



Fecc
EUROPEAN ASSOCIATION OF
CHEMICAL DISTRIBUTORS

EU Consultation: ECHA's proposal for the implementation of the reporting requirements of the microplastics restriction under REACH

European Association of Chemical Distributors (Fecc)

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Fecc acknowledges the consultation on **ECHA's proposal for the implementation of the reporting requirements of the microplastics restriction under REACH** ([link](#)) and welcomes the opportunity to provide input. In this consultation we would like to raise the following points:

1. In 2023 the Commission put a restriction on "Synthetic Polymer Microparticles" (SPM) into force, laid down in entry 78 of Annex XVII of the REACH Regulation, as introduced by Commission Regulation (EU) 2023/2055 (COM 2023). The restriction entails a ban on the placing on the market of all polymers that meet the SPM definition unless their specific use is derogated from the ban. Derogations from the ban on the placing on the market for certain cases exist where using the SPM or the product containing them does not release SPM, or those releases can be prevented/minimised; or to avoid overregulation of certain uses and sectors. For those derogated uses the restriction lays down requirements for suppliers to provide instructions on how to handle and dispose the (SPM in the) product to prevent or minimise the SPM loss to the environment (the Instructions for Use and Disposal –"IFUD") and for reporting to ECHA on estimated environmental release of SPM, to monitor the effectiveness of IFUD and the restriction in general.
2. The definition of SPM refers to polymers with certain properties (solid, insoluble, non-biodegradable and synthetic). As additional conditions, the corresponding polymer(s) must be part of a particle with certain dimensions. Only those solid, insoluble, non-biodegradable and synthetic polymers that make up at least 1% by weight of particles with the corresponding dimensions or form a continuous surface coating on these particles are to be regarded as SPM and only this polymer content is to be taken into account in the quantification and reporting obligation.
When assessing whether a mixture is subject to the SPM restriction, the 0.01% limit specified in paragraph 1 applies. When assessing whether this limit value of 0.01 % is exceeded, the sum of the solid, insoluble, non-biodegradable and synthetic polymers that are part of a particle with the specified dimensions (i.e. SPM in a particle) must be taken into account. Non-polymeric components of the particles and polymers that do not fulfil the SPM criteria do not have to be taken into account for reporting.
3. Reporting by CAS name and number is not feasible due to confidentiality concerns. Instead, generic polymer identities are communicated across the supply chain, which is sufficient for legal requirements and emission reporting. Both CAS number and individual substance based reporting would be too detailed level of reporting. In addition, especially for suppliers who are obliged to report on products for professional or consumer use this requirement would bring a disproportionate burden technically and in general. More appropriate would be that the reporting should not be done by substance but by SPMs substances family, and there should be a pick-list also in this part of reporting.

We are proposing to use “naming” only, based on the HS Code language, since we want to avoid confusion with the primary use of HS codes for customs and taxation purposes which are often driven by non-chemically-related requirements.

Example of generic SPM list proposal:

- Polymers of ethylene
- Polymers of propylene or other olefins
- Polymers of styrene
- Polymers of vinylchloride
- Fluoropolymers
- Other halogenated non-fluoro polymers
- Polymers of vinyl acetate
- Polyvinyl alcohol
- Other vinyl polymers
- Acrylic Polymers
- Polyacetals, other polyethers and epoxide resins
- Alkyd resins
- Allyl polyesters and other polyesters
- Polycarbonates
- Polyamides
- Amino resins, phenolic resins and polyurethanes
- Silicones
- Petroleum resins, coumarone-indene resins, polyterpenes, polysulphides, polysulphones
- Cellulose ester, modified cellulose ester, modified cellulose
- Chemically Modified Natural polymers
- Synthetic rubber
- Rosin acids, and derivatives (thereof rosin spirit, rosin oils, run gums)
- Others Any polymer which cannot be assigned to other groups

The notification should not be done by substance but by SPMs substances family.

4. In compiling the guidance for this specific restriction, it should be taken into account that many companies are not familiar with the legal entity concept under EU chemical legislation and might find it impossible to read hundreds of pages to find correct answers to their questions. So, optimally a practical and stand-alone guidance would be most user friendly.
5. It remains unclear how suppliers of finished products can combine reporting of different polymers and different uses in one dossier. To the extent we are familiar with IUCLID it will be extremely complicated and fully impossible task for a small business in commerce.

6. The emission estimation of SPMs is based on two use-specific emission scenarios:

- Emissions from use processes. The estimation of environmental emissions from a substance life-cycles is part of the risk assessment during the REACH registration process. Default exposure scenarios / environmental release categories (ERC) exist, that can be revisited by developing more realistic emission scenarios with revised environmental release factors (i.e. factors expressing the fraction of the amount of chemical used that is emitted to air, soil, or water). In this regard, downstream user associations, such as the Association of the European Adhesive & Sealant Industry (FEICA) and the European Federation for Construction Chemicals (EFCC) have developed specific environmental release categories (SPERCs) that have been published as part of the downstream user use map approach under REACH (e.g. Reihlen et al., 2016, Tolls et al. 2016). The publication of SPERCs include a thorough background documentation that demonstrates a broad applicability domain as well as its conservative approach by deriving realistic emission estimates. The SPERC elements are documented on the ECHA webpage under the use map library (ECHA 2024). The first aspect of the E-calc_SPM is the application of the SPERCs emission scenarios' release factors into the environment.
- Further reduction of emissions by wastewater treatment. The SPERCs release factors reflect the generic emission after use in each life cycle step, i.e. without the consideration of further risk management. Therefore, a potential emission reduction by sewage and subsequent sludge treatment is assessed as the subsequent aspect of the E-calc_SPM concept. The retention of SPM depends on the type of sewage treatment and the size of the SPM investigated. The RAC reported mean SPM wastewater treatment retention factors between 80-99.2%, depending on the type of treatment (RAC 2019). In addition, country specific data from on the proportion of wastewater treatment per country and sludge disposed of via different routes: agriculture/horticulture, landfill, and incineration, has been assessed. Based on these data a weighted average fraction has been calculated for wastewater treatment connectivity in the EU and the fraction of sludge that may enter the environment as landfill e.g. in agriculture. The calculation is based on the population per country and the country specific attribution to wastewater treatment and sludge incineration vs. landfill. The EU sewage sludge directive (Council Directive 86/278/EEC) sets narrow limits for the use of industrial sludge in landfill and agriculture. For industrial uses it has therefore been assumed that it will normally be incinerated completely by default. In practical consequence, the emission of sludge to agriculture is continuously decreasing.s

7. The commission wants to help SMEs therefor tools like IUCLID are inappropriate for non-experts. Fecc highlights the importance of a simple and automated submission platform along with the need for early availability of system specifications to allow industry preparation. The report could be done in the plant permit that already request volatiles and down the drain emissions.

The calculation of emission estimations needs to be simple and manageable for non-experts

Fecc is the association that represents chemical, food, and active pharmaceutical ingredients distributors, most of which are SMEs. We believe that sustainability and an integral regulatory framework go hand-in-hand. Consistency between internal and external policies should be achieved to improve the international standing of the EU, strengthen the credibility of our values and actions, and most importantly, improve the protection of the environment globally. We would be happy to engage further with the Commission to address climate change – a global problem that needs global solutions.

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