



Euratex contribution on the CMR restriction* in textile articles and clothing

April 2017

*European Commission possible restriction of hazardous substances (CMR 1A and 1B) in textile articles and clothing for consumer use under Article 68(2) of Regulation EC No 1907/2006 (REACH)

Collaboration bears fruits

Euratex, the European Apparel and Textile Industry Confederation, welcomes the Commission efforts to engage in a constructive collaboration with all stakeholders to restrict the use of harmful substances in clothing and textile products.

Euratex has since the beginning worked closely with the Commission and other business associations to make sure that such an important and complex restriction can effectively protect the European consumers, be actually enforced by Member States and be feasible for the industry.

We are particularly pleased that the Commission REACH personnel has organized and successfully managed a workshop on February 7th; Euratex has actively contributed with its delegates which provided an opportunity to build upon many experts' knowledge as well as to transparently discuss different perspectives.

Bringing such a fruitful collaboration forward, Euratex wishes to highlight the following points which believes shall be addressed in the next steps.

Clarity of the scope of the restriction

We appreciate the Commission intention to maintain the scope of the restriction as clear and simple as possible. We express concerns that a non-exhaustive list of articles, as mentioned in the workshop report¹, may deliver the clarity needed.

We wish to stress that for a restriction to be applicable it needs *inter alia* to: a) clearly specify the types of articles included in the scope within the legal text. Such approach would be aligned with the conditions of restriction in entries under Annex XVII outlining the articles that are covered or not covered by the restriction; b) if the list approach is pursued then it shall be exhaustive and included in the legal text; a separate Q&A document may well complement such information but it shall not replace it.

The restriction should clearly cover products that are textile products as defined under the Textile Labelling Regulation (EU) 1007/2011 which would clarify ambiguity over certain "borderline cases" of consumer products/articles for which a textile is only a minor component. Other products classified under other EU

¹ Brussels, 06/03/2017 Doc. CA/04/2017

legislations, for example the Biocidal Products Regulation, the Cosmetic Products Regulation, Food Contact Materials, the Personal Protective Equipment Regulation and current Medical Device Directive/upcoming Medical Device Regulation are clearly outside the scope of this restriction. Furthermore, to avoid confusion over the “borderline cases”, the Commission should realistically assess which textile articles normally come into direct and prolonged skin contact.

Exclusions of non-textile parts

In the previous discussion at CARACAL², the Commission indicated that the scope would not cover non-textile parts such as buttons and zippers, however, recently this was limited to metal parts only. Euratex believes that the original formulation excluding non-textile parts shall be maintained in line with the purpose of the restriction and since these are normally not in direct and prolonged contact with the skin.

Special cases requiring derogations or different limits

Euratex appreciates the opportunity to provide further input on special cases to be considered for exemptions due to their safety requirements or high performances function.

These exemptions should apply for textile articles that may require substances addressed by this restriction to conform to certain safety standards and to perform a designated function. Such derogation should apply to:

- **textile personal protective equipment used by consumers;** for instance, wetsuits, protective gloves, filter masks etc. These consumer articles need to comply with various safety standards to achieve consumer protection (e.g. medium infection protection, flame retardancy, cut resistance, etc.). The discussion during the workshop also addressed the distinction between protective equipment in professional and consumer use. It is clear from the workshop that articles covered under the Personal Protective Equipment Regulation (EU/2016/425) will be excluded from the restriction. However, certain textile PPE can be used by the general public and still need to comply with safety standards.
- **medical devices;** for instance, post-surgery stockings, wound dressing, adhesive wound tapes, elastic bandages etc. These may require special production techniques to perform certain functions. In addition, these products are defined as Class I medical devices under the legislation on medical devices. Therefore, they should be excluded from the current restriction since they are already regulated under a different legislation.
- **disposable products;** it is understood from the discussion during the workshop that arguments about disposable textile products were raised that these, although intended for single use, might be used for a longer time period. However, disposable textile products should not be in the scope considering their short time use. We would reiterate that disposable products are defined as textile products intended to be used only once and for a limited time, according to

² Document CA/46/2016 “21st Meeting of the Competent Authorities for REACH and CLP”

the Textile Labelling Regulation 1007/2011. Such products are not supposed to be in prolonged skin contact and also do not require mandatory labelling (entry 36, Annex V).

- **articles made of recycled materials;** such as recycled cotton, recycled polyester from bottles, recycled polyamide from fishing nets. These should be excluded from the scope, or at least considered for derogation. The inclusion of articles made of recycled materials under the current scope would interfere with the circular economy and would be an obstacle to its aim.

Challenges of the recycling industry shall be considered notably: meeting the stringent chemical limits only valid in the EU, lack of transparency along the raw material supply chain, no guarantee of the thresholds being met along the global supply chain.

The Commission should explore a process to allow exemptions on a case by case basis when justified, for instance, special upcycled material for cleaning wipes that is usually not in direct skin contact. Further exemptions should be considered for placing on the market of new textile articles containing minimum 50 % of recycled material or 10 % of different fibers.

Comments on the substances

Based on the currently available evidence, we recommend the following:

- **Formaldehyde**

The proposed limit of 75 ppm for apparel with skin contact is feasible and safe. However, for certain articles the limit needs to be higher (300 ppm) due to the requirements to comply with fire retardancy for certain textile articles such as upholstery. Euratex has already submitted a detailed elaboration on the importance of higher limit for formaldehyde in upholstery³.

In addition, formaldehyde as such is not used in textile processing, but certain formaldehyde releasing resins can lead to the presence of formaldehyde. Various kinds of textile articles require different amounts of formaldehyde releasing resins leading to formaldehyde residues on textiles. Therefore, different limits should apply for:

- underwear, shirts, blouses etc. with a large part of their surface in direct contact with the skin: 75 ppm
- jackets, coats, furnishing materials that have a small part of their surface in direct contact with the skin: 300 ppm

These limits are well-established in the textile supply chain for instance in the OekoTex standards 100 and in many RSLs (Restricted Substances List). Such examples of different kinds of textiles may also be provided in the Q&A document.

In this line Euratex supports the assessment made by TEGEWA on formaldehyde.

³ Document "Euratex contribution on the scope" 2 February 2017: <http://ec.europa.eu/DocsRoom/documents/21505>

- **Cadmium compounds**

The proposed limit for cadmium compounds is feasible if considering extractable concentration for the substance. If the restriction considers the total concentration limit, the value should be higher. As a reference to Entry 23 in Annex XVII under REACH (cadmium and its compounds), we suggest a total concentration limit of 100 ppm.

- **Chromium (VI) trioxide**

An extractable limit of 3 ppm is feasible, below this limit a reliable extraction and analytical detection is hardly possible and, thus, creating legal uncertainty. Determination by indirect colorimetric methods may lead to positive results since organic acids and amines may produce colored reactions with diphenyl carbazide. The same detection limit of 3 ppm is also used in the leather supply chain.

- **Benzene and PAHs**

Benzene and PAHs require different concentration limits: the proposed concentration of 1 ppm for benzene is too low for analytical detection due to false positive results that might occur from cracking processes in the analysis. As a reference to Entry 5 in Annex XVII under REACH (benzene in toys), we suggest a total concentration limit of 5 ppm.

- **Quinoline**

Currently there is no reliable test to determine the presence of quinoline. We suggest a limit of 100 ppm which is a feasible value for which laboratories can begin to refine existing testing methods or develop new ones.

- **Dibutyltin dichloride (DBTC)**

To our knowledge, it is not possible to detect the presence of DBTC, only dibutyltin. We propose a feasible limit for dibutyltin of 2 ppm.

- **Avoid double/triple regulation for PAHs and lead:**

In order to avoid inconsistencies and duplications, it should be checked where restrictions under REACH are already in place or planned. This would be the case for lead and PAHs. Lead is already regulated for textiles in REACH Annex XVII Entry 63 “leachable lead” and in the upcoming regulation for plastic parts. PAHs are already regulated in textile rubber parts in REACH Annex XVII Entry 50.