

EFCC Position on the ECHA proposal for a restriction on intentionally added microplastics

EFCC, based in Brussels, is the European Federation for Construction Chemicals and since 2007 is the European Association representing, directly or indirectly, more than 130 Companies in the Construction Chemicals sector.

Construction Chemicals deals with all those chemicals and all related applications which find utilization in the Construction Industry, from admixtures for concrete, to mortar systems, to flooring applications, to sealants & adhesives, to waterproofing systems, to anticorrosion agents and many other additives & solutions aimed at improving performances, durability, energy efficiency and overall sustainability in the Construction applications.

The global Construction Chemicals market size is valued at approx. 40 billion Euro and the European market of Construction Chemicals is the second largest one with a value of approx. 10 billion Euro

Background

Following a request from EU Commission, ECHA issued in January 2019 an Annex XV Restriction Report regarding a proposal for a restriction on intentionally added Microplastics.

How Construction Chemicals can be affected

According to the definition of microplastics, there are materials used in the Construction Chemicals Industry which fall under the ECHA's definition. Various polymeric fibres and polymeric surface-coated fillers are largely used in Construction Chemicals products addressed to reinforced concrete or polymer-modified concrete for several applications like flooring, roofing, lightweight applications, complex concrete elements and others.

However, those polymeric ingredients of construction chemicals products do not fall under the restriction because they fall under the exemptions (5b and 5c) which state that restriction does not apply both to (5b) "*substances or mixtures containing microplastics where the physical properties of microplastics are permanently modified when the substance is used*" and to (5c) "*microplastics which are permanently incorporated into a solid matrix when used*"

Therefore, the above Construction Chemicals products can continue to be placed on the Market.

On the other hand, according to the ECHA's proposal, they are subject to measures like labelling, communication and annual reporting requirements.

EFCC Position on the ECHA's proposal for restriction

As European Federation for Construction Chemicals, EFCC considers Sustainability as a key part of our strategic view and of our values. Therefore, EFCC acknowledges the ECHA's intention to address risks related to the release of microplastic into the environment.

However, EFCC sees a number of critical and non-appropriate aspects in the ECHA proposal.

In particular:

- Definition of microplastics is generic and too broad. Such a definition looks difficult to be understood and then to be implemented in a way consistent with the objective of the whole proposal. A more focused scope specifically targeting well identified substances/uses at high risk would make the proposal more viable.
- There is no precise “identification of the hazard” and no precise “identification of substances” according to the rules of the REACH regulation and this leads to the fact that the proposed measures don't follow the principles of the REACH regulation
- Lack of proportionality and effectiveness: measures should be substance-specific and context-specific (composition, shape, origin, pathways, etc.) while the proposal shows non-targeted general obligations and too wide scope for not well-defined polymers
- The proposed concentration limit (0.01% w/w) of the concerned particles is lower than the limit (0.1% w/w) applied to PBT and vPvB substances, even though ECHA considers microplastics just “persistent”. Therefore, that proposed limit looks inappropriate and inconsistent with existing regulation.
- Water solubility should be included in the criteria to define microplastics: since the target of the proposal is focused on solid particles, water soluble polymers should be clearly stated as out of scope of the restriction.
- According to the precautionary principle, the assessment of the scientific risk should be based on the best scientific data available, but the concerned proposal doesn't fulfill the standard of evidence and reliability required
- The reporting requirements introduced by the ECHA's proposal look disproportionate, inappropriate and not applicable. Construction Chemicals products falling under exemptions 5b-5c would be forced to submit annual reports on products which are already exempted, without any added value to environmental protection. Moreover, due to the high complexity of the supply chain in Construction Chemicals (where players do not have sufficient info on polymers to be reported) and to the broad/insufficient definition of microplastics, such a reporting would be strongly affected by double and triple counting. Furthermore, reporting those data (CBI) should fully comply with EU competition law and requires strict confidentiality safeguards. At the end, such a reporting requirement would result in heavy additional administrative burden without producing any reliable statistics and any additional contribution to environmental protection.