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REACH

Latest Developments
Content

• Interesting facts to know from ACEA / TF REACH
  – Structure of ACEA WG on Materials & Substances (WG M/S)
  – Status of the „Substance Pilot“ discussion

• A small motivation to survive

• Status of the most critical communication challenges
  – „Lead Time Shortage“
  – „Missing Unique Identifiers“
  – „Repair as Produced“

• Status of our key SVHCs
Structure of the ACEA WG M&S

ACEA WG M&S
Unger/Hyundai
Kunze/ACEA

TF REACH
(Unger/Hyundai
Kunze/ACEA)

Informal TF Health & Safety
(Cincetti/Fiat)

Informal TF Biocides
(Swindell/JLR)

Informal TF Process Chemicals
(Stein-Schaller/BMW)

Informal TF Nanos
(Kunze / ACEA
Meeuws/Toyota)

Informal TF VIAQ
(Nesa/Renault
Kunze/ACEA)
Some of our current discussions...

- Beside the usual global nightmares (REACH, Nanos, BPR, CLP, GADSL/IMDS, VIAQ, EMF Directive, US ToSCA, ...) we also discuss several other (strategic, visionary) and interesting subjects, e.g.
  - GAPSL (Process Chemicals)
  - Global Substance Monitoring System
The overall challenge for all of us...

**EU REACH: SVHC Roadmap:**
RMO-assessment: for 440 substances until 2020
= 50 RMOs/year
(80 substances by the end of 2014)

- It is an unwritten duty for each company to keep track of all of these ongoings and to start actions if necessary

- **Calculated effort** *(e.g. ADCA)*: approx. 45h (so far) x 80!?
  - Due to limited internal capacities **IMPOSSIBLE!** for each individual company!
The Solution in EU

- In order to share the workload and increase efficiency, the TF REACH & ACEA WG M&S have agreed to establish the new “Substance Pilot” function.

<table>
<thead>
<tr>
<th>Total number of substances under observation</th>
<th>Substances with substance pilots</th>
</tr>
</thead>
<tbody>
<tr>
<td>314</td>
<td>140!</td>
</tr>
</tbody>
</table>

- Task Description:
  - Be main point of contact for the substance / group of substances
  - Establish a network with the relevant manufacturers, associations, industry consortia
  - Collect and consolidate latest information on the substance/(alternatives) for every relevant automotive application
  - Report back at the TF REACH meetings, if necessary
  - Where mandated by the relevant associations:
    - Coordinate Automotive Industry activities, if needed
    - Organize ad-hoc teleconferences and/or email exchange of the sub-group, if necessary
    - Prepare proposals for decisions to be taken by the relevant associations
The Solution in EU

Hyundai Motor Europe Tech. Center

[Table of Chemicals]
### Benzyl butyl phthalate (BBP)
- **CAS Number:** 201-622-7, 85-68-7
- **Contact:** Matt Griffin, mgriff52@jaguarlandrover.com

### Cobalt dichloride
- **CAS Number:** 231-589-4, 7646-79-9
- **Contact:** Ortwin Meeuws, Ortwin.Meeuws@toyota-europe.com

### Sodium dichromate
- **CAS Numbers:** 234-196-3, 7789-12-0, 10588-01-9
- **Contacts:** Wolfgang Marquardt, Wolfgang.WM.Marquardt@bmw.de

### Bis (2-ethylhexyl)phthalate (DEHP)
- **CAS Numbers:** 204-211-0, 171-81-7
- **Contact:** Matt Griffin, mgriff52@jaguarlandrover.com

### Dibutyl phthalate (DBP)
- **CAS Numbers:** 201-557-4, 84-74-2
- **Contact:** Matt Griffin, mgriff52@jaguarlandrover.com

### Lead hydrogen arsenate
- **CAS Number:** 232-064-2, 7784-40-9
- **Contact:** Frank Schlüter, frank.schluter@scania.com

### Hexabromocyclododecane (HBCDD)
- **CAS Numbers:** 247-148-4, 25637-99-4, 221-695-9
- **Contact:** Matt Griffin, mgriff52@jaguarlandrover.com

### Aluminosilicate Refractory Ceramic Fibres
- **CAS Number:** 604-314-4, 142844-00-6
- **Contact:** Hans-Ulrich Bahl, hpfeil@ford.com

### Diisobutyl phthalate / Dibutyl phthalate (DIBP)
- **CAS Number:** 201-553-2, 84-69-5
- **Contact:** Matt Griffin, mgriff52@jaguarlandrover.com

### Lead chromate
- **CAS Numbers:** 231-846-0, 7758-97-6
- **Contact:** Frank Schlüter, frank.schluter@scania.com

### Lead chromate molybdate sulphate red (C.I. Pigment Red 104)
- **CAS Number:** 235-759-9, 12656-35-3
- **Contact:** Frank Schlüter, frank.schluter@scania.com

### Boric acid
- **CAS Numbers:** 234-343-4, 11113-50-1, 233-139-2
- **Contacts:** Elena Genero, Elena.GENERO@crf.it

### Lead and its compounds
- **CAS Number:** 231-100-4, 7439-92-1
- **Contact:** Frank Schlüter, frank.schluter@scania.com

### Cobalt(II) sulphate
- **CAS Number:** 233-334-2, 10124-43-3
- **Contact:** Ortwin Meeuws, Ortwin.Meeuws@toyota-europe.com

### Cobalt(II) dinitrate
- **CAS Number:** 233-402-1, 10141-05-6
- **Contact:** Ortwin Meeuws, Ortwin.Meeuws@toyota-europe.com

### Chromium trioxide
- **CAS Number:** 215-609-8, 71-48-7
- **Contact:** Ortwin Meeuws, Ortwin.Meeuws@toyota-europe.com

### Chromium trioxide
- **CAS Number:** 215-607-8, 1333-82-0
- **Contact:** Wolfgang Marquardt, Wolfgang.WM.Marquardt@bmw.de

### Chromic acid, Oligomers of chromic acid and dichromic acid, Dichromic acid
- **CAS Numbers:** 231-801-5, 7738-94-5, 236-881-5
- **Contacts:** Wolfgang Marquardt, Wolfgang.WM.Marquardt@bmw.de

### Substance Pilots
Why do you have to listen to me?

Becaaue not only the textile industry is an easy target....
Lead Time Shortage
Experience out of 13 years of data collection throughout complex supply chains:
- Under normal conditions a reliable investigation via IMDS can be performed within 2-6 month= up to 180 days!

But only if the substance is identified already ONE year before*

* Time needed
  - to adjust existing tools and processes
    (GADSL is updated max 2/year!)
  - for suppliers to check and update their material reportings

360 days + 180 days = 540 days (worste case)
=> Time needed for newly identified substances!
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# Lead time shortage – Examples

<table>
<thead>
<tr>
<th>Substance</th>
<th>Publication on the ROI</th>
<th>Publication of the Annex XV Dossier (Start of Public Consultation (45 days))</th>
<th>Delta [days] (A-B)</th>
<th>Publication of the CL</th>
<th>Delta [days] (A-C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DecaBDE bis(pentabromo-phenyl) ether</td>
<td>06.08.2012</td>
<td>03.09.2012</td>
<td>28</td>
<td>19.12.2012</td>
<td>142</td>
</tr>
<tr>
<td>DBP Dibutyl phthalate</td>
<td>27.06.2008</td>
<td>30.06.2008</td>
<td>3</td>
<td>28.10.2008</td>
<td>123</td>
</tr>
</tbody>
</table>

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Not sufficient lead time to provide **reliable and appropriate** information

- Especially for industry with very complex product structure = supply chains

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### Example:

First indication on which substance(s) **possibly** to come next: **Recommended start of data evaluation**

Necessity to know if you are affected by the substance(s) (Voluntary; Only if I want to give input into the stakeholder consultation): **Recommended end of the data evaluation and interpretation**

Time, available for the **voluntary** data evaluation:

- Necessity to know if you are affected by the substance(s) (Mandatory to fulfill my legal obligations): **Definite end of the data evaluation and interpretation**

- Time, available for the **mandatory** data evaluation

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Current lead time needed: **540 days**

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Consequence:

- Questionable quality of stakeholder input during consultation
  
  ➤ Early industry involvement by Member States is crucial  
  (Benchmark: Nickel discussion in France!)
  
  ➤ This has to be long before the ROI inclusion

Automotive Industry Proposal:

- We support EC actions to have more interactions between Member States/Commission and Industry to share the pre-intentions
  
  ➤ Substance identity should be known at least 1.5 years before the start of the public consultation
  
  ➤ Already in that early stage, MS should consider Industry opinions in the definition of the appropriate RMO
  
  ➤ It would be beneficial for all parties if Member States would publish a list of substances already under scrutiny on a central platform (e.g. ECHA page)
Current status of discussion

- Not only Automotive Industry was requesting more lead time and more transparency
- REACH SVHC 2020 Roadmap was already taking up the discussion:
  Aims of the roadmap:
  - Presenting a credible process to ensure the 2020 SVHC objective is met.
  - Defining a process or methodology, with clear deliverables, planning and share of responsibilities to increase predictability, Simplify the process, increase efficiency/effectiveness, streamline

- Related conclusion of the roadmap:
  😊 Setting up a platform on ECHA website for the communication activities
  - We will know (and can start to work) earlier on the substances to come next
  😞 Not mandatory for MS
  😞 No clear statement to involve industry in the very early stage of the RMOA

BUT:

😊 Member States (e.g. Germany, France) have already stated to always involve industry asap
Current status of discussion

Process acc. to SVHC Roadmap:

More information under:

Source: Dr. Frauke Schröder, BAuA
"I realize it's a bit strange, sir, but due to the new health information privacy laws, none of us is allowed to know your identity."
Another reporting Challenge: Missing substance identifiers

- There is an increasing number of SVHCs **without any unique identifier** (CAS/EC number) falling under authorisation:
  - Aluminosilicate Refractory Ceramic Fibres
  - Zirconia Aluminosilicate Refractory Ceramic Fibres
  - 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated
  - Nonylphenol ethoxylates
  - Phenol, 4-nonyl-, branched and linear covering all individual isomers ...

- Industry is not able to perform a proper investigation on the usage of these SVHCs (especially not within the given timeframe).

- **Automotive Industry Proposal to ECHA & EC:**
  Help industry to easily find the corresponding substance identifiers (CAS / EC number) in all relevant documentations
ECHA Opinion

- ECHA is aware but saying, that:
  - ...these entries are representing group entries with more than just one identifier.
  - ...numerical identifiers are not mandatory for substance identification and will only be provided if they are available or appropriate.
  - ...sufficient information has been provided to enable users of substances to determine whether they fall within the definition of that group.
  - ...they acknowledge that this requires a sufficient knowledge of the chemistry and the naming of a substance which is not necessarily available in all SMEs.
  - the given information is fully in line with the scope and aim of REACH.
  - it is justified not to include EC and CAS numbers for certain entries on the CL and Annex XIV.
Consequences from ECHA answer

- End users have to rely on the reporting from their supply chain.
- Very often, SME-suppliers (but not exclusively!) don’t have chemical expertise and thus are not able to perform a proper investigation on the usage of these unidentified SVHCs (especially not within the given timeframe).
- Reporting quality consequently is poor (our experience).
- Negative consequences for several REACH duties:
  - Communication (Art 33), Notification (Art 7.2), all input into stakeholder consultations.

**Conclusion:**
The given information is **NOT** fully in line with the scope and aim of REACH!
Automotive Industry Approach

- Following the ECHA answer, Automotive Industry has defined the corresponding substances (urgently needed!)
- Results will be communicated to the complete supply chain via IMDS & GADSL
- Suppliers will have to report acc. to our defined identifiers

**But:**
- What happens if each industry is doing this individually and if the results are different?
- What is the negative consequence for the chemical industry because of unjustified black listing?

Discussions have started in the REACH Cross Sector Group (RCSG) to agree on a common approach
Current status of discussion

- Within the framework of the HelpNet, ECHA proposed new Q&A for the REACH FAQ update 7.0.
- A new Q&A will be added regarding SVHC – specific identifier issue.

Draft FAQ 12342

Certain entries in the Candidate List of substances of very high concern (SVHC) do not refer to a specific identifier (e.g. EC or CAS number), but, instead, to a family of substances (e.g. "4-Nonylphenol, branched and linear, ethoxylated"). In such cases, the corresponding supporting documentation on ECHA’s website needs to be consulted, as it provides helpful examples of substances covered by the entry in question.

However, what can be concluded regarding the SVHC status of substances which are covered by the same family but are not included in the list of examples in the supporting documentation?

The list of substances provided in the supporting documentation of generic Candidate List entries is indicative and not exhaustive, unless otherwise specified. Since such entries are not limited to the substances explicitly mentioned in the supporting documentation, any substance which is covered by the same generic description should be considered as an SVHC, unless the company can demonstrate that the substance should rather be considered as different from the entry and, thus, not an SVHC. In the latter case, a scientifically valid justification should be made available to enforcement authorities, including a position paper supported by spectroscopic and analytical data, in particular with regard to the properties which have led to the inclusion of the substance in the Candidate List.

How can a non chemical company fulfill this expectation?
“Oh dear. The part that needs replacing has been discontinued because the huge demand for it kept the factory from making other parts.”
Substance Substitution vs. Spare Parts Production

- Spare parts (still produced in very low volumes & often by SMEs) have to be re-developed & re-validated (several times?)
  - Not possible
- Experience from ELV: Will have negative consequences on service parts strategy
  - Results in:
    - Increasing costs for customers or
    - Decrease of the vehicle lifetime
- Alternative solution: Spare parts are produced outside of Europe
Add to REACH Annex XIV a clause similar to ELV, e.g.

“Substances for spare parts that are manufactured after the sunset date, which are used for vehicles that ceased production before the sunset date shall be exempted from the provisions of Article 56, REACH”
Current status of discussion

• Since then, the debates have gained speed on several levels and in different institutions
  – EU Commission: DG ENTR & DG ENV
  – EU Parliament
  – Member States: CARACAL, Member Stats Committee, National Ministries of Environment & Economy
  – Trade Associations: Supporting papers or own position papers (e.g. Aerospace and defense (ASD), European Airlines (AEA), SMEs (UEAPME), ...)

• Already common understanding that a solution needs to be provided to industry

• EC + MS have already started to work on the subject with different suggestions for spare parts (and other low volume products?):
  - 😊 Prolong the sunset dates
  - 😞 Implement an authorisation light
  - 😞 Prolong the authorisation (up to 20 years)
  - 😊 Follow the example from the ELV Annex II
  - ...

• EC will invite to a workshop by the end of June
HBCD update

• REACH
  > Last Application Date 21/02/2014
    > 2 applications for authorisation submitted (0013–1 & 0013–2)
      > Only applicable for buildings industry
      > No authorisation for automotive uses has been applied for

• Japan
  – Cabinet decision published
  – Prohibition could apply to imported materials (for repair)
  – Exemption can be revisited if HBCD usage does not decline.

• Canada
  – Gazette publication expected Summer 2014, expecting to affect auto’s, with extended phase-out for spare parts
Phthalates

- DBP, BBP, DIBP
  - No automotive use applied for.
  - One ECHA opinion published for DBP (in closed system manufacture of maleic anhydride)
    - Recommended review period of 12 years

- DEHP
  - Authorisation
    - Applicants meeting with Rapporteurs and ECHA
      - Short (3 hours) – not enough time to respond to questions
      - Socio-economic arguments will determine whether uses will be authorised
      - RAC / SEAC meeting since the trialogue – confidential – no feedback
      - MSCA’s – not all appear to have read / understand information submitted
      - Request for ACEA support
        » ACEA to write to MSCA attaching our input to Public Consultation
    - ECHA opinion for Rolls Royce DEHP aerospace use published
      - Recommended review period of 7 years
Substance of greatest concern - DEHP

According to sector wide investigations, DEHP has been found in a very high number of parts / spare parts

- **Typical materials**
  - Rubber, Nitrile Butadiene Rubber (NBR), PVC, Elastomers, Adhesives, Sealants etc.

- **Typical applications**
  - Wiring harnesses, Hoses, Label, Lining and trim strips, Plastic parts

**Note:** No AfA e.g. for DEHP in Rubber
If you have DEHP in rubber, get rid of it!!!
Cooperation

The key to a successful material reporting is the close cooperation between OEMs and suppliers.