

## RESPONSES INTO THE PUBLIC CONSULTATION ON ECHA'S DRAFT 9<sup>TH</sup> ANNEX XIV RECOMMENDATION: Lead oxide sulfate

### About the Lead REACH Consortium

The Pb REACH Consortium is a voluntary initiative managed by the International Lead Association (ILA). It represents the interests of 92 Consortium members and acts on behalf of the Lead Registrants for several Pb substances – including six of those included in the draft 9<sup>th</sup> Annex XIV recommendation: dioxobis(stearato)trilead; fatty acids, C16-18, lead salts; trilead dioxide phosphonate; sulfurous acid, lead salt, dibasic; [phthalato(2-)]dioxotrilead, and lead oxide sulfate.

Pb REACH Consortium members are listed in Annex 1.

### Comments on the prioritisation results and general issues:

We would question the relevance and effectiveness of including lead oxide sulfate in the 9<sup>th</sup> recommendation and in REACH Annex XIV.

Lead oxide sulfate (EC 234-853-7; CAS 12036-76-9) has only one small-volume, specialist end use in the EU which is in the application of mirror backing, i.e. the coating of glass with a reflective surface. There is only one active registrant, based in the UK, and no inactive registrants. The total registered tonnage is 0-10 tpy; the LR dossier was last updated in September 2018, in particular to update some of the environmental aspects of the dossier, including aquatic and sediment PNECs.

While we agree with the total priority setting score of 5 as reported in the conclusion of the current draft background document (Section 2.5), we question the grouping of lead oxide sulfate “with other lead substances used as stabilisers”. This substance is **NOT** used as a stabiliser in PVC, as has been indicated in at least the last three significant updates to the Chemical Safety Report Part B submitted in the last five years. Dossier updates submitted by the LR in 2014, 2016 and 2018 **DID NOT** identify a use of this substance as a stabiliser for PVC, only its use in formulation and subsequent mirror backing application.

According to the Chemical Safety Report, this specialist industrial use is carried out by a very limited number of workers using either lead oxide sulfate and/or trilead dioxide phosphonate: the CSR reports 12 workers involved in the application of the lead-based mirror backing for the period 2010-2011; the 90<sup>th</sup> percentile blood lead level reported in the CSR was less than 8 µg/dL.

As EU use of this substance is restricted to the workplace, we propose that a review of existing EU binding occupational and biological limit values for lead and compounds would be a more proportionate risk management option than REACH Authorisation. We would request that ECHA and MSC consider any precedent that might be established in this regard for other lead compounds that have previously been included in ECHA recommendations for SVHCs to be added to the Authorisation List.

### Comments on the proposed Latest Application (LAD) and Sunset dates:

We question the relevance of recommending lead oxide sulfate for Authorisation. However, if the substance were to be included in Annex XIV, the standard LAD slots would not appear to be inappropriate.

### Comments on uses (or categories of uses) that should be exempted from Authorisation

We note that, in the draft background document, ECHA proposes not to recommend exemptions for uses of lead oxide sulfate on the basis of Article 58(2) of the REACH Regulation (Section 3.3.1).

However, we would highlight that the Commission has discretion for granting a REACH Article 58(2) exemption for uses that are restricted to industrial processing given the framework of existing legislation established to address risk in and from the workplace.

Should this substance be included in Annex XIV without relevant (Article 58 (2)) exemptions, there is a strong case for the use of a Simplified Authorisation Process for lead oxide sulfate, given the small-volume, specialist end use involving a very limited number of workers with demonstrably low exposure to Pb.

### Annex 1: List of members of the Lead REACH Consortium

5N Plus Belgium SA	Jenox Akumulatory Sp. z o.o
Akkumulatorenfabrik Moll GmbH	Johnson Controls Autobatterie GmbH & Co. KGaA
Anton Schneider Sohne GmbH	Johnson Controls Autobaterias SA (Spain)
Asua Products SA	Johnson Controls Autobatterie spol (Czech)
Aurubis GA	Johnson Controls Recycling GmbH
Azor Ambiental SA	Johnson Controls Sachsen-Batterien GmbH
BAE Batterien GmbH	KCM 2000 SA SC
Baerlocher GmbH	KGHM Polska Miedz SA
Banner GmbH	Kovohute Pribram Nastupnicka a.s
BASF SE	Le Plomb Francais Sarl
Berzelius Stolberg GmbH	Loxa Sp. Z.o.o.
BMG Metall und Recycling GmbH	Metal Processors Limited
Boliden Bergsoe AB	Metalblanc
Boliden Mineral	Metallo Belgium NV
Britannia Refined Metals Ltd	Metalurgica de Medina SA
BSB Recycling GmbH	Midac SpA
Campine Recycling NV	ML Operations Ltd
Chemson Polymer-Additive AG	Monbat Recycling EAD
Colorobbia Italia spa	MPI Reciklaza d.o.o
COPLOSA, Sociedad Anonima	Muldenhütten Recycling und Umwelttechnik GmbH

Eco-Bat SpA	New Meca Srl
Ecological Scrap Industry SpA	Nizi International SA
Ecometal Ltd	Nyrstar
EnerSys AD	Penox GmbH
EnerSys Newport	Piombifera Italiana Spa
EnerSys SARL	Piomboghe Srl
EnerSys Sp. Zoo	Portovesme Srl
EnviroWales	PPUH Autopart Jacek BAK Sp z o.o
Exide Technologies GmbH (Deutsche Exide)	RECOBAT
Exide Technologies Lda (SPAT)	SC Rombat SA
Exide Technologies Recycling II Lda (So-nalur)	SIA Industria Accumulatori Spa
Exide Technologies Recycling SL (Oxivolt)	STCM-APSM
Exide Technologies SA (Centra)	Sunlight SA
Exide Technologies SA (Tudor)	TAB dd
Exide Technologies SAS (CEAC)	Teck Resources Ltd.
Exide Technologies Srl (Exide Italia)	Traxys Europe SA
Fenix Metals Sp. z o.o.	Umicore
FIAMM Energy Technology S.p.A	Uzimet
Glencore Import BV	Vellonton LLP
Glencore International Import BV	Vipiemme SpA
H J Enthoven Ltd	Weser-Metall GmbH
Hakurnas	Wilhelm Grillo Handelsgesellschaft mbH
Hammond Lead Products	Yuasa Battery UK Ltd
Hawker GmbH	Zap Sznajder Batterien s.a
Hoppecke Batterien GmbH & Co KG	ZM Silesia SA – Grupa Impexmetal
Huta Cynku “Maisteczko Slaskie”	
IKA Innovative Kunststoffaufbereitung GmbH & Co.KG	<b>Associate Member: AFEMS</b>