be low.

Azobenzene:

Comments received before the meeting stated that the substance is not relevant for textile processes, which was supported by participants. Furthermore, an applicable test method seems not to be available. Participants supported to not include this substance in the restriction.

k) Quinoline

COM introduced the proposal and the comments received before the meeting. It was said that no established analytical method is available for this substance, so that it cannot be reliably measured. It can be an impurity in dye stuff and present at levels above 1 ppm in textiles. A participant suggested to assess if this substance is a concern at all, as it is legally present at higher levels in food as an additive, and then set a limit which is realistic, proposing at least 50 ppm or 100 ppm. This position was shared by other participants. Nevertheless, the substance appears to be present in textile articles, so that it is potentially relevant. A testing lab assumed that available methods for PAHs may be applicable, but recommended to collect more information before setting a tight limit like 1 ppm. COM will reflect on the inclusion of this substance and on the limits that could be proposed.

l) Dibutyltin dichloride

COM introduced the proposal, explained the comments received on separate limits to this substance and made a summary on the comments received. It was highlighted that the testing methods measures all dibutyltin compounds, some of which are not classified as CMRs. 2 ppm would be a feasible limit for all tin compounds.

List of participants

Last name	First name	Organisation name
ALBERTI	Vanessa	REACH & Colours Italia srl
ANWANDER	Eugen	ECHA Forum delegate
BARTLEY	Ross	Bureau of International Recycling (BIR)
BERTATO	Valentina	Commission
BLAINEY	Mark	ECHA
BLASS-RICO	Ana	Commission
BONHOFF	Anne	Corporate Fellow
CARDOSO	Julio	Commission
COLOMBO	Maurizio	Lamberti
DALEK	Agnieszka	Bureau of Chemical Substances/The Textile Research Institute
D'ILIO	Sonia	Istituto Superiore di Sanità
FILTVEDT	Anne Line	Norwegian Environment Agency
FOIS	Pierfrancesco	ETAD
FREDSBO KARLSSON	Louise	Ministry of Environment and Food
FUES	Daniel	French textile Industry
KAHLBERG	Michela	REACH & Colours Italia srl
KILIAN	Karin	Commission
KOSMALA	Katarzyna	BLUESIGN
KÜRNER	Marcus	Adidas Group
KUSKE	Katarzyna	Commission
LIGTHART	Jerker	CHEMSEC
MADINGER	Christof	Hohenstein Textile Testing Institute GmbH & Co. KG

MILALA	Rafal	The Textile Research Institute
MOOS	Pelle	BEUC
OPDENACKER	Frank	VF Europe BVBA
PATTERSON	Phil	Colour Connections Consultancy Ltd
PAUL	Alexander	Chemical Fibers Association (IVC)
PERO	Jerome	Federation of the European Sporting Goods Industry (FESI)
PIEVE	Julie	Institut Français du Textile et de l'Habillement
PIROW	Ralph	Federal Ministry of Food & Agri - BfR
POSNER	Stefan	Swerea IVF
RUMAR	Karin	Swedish Chemicals Agency
SAGAR	Tony	Shirley Technologies Ltd - CEN/TC 248
SCHAKEL	Durk	Netherlands Food and Consumer Product Safety Authority (NVWA)
SCHARRER	Kerstin	Intertek
SCHOTMAN	Anton	Teijin Aramid B.V.
SCHRÖDER	Volker	Verband TEGEWA e.V.
SEIBEL	Stefan	CIRFS: European Man-made Fibres Association
SPONSLER	Nathaniel	AFIRM Group
STAIRS	Kevin	Greenpeace
STEWART	Alexandra	KEMI
STRAUSS	Markus	Textile-Bekleidung
SZARVAS	Szilard	Levi Strauss & Co
THUMM	Stefan	South-West-German textile and clothing association (VTB/SWT)
VAN BELLE	Nicolaas-Jurgen	NL Ministry of Health, Welfare and Sport
VAN BROEKHUIZEN	Fleur	RIVM/Bureau REACH representing the NL-CA/
VOERMAN	Harm	Netherlands Food and Consumer Product Safety Authority (NVWA)

VOGELGESANG	Jurgen	Commission
XIANGJUN	Gao	CCOIC
ZORGNO	Riccardo	Commission