SAFEGUARDS
SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONIC NO. 085/08 REVISED OCTOBER 2008

# NEW REACH CANDIDATE LIST LEADS TO IMMEDIATE CHALLENGE FOR SUPPLY CHAIN

The European Chemical Agency (ECHA) has included 15 substances of very high concern (SVHC) in the 'Candidate List' now published on the ECHA website. Companies are encouraged to check potential duties because once substances are officially published on the candidate list they are **immediately** subject to certain REACH requirements including "Information in the Supply Chain" for substances, preparations, and particularly, articles.

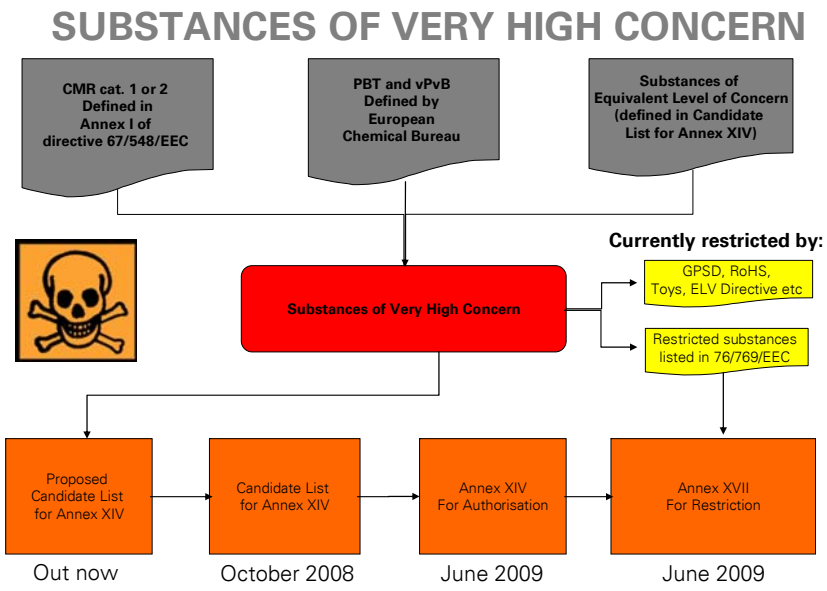
## FLOW OF INFORMATION ALONG SUPPLY CHAIN

According to article 33 of the REACH regulation, any EU & EEA supplier of an article, which may include finished consumer products, components and packaging, containing SVHC from the candidate list above a concentration of 0.1% weight by weight (w/w) shall provide the **recipient** of the article (such as the distributor, retailer or professional user) with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that SVHC substance.

This is also applicable upon request by a **consumer** by any supplier of an article containing a SVHC substance > 0.1 % weight by weight (w/w), free of charge, within 45 days of receipt of the request.

## WHAT ARE SVHCs?

The inclusion of a substance in the Candidate List is solely based on the specific intrinsic hazardous properties of the substance (as described by Article 57 of REACH). Since the proposal is a dynamic and ongoing process the candidate list is subject to change in the future.



The current list of published substances on the candidate list includes (dated 28th October 2008):

| Substance identification | | Reason for inclusion | Possible Applications |
|---|---|---|---|
| Substance name | EC (CAS No.) | | |
| Triethyl arsenate | 427-700-2 | Carcinogenic | • Glass goods (window glass, crystal, lead glass)<br>• Glass beads for road markings<br>• Plastic/PVC products (including garden articles, travel/ leisure time articles, construction materials and wallpapers)<br>• Electrical and electronic equipment (EEE).<br>• Textiles and Cosmetics<br>• Wood preservative & pesticides (phased out) |
| Anthracene | 204-371-1 | PBT | • As contaminant in plasticiser oils or black pigments (soot)<br>• Manufacture of pyrotechnic products deployed in film and theatre productions as a component of black smoke.<br>• Intermediate of anthraquinone, used in dye production or wood pulp production. |
| 4,4'-Diaminodiphenylmethane (MDA) | 202-974-4 | Carcinogenic | • Intermediate for final production of polyurethanes.<br>• Hardeners for epoxy resins and adhesives.<br>• Intermediate for manufacture of high-performance polymers |
| Dibutyl phthalate (DBP) | 201-557-4 | Toxic for reproduction | • Plasticizer synthetic resins and polymers (mainly PVC)<br>• Also used in printing inks, adhesives, sealants/grouting agents, nitrocellulose paints, film coatings and glass fibres. |
| Cobalt dichloride | 231-589-4 | Carcinogenic | • Gas absorber<br>• Humidity indicator for hydrometers/barometers etc.<br>• Vitamins B12 manufacture<br>• Dye mordant in painted glass<br>• Solid lubricant in cutting tools<br>• Invisible inks<br>• Drying agent in paints, varnish, ink<br>• Production of non-ferrous metals (esp Nickel)<br>• Electroplating (jewellery, keys, buckles)<br>• Additive in rubber production<br>• etc. |
| Diarsenic pentaoxide | 215-116-9 | Carcinogenic | • Dying industry<br>• Metallurgy (harden copper, lead, gold),<br>• Special glasses<br>• Wood preservative |
| Diarsenic trioxide | 215-481-4 | Carcinogenic | • Decolorizing agent for glass and enamels<br>• Glass and lead crystal<br>• Wood preservative |

To be continued on the following page

| Substance identification | | Reason for inclusion | Possible Applications |
|---|---|---|---|
| Substance name | EC (CAS No.) | | |
| Sodium dichromate | 234-190-3 (7789-12-0 and 10588-01-9) | Carcinogenic, mutagenic and toxic to reproduction | • Manufacture of other chromium compounds or pigments;<br>• Metal finishing for corrosion resistance<br>• Manufacture of vitamin K<br>• Coloured glass and ceramic glazes<br>• Mordant in dyeing<br>• Manufacture of essential oil and perfumes |
| 5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene) | 201-329-4 | vPvB | • Fragrance in:<br>- Cosmetic products<br>- Also in detergents, fabric softeners, household cleaning products etc. |
| Bis (2-ethylhexyl) phthalate (DEHP) | 204-211-0 | Toxic to reproduction | • Plasticizer in polymer products, mainly in PVC.<br>• PVC used in many different articles<br>- toys<br>- building materials such as flooring, cables, profiles and roofs<br>- medical products (such as blood bags and dialysis equipment). |
| Hexabromocyclododecane (HBCDD) and all major diastereoisomers identified: (α – HBCDD, β-HBCDD, γ-HBCDD) | 247-148-4 and 221-695-9<br><br>(134237-50-6)<br>(134237-51-7)<br>(134237-52-8) | PBT | • Flame retardant; mainly in polystyrene.<br>• Also in flame-retardant textiles and E&E products. |
| Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins) | 287-476-5 | PBT and vPvB | • Flame retardants in textiles and rubber<br>• Also in paints, sealants and adhesives |
| Bis(tributyltin)oxide (TBTO) | 200-268-0 | PBT | • Biocide eg. in anti-fouling paint for ships and leisure boats<br>• Polyurethane foam and other polymers used in flooring, tiles & carpeting<br>• Backcoating of upholstery textiles<br>• Treatment of feather and down |
| Lead hydrogen arsenate | 232-064-2 | Carcinogenic and Toxic to reproduction | • Glass goods (window glass, crystal, lead glass)<br>• Glass beads for road markings<br>• Plastic/PVC products (including garden articles, travel/ leisure time articles,construction materials and wallpapers)<br>• Electrical and electronic equipment<br>• Textiles and Cosmetics<br>•Wood preservative & pesticides (phased out)<br>• Also in sealants, adhesives, paints, inks and lacquers. |
| Benzyl butyl phthalate (BBP) | 201-622-7 | Toxic to reproduction | • Plasticizer in PVC products, mainly flooring<br>• Also in sealants, adhesives, paints, inks and lacquers. |

From: http://echa.europa.eu/chem_data/candidate_list_table_en.asp

## DUTY TO COMMUNICATE

In practice, if SVHC from candidate list > 0.1% in article

⇒ Supplier has duty to automatically provide information to recipient:

- Name of substance as minimum information
- Information for safe usage

⇒ Supplier has duty to provide on request within 45 days for consumers:

- Name of substance as minimum information
- Information for safe usage
- Free of charge

Table 1: Technical Data Sheet

| Item | Obligatory | Example |
|---|---|---|
| Substance name | Yes | Arsenic (III) Oxide |
| CAS Number | No | 1327-53-3 |
| Registration No | No | 01-1234567-49-00 |
| Classification | No | Carc. Cat. 1; R45; T+; R28; C; R34; N; R50/53 |
| Concentration in article | No | 1% |
| Information on safe handling including safe disposal if relevant (*On request by consumers*) | Yes | Prevent from heating above 60 °C<br>Keep article out of reach of children<br>This article should be disposed of as hazardous waste. Please do not put in your normal use household waste |

## WHAT IS THE LIMIT?

The substance concentration threshold of 0.1 % (w/w) applies to the article as produced, imported or supplied.

For example, if imported buttons for jackets contain such substance in concentrations of 0.5% (w/w), this needs to be communicated to the recipient. If these buttons are imported as part of a jacket the concentration of the substance in relation to the imported article (the jacket) will probably be lower than 0.1% (w/w) and in that case no information would have to be communicated.

The obligation to forward available information on substances of very high concern on the candidate list also applies to packaging materials. This packaging material is always a separate 'article'. Thus, if the imported buttons or the imported jackets were packaged in plastic packaging material, the content of such substances in this packaging material would have to be assessed separately.

Packaging with different functions needs to be considered separately (e.g. if an article is directly wrapped in plastic and then packed in cardboard boxes, the plastic and the cardboard box should be considered separate articles.)

Please note that there is no tonnage trigger for this obligation (i.e. it also applies below 1 tonne/annum)

## WHEN DOES THIS OBLIGATION START?

The obligation to provide available information on substances of very high concern to the recipients of the articles applies as soon as a substance has been included on the candidate list for authorisation. The first substances were published on the candidate list on 28th October, 2008 for the first 14 substances agreed by the ECHA member state committee plus one additional substance not requiring agreement. Additional substances will be added in the future.

The obligations also apply to articles which were produced or imported before the substance was included on the candidate list and are supplied after the inclusion. Thus, the date of supply of the article is important, not the date of import.

**It is important to note that the SVHC are candidate for being subject to authorisation and restriction so the candidate list is a warning signal that companies should phase them out.**

### HOW ABOUT SUBSTANCES AND PREPARATIONS?

EU and EEA suppliers of substances will also be required to provide a safety data sheet to their customers when that substance is in the candidate list. Suppliers of preparations containing at least one substance from the candidate list are required to provide the recipients, on their request, with a safety data sheet if the individual concentration is at least 0.1% (w/w) for non gaseous preparations and at least 0.2% by volume for gaseous preparations.

## PROVING COMPLIANCE

It is recommended that each producer/importer establishes routines to ensure high quality documentation.

- Supplier Validation of if SVHC's are not used
- Safety Data Sheets of input materials
- Supply contracts and documentation of their implementation
- Chemical analysis reports (Technical Evidence)
- Supplier Auditing etc.

Screen testing for SVHC can be the most appropriate for consumer products especially due to supply chain complexity, ability to produce bill of substances

within the given timeframe and accurately identify any SVHC used in a product. Testing can be a quick and efficient method to identify if any SVHC exist in a product and whether they are above the 0.1% threshold for communication requirements.

Armed with strong expertise and remarkable technical support, SGS is able to offer cost-effective SVHC screening solutions as well as SVHC target quantification and technical data sheets for consumer products and packaging through our global network of laboratories including China, Hong Kong, Korea, Taiwan and Germany.

Please do not hesitate to contact our Global Competence Centre for further information de.reach@sgs.com or visit WWW.SGS.COM/REACH.

FOR ENQUIRIES:

Global Competences Support Centre: gcsc@sgs.com
or : de.reach@sgs.com

Asia – Hong Kong. Tel: +852 2334 4481 Fax: +852 2144 7001 mktg.hk@sgs.com
Australasia _ Perth. Tel: +61 (0) 3 9790 3418 Fax: +61 (0) 3 9701 0988 au.cts@sgs.com
Europe – London —UK. Tel: +44(0) 20 8991 3410 Fax: +44 (0) 20 8991 3417 gb.cts.sales@sgs.com
Africa & Middle East – Turkey. Tel: +90 212 225 0024 Fax: +90 212 296 47 82 sgs.turkey@sgs.com
Americas – USA. Tel: +1 973 575 5252 Fax: +1 973 575 1193 Marketing.CTS.US@sgs.com

www.sgs.com Global Competences Support Centre: gcsc@sgs.com