

ETRMA Feedback to European Commission Chemicals strategy for sustainability Road Map

Brussels, 18th June 2019

The European Tyre & Rubber Manufacturers Association (ETRMA) and its members count around 4.300 companies in the EU employing directly 360.000 people. ETRMA tyre corporate companies represent globally 59 % of world sales and 7 out of 10 world leaders are our Member. We have strong presence in the EU and candidate countries with 86 tyre-producing plants and 16 R&D centres.

Rubber is a versatile material flexible and resistant used for many applications. The industry producing rubber in Europe is organised in two main blocks. The most visible and known is Tyres present in vehicles. The other is the General Rubber Goods (GRG) sector whose main application fields can be summarized as follows: the automotive and transport sector 63%, the industrial appliances sector 10% and house applications 10% sector. The majority of the GRG sector are small medium size companies, SMEs.

The use of chemicals in the rubber industry is of outmost importance, to mention there are more than 1600 substances registered under REACH for its use in the sector of rubber manufacturing, even if in the individual production processes, relatively few chemicals are used. The strong and robust chemical regulatory framework in Europe has placed the rubber industry at the foreground on chemical compliance, and strengthened its position worldwide.

The initiative presented by the Commission on setting a Chemical Strategy for Sustainability is an opportunity for the rubber sector. Over the last years, ETRMA has voiced industry's view on the initiatives named in the Road Map as stakeholder. We see the proposed strategy as an opportunity to add coherence, simplicity and accuracy to the entire regulatory framework and boost rubber's industry move towards meeting the green deal's objectives. In order to do so, we wish to highlight the following relevant points.

Securing a level playing field for rubber manufacturers.

There is a need to secure compliance of products with chemical legislation, regardless of whether those are manufactured in Europe or elsewhere. The strong chemical regulatory framework is sometimes diminished by lack in compliance. We recognise the efforts of ECHA forum of enforcement, for instance on checking

compliance with chemical regulation of products sold on-line¹. Enforcement activities should have a more important role in Authorities' agenda and be a cornerstone in the coming Chemical Strategy for sustainability.

Substances present in products.

Many rubber goods are complex engineering products. Tyres, for instance, have high technical requirements in terms of safety, resistance and efficiency. High performance can only be achieved with the use of key chemical components. Initiatives that target the substitution or restrictions on the use of chemicals need to be the result of a holistic approach that assesses the risk the substance may pose, and the benefits of using chemicals across the life cycle of the product.

The presence of hazardous chemicals in products does not necessarily pose a risk. The risk chemicals pose to users and the environment depends on the conditions of use, the releases of chemicals during use and the intrinsic hazard of the substance. Rubber has a characteristic matrix effect; chemical substances are strongly bounded to the rubber matrix so that migration during the use of articles to risky levels rarely occurs². Initiatives towards assessing the risk that substances may pose in products cannot be based exclusively on hazard or on the presence of substances in the product, nor exclusively on the initial compounds, as many change form or are consumed in the process only to remain as trace elements bound to the matrix.

The SCIP database, Substances of Concern In articles as such or in complex objects (Products), is a clear example of one-fits-all solution to disclose information on the presence of chemicals in products. In general, ETRMA supports the declaration of relevant information to recyclers about Substances of Very High Concern present in products above a defined concentration threshold. Unfortunately, merely disclosing information on the presence of chemicals will not offer a clear and realistic view of the potential risk to the human health and the environment that hazardous substances in articles may pose.

Regulatory Management Options Analysis, RMOA, are essential to choose adequate regulations on hazardous chemicals

In many cases, there is not a unique way to regulate chemicals that can potentially pose a risk. The selection of the best option shall balance human health and environmental protection, with socio economic considerations of the impacts of the measure. RMOA plays an essential role in listing and quantifying the benefits and drawbacks of each regulatory pathway. RMOAs shall be a cornerstone before engaging in setting chemical legislation and not an optional step, as currently are.

REACH and OSH interface

ETRMA believes that when the potential risks of substances are limited to the workplace, specific workplace measures are more effective than REACH Candidate Listing and Authorisation. Setting up Occupational exposure limits under the CMD, Directive 2004/37/EC, or restriction under REACH -inclusion in Annex XVII- are proven to be effective to control the risk.

When substances are included in Annex XIV – authorization – under REACH, those substances are meant to be phased out from use. In order to be granted the right to use of a substance placed in Annex XIV there is a long, uncertain and burdensome process.

Phasing out substances might not always be possible without affecting the competitiveness of EU's manufacturing industry. Authorization process on top of workplace measures is detrimental to the

¹ <https://echa.europa.eu/-/inspectors-to-check-products-sold-online-that-contain-harmful-substances>

² See outcomes of STANPAH JRC's project <https://publications.jrc.ec.europa.eu/repository/handle/JRC111476> quantifying migration of PAH from rubber and plastic matrices.

competitiveness of European manufactures, as the provision are only applicable to manufacturers of products in Europe, while non-EU producers are not requested to phase out the substance. Adequate RMOAs in early stages of the regulatory process would flag disproportionate measures, while securing a regulation that protect worker's health without compromising EU's competitiveness.

Better predictability = more investments to European enterprises

A predictable and coherent regulatory framework of chemicals substances is essential to secure an ideal environment for EU investments. ETRMA strongly welcomes measures that help to add clarity to the chemical substances that could be targeted for regulatory process.

The initiative of ECHA, *Mapping the chemical universe*³, that maps substances registered and assigns a "pool" of status of regulatory actions for each substance, is extremely useful. As downstream users of substances, rubber manufacturers receive information from producers mostly by Safety Data Sheets. In order to foresee and prepare for any changes on substances' hazard or risk, downstream users strongly rely on public available information. Further disclosure of ECHA and Member State Competent Authorities' work on the universe of chemicals is of tremendous help for downstream users, giving enough time to foresee, prepare and adapt to any change that could affect the substances present in the rubber value chain.

ETRMA fully welcomes the one-substance-one-approach statement announced in the Road Map. An example of a substance that could benefit from better coordination across authorities is substance resorcinol CAS 108-46-3. Resorcinol base resins are used for the production of tyres and related general rubber goods to add strength to the product. In 2017, Member state competent authority Finland concluded a substance evaluation under the community rolling action plan (Corap). In 2019, a new substance evaluation was launched by Member State Competent Authority France. This double assessment shall be avoided in the future with better coordination and clear rules.

Secondary Materials are Safe for further use

Europe is the largest net importer of natural resources in the world, but loses 95%⁴ of the material value during the first use cycle. By using the resources already in use, we can decouple the European economy from the need of new resources. The recycling of tyres is recognized for its success with over 95% collection rate and a 62% material recovery rate. Only a very little part of end of life tyres can be recycled in a new tyre for safety but also for performance reasons, so then, the End-of-Life Tyre management companies have been exploring areas for recycled tyres where the greatest gains for society and the environment can be made. With regulatory and market imperfections addressed, such as harmonised end-of-waste-criteria across Europe, this could be increased significantly

In several European markets, the demand on information on the presence of chemicals substances in products is stricter for secondary materials than for virgin raw-materials; regardless if they are safe to use or not. Furthermore, biological materials are often prioritised over composite materials regardless of which material is superior from a Life Cycle Assessment perspective. Looking at chemical content and exposure, End-of-life-tyre-derived-materials are proven safe to use by over 70 independent research reports⁵ and promises significant sustainability gains over virgin alternatives^{6,7}. ETRMA welcomes efforts from the European Commission to pioneer a new green deal for Europe, that hopefully, will boost member states to become better at welcoming secondary materials for further use. This turn will make Europe less wasteful

³ <https://echa.europa.eu/-/mapping-the-chemical-universe-list-of-substances-by-regulatory-action-published>

⁴ https://www.ellenmacarthurfoundation.org/assets/downloads/publications/EllenMacArthurFoundation_Growth-Within_July15.pdf, page 17

⁵ https://rma.org/sites/default/files/literature_review_0813.pdf and annex 1 document

⁶ LCA assessment of 9 recovery methods for ELT Aliapur Reference Document June 2010

⁷ The Road to sustainability, Swedish Tyre Industry, 2020

with Earth's resources whilst boosting job creation, economical growth without adding more greenhouse gases in the process of extracting, refining and shipping materials.

Other considerations

The Road Map concludes that no public consultation nor impact assessment will accompany the Chemical Strategy. ETRMA believes that inclusion of stakeholders in the process from early stages would enforce the outcomes of the strategy. In the same line, an impact assessment would help to target any unwanted effects of the future initiatives and duly assess the benefits and the costs of each one. ETRMA is always available to explain further any of the points raised.

European Tyre and Rubber Manufacturers' Association members (www.etrma.org).

The European Tyre & Rubber Manufacturers Association (ETRMA) represent nearly 4.400 companies in the EU, directly employing about 370.000 people. The global sales of ETRMA's corporate members represent 70% of total global sales and 7 out of 10 world leaders in the sector are ETRMA Members⁸. We have a strong manufacturing and research presence within the EU and candidate countries, with 93 tyre-producing plants and 17 R&D centres.

⁸ ETRMA's membership: APOLLO VREDESTEIN, BRIDGESTONE EUROPE, BRISA, COOPER TIRES, CONTINENTAL, GOODYEAR, HANKOOK, MARANGONI, MICHELIN, NOKIAN TYRES, PIRELLI, PROMETEON, SUMITOMO RUBBER INDUSTRIES AND TRELLEBORG WHEEL SYSTEMS. Furthermore, members include Associations in the following countries: Belgium, Finland, France, Germany, Hungary, Italy, the Netherlands, Poland, Spain and the UK.

