# ASMoR Position Paper on the CARACAL paper CA/19/2022 on Generic Risk Approach

April 2022

## Introduction

The Alliance for Sustainable Management of Chemical Risk ('ASMoR') is an alliance of more than 30 members that share a common position on the Essential Use Concept ('EUC') in EU chemicals policy.

ASMoR's members also propose joint solutions on the broader reform of chemical management. In this context, we welcome the opportunity to provide our expert views on the policy debates regarding the Generic approach to risk management ('GRA'). We believe that the discussions on GRA and on the EuC are clearly intertwined.

To this end, ASMoR's members are hereby commenting on the CARACAL paper CA/19/2022. Our contribution below outlines our answers to the questions listed at the end of the CARACAL document. It also reflects comments to other parts of the latter and provides further ASMoR reflections resulting from members' participation in the GRA Workshop.

## General considerations

1. **Do you support the overall approach sketched out for the implementation of the generic approach to risk management or do you think that there are key elements not taken into account? In particular, do you agree with the gradual implementation of restrictions under Article 68(2) according to a work plan?**

   We support the additional nuance introduced in this paper: "*the Commission may but is not obliged to propose such restrictions*." An automatic requirement to put forward broad restrictions based solely on hazard classification would be disproportionate and likely carry significant unintended consequences.

   However, more work should be done on how to incorporate the concept of 'safe use' into the Commission's decision-making and integrate it into what was presented in the CARACAL paper. As such, even for targeted articles, generic exemptions from the scope of the restriction should be set for materials containing substances with certain hazard classifications, if the use of such material by consumers / professionals is safe. Further safe use derogations can be applied for, where the exemption cannot be granted in the phase of drafting the restriction. The Commission's decision-making in this phase should be transparent and could be supported by a 'screening' or RMOA to determine the most appropriate risk management option for a given substance. In certain cases this may be a restriction based on GRA. In other instances it may be

more appropriate to proceed with a targeted restriction or another targeted risk management option.

We support the idea of a work plan, but we believe it may be best to broaden it beyond restrictions to reflect that other RMOs may be more appropriate in certain cases. In that sense, the goal might be best achieved by further strengthening the ARN section of PACT, as opposed to creating an altogether new work plan.

2. What is your view on the possibility to differentiate between different types of articles? What should be the criteria for such differentiation?

We support this differentiation, which should be based on whether data exists demonstrating safe use and containment over the lifecycle.

3. What is your view on the possibility to differentiate between types of professional uses? What should be the criteria for such differentiation?

We support this additional differentiation. If certain professional uses are rather similar to industrial uses (e.g. based on adequate training, use of PPE) then these should not be restricted.

4. Which elements should be taken into account in defining the terms 'consumer use' and 'professional use' in REACH for the purposes of the implementation of GRA?

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5. Do you have other suggestions to structure GRA restrictions, limit or extend their scope, and on the implementation scenarios?

ASMoR supports that GRA-based Art. 68(2) restrictions are only used for specific articles and not applied in a sweeping fashion to all articles used by consumers and professionals. It, however, emphasises that if the new Art. 68(2) wording permits for GRA-based restrictions for all such articles, then the impact assessment has to look into the economic impact and also societal impact that this could have, should the Commission later opt to use the empowerment clause in a sweeping fashion.

ASMoR suggests creating a screening procedure that accounts for information provided by industry at an early stage, i.e. before a specific regulatory route is decided upon. By sharing the burden of work in this manner between authorities and industry, authorities would then have an option of targeting risk management (including Art. 68(1) restrictions) to where risks occur or where concerns have not been addressed. This would be preferable to a system where authorities would avoid the current workload of Art. 68(1) by choosing GRA-based Art. 68(2) restrictions as a default for all consumer and professional uses of MHCs and consumer, professional and industrial uses of SVHCs.

6. Which concentration limits should be applied to articles (NB: concentration in homogenous materials of the article)?

    a. The same generic concentration limit (e.g. 0.01%) for all substances.

    b. Specific concentration limit per substance when necessary (i.e., generic one by default): case-by-case approach.

    ASMoR supports option B. SCLs should be defined where appropriate, similar to what is currently the case under CLP. ASMoR wants to point out that (at least for materials where substances are embedded in a matrix) it should rather be release limits than concentration limits that are set.

7. Should a restriction for a specific type of articles comprise:

    a. All substances under the scope of GRA?

    b. Only those substances under the scope of GRA that might be present in the type of articles under assessment?

    ASMoR supports option B as a starting point, but suggests further refinement to it. If a specific type of article is addressed by a GRA-based restriction, not all substances within the scope of GRA may be relevant to be banned. If in the 'screening phase' it can be demonstrated that the use of some substances with classifications theoretically falling within the scope of GRA are safe to use in the type of article. This could for example be due to the lack of release of the substance or due to the substance being present only on the inside of the article, where consumer / professional uses do not lead to exposure to that substance.

## Conclusions

ASMoR and its members hope that this submission will help the EU debates on the reform of chemical risk management and will make a significant contribution to the ongoing debate, particularly in the context of the GRA discussions.

As mentioned above, we remain at the disposal of the Competent Authorities and the European Commission to further discuss the solutions outlined in this Paper.

ANNEX: List of Members of the ASMoR


1. ACEA – European Automobile Manufacturers' Association
2. AmCham EU
3. BeST - Beryllium Science & Technology Association
4. Cerame-Unie – The European Ceramic Industry Association
5. CETS – European Committee for Surface Treatment
6. CI - Cobalt Institute
7. ECGA – European Carbon and Graphite Association
8. EFCC - European Federation for Construction Chemicals
9. EGMF - European Garden Machinery Industry Federation
10. ETRMA – European Tyre and Rubber Manufacturers' Association
11. Eurobat
12. EUROFER - European Steel Association
13. Eurogypsum
14. Euromines
15. EXCA - European Expanded Clay Association
16. FEC - Federation of European manufacturers of Cookware and cutlery
17. FEICA - Association of the European Adhesive & Sealant Industry
18. FEPA - Federation of European Producers of Abrasives,
19. FPE - Flexible Packaging Europe
20. Fluoropolymers Product Group
21. Glass Alliance Europe
22. ICDA - International Chromium Development Association
23. IFRA - International Fragrance Association
24. ILA - International Lead Association
25. IMA-Europe
26. the Lead REACH Consortium
27. Nickel Institute
28. Orgalim
29. PVthin
30. RECHARGE
31. SME United
32. UNIFE -

33. WSM – German Steel and Metal Processing Industry Association
34. WVMetalle