

ETRMA response to EU COMMISSION RESTRICTION PROPOSAL ON PAHs IN CONSUMER ARTICLES (31/10/2012)

Brussels, 16 November 2012

ETRMA thanks the European Commission for its efforts to develop a balanced proposal restricting the content of PAHs in certain consumer articles. The current proposal makes necessary adjustments given the limited scientific evidence of the original proposal, and reflects the need to protect consumers while giving industry sufficient lead-time to adapt its processes to the restriction.

It is the first time a restriction is proposed through the fast track procedure (REACH Art. 68.2), without a proper risk assessment¹. It is our hope that this procedure, with its evident limits from a scientific standpoint, will not set a precedent for restriction dossiers in the future.

ETRMA wants to draw the attention of the legislator to the absence of a reliable, internationally recognized measurement method, which is essential to secure an effective enforcement of the restriction and proper market surveillance in the Member States. Therefore, **we urge the Commission to launch the process that will lead to the creation of an internationally recognized test method to measure the level of PAHs in rubber articles, in order to allow manufacturers and enforcement authorities to properly ensure that articles on the EU market are in compliance with the restriction;** the European rubber industry stands ready to actively contribute to the standardization efforts and support the work in CEN or ISO working parties.

As clearly stated in Recital 9 of the European Commission proposal, *“there is uncertainty as to whether suitable low-PAH alternative raw materials are available for [...] technical applications [...] demanding high thermal or mechanical performances”*. Specific exemptions might be needed and requested by the industry in light of outcome of R&D expected to be carried out in the coming months/years as a consequence of the restriction.

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1

- Lack of an appropriate risk assessment to justify the restriction proposal and the proposed limits, taking into account the concept of PAHs bioavailability once incorporated in rubber compounds
- Lack of an appropriate socio-economic impact assessment to allow an accurate analysis of the impact on the very wide range of rubber products manufactured and used in the EU.