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Dr Luis A. Zugno
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Subject: IULTCS Opinion on Chrome VI and Bisphenols

Dear Dr Zugno,

Thank you for your email of 30 August raising some points of concern for the International Union of Leather Technologies and Chemists Societies with regard to some ongoing legislative initiatives under REACH that could impact the leather producing industry.

The European Commission considers it a priority to increase the protection of consumers against hazardous chemicals to which they are exposed in daily life. Also, the Commission supports EU SMEs in their transition to sustainable growth, digitalisation as well as competitiveness and resilience. In this sense, the information provided in your letter is important and taken into account as explained below.

The Commission is finalising a draft restriction proposal for an amendment of Annex XVII to REACH based on European Chemicals Agency (ECHA)'s final opinion on a restriction dossier on skin sensitising substances prepared by Sweden and France (Dossier Submitters) that was sent to the Commission in April 2021. This restriction aims at reducing the risk for consumers of becoming sensitised via the skin to chemical substances in finished clothing and related accessories including those made of leather, fur, hide and synthetic leather.

With regard to chromium VI, whereas the Committee for Risk Assessment (RAC) supported the concentration limit of 1 mg/kg for both textiles and leather as proposed by the Dossier Submitters, the Socioeconomic Assessment Committee (SEAC) noted that for leather the scientific community and industry are divided regarding the feasibility of a limit of quantification of 1 mg/kg. Based on the extensive information provided in the consultations, SEAC concluded that it should be possible to lower the 3 mg/kg limit contained in ISO 17075-1:2017 but that time and resources are needed to achieve it. SEAC recommended a temporary 3 mg/kg concentration limit for chromium VI in leather with a 5-year transitional period (2 years in addition to the transitional period of the restriction) after which 1 mg/kg would be implemented.

The Commission is aware of the difficulties linked to the quantification of chromium VI below the 3 ppm limit with the existing method (EN/ISO 17075) which are explained in your letter and also in the comments submitted via the public consultations. This information as well as the estimations of the time needed to find alternatives to the substances in the scope of the restriction will be taken into account when proposing the transitional period.

With regard to bisphenols, ECHA's opinion on the skin sensitizers restriction proposes a limit of 40 mg/kg in leather, hides and furs for substances with harmonised classification as skin sensitizers in category 1, 1A or 1B listed in Annex VI to Regulation (EC) No 1272/2008, therefore bisphenols that have been classified as skin sensitizers would be covered by this. Bisphenol A indeed has a harmonised classification as skin sensitiser Cat. 1, whereas bisphenol F and S do not have such harmonised classification.

In your letter you refer to a German proposal for a restriction on bisphenol A and structurally similar bisphenols due to endocrine disrupting properties for the environment. The German restriction dossier is planned for submission to ECHA on 7 October 2022. The Commission is not involved at this stage of the restriction procedure. Once the restriction dossier has been submitted by the German authorities to ECHA, and the conformity of the dossier with the requirements under REACH has been confirmed by RAC, a public consultation will be launched. As usual, the consultation will be announced on ECHA's webpage.

As a conclusion, the Commission welcomes your efforts to replace harmful substances in the manufacture of leather products and strongly encourages submitting information about impacts and alternatives in the public consultation during the restrictions dossier development and subsequently in the opinion development phase. This information is crucial to decide on the appropriateness of restrictions and derogations and for establishments of transitional periods.

Yours sincerely,

Giuseppe CASELLA
Head of Unit