



Interpretation of Entry 50-5 of Annex XVII of REACH

ELT derived material applications

Presented to the 19th Meeting of the CARACAL on 13.11.2015



REACH Annex XVII Entry 50 -5

*5. Articles shall not be placed on the market for supply to the general public, if any of their rubber or plastic components that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use, contain more than 1 mg/kg (0,0001 % by weight of this component) of any of the listed PAHs.

Such articles include amongst others:

- sport equipment such as bicycles, golf clubs, racquets
- household utensils, trolleys, walking frames
- tools for domestic use
- clothing, footwear, gloves and sportswear
- watch-straps, wrist-bands, masks, head-bands

*1. By way of derogation from paragraphs 5 and 6, these paragraphs shall not apply to articles placed on the market for the first time before 1st December 2015.

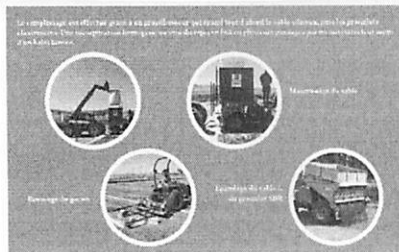
2 - What does entry 50 of annex XVII refer to?

Entry 50 of REACH annex XVII refers to a group of 8 PAHs:

- Benzo(a)pyrene (BaP) - CAS No 50-32-8
- Benzo(e)pyrene (BeP) - CAS No 192-97-2
- Benzo(a)anthracene (BaA) - CAS No 56-55-3
- Chrysene (CHR) - CAS No 218-01-9
- Benzo(b)fluoranthene (BbFA) - CAS No 205-99-2
- Benzo(j)fluoranthene (BjFA) - CAS No 205-82-3
- Benzo(k)fluoranthene (BkFA) - CAS No 207-08-9
- Dibenzo(a, h)anthracene (DBaHA) - CAS No 53-70-3



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- **Rubber infill** is a construction material only supplied to professional artificial turf installers, as part of the building and is not sold to the general public.
- **Rubber tiles/mats** can be divided in stable-, roof- and gallery tiles, fall damping tiles. Stable-, roof- and gallery tiles are only supplied to professional installers like contractors



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“placing on the market for supply to the general public”

2 interpretations are suggested by EU COM for

1. The restriction on “placing on the market for supply to the general public” does not cover cases where tiles/mats used in public playgrounds and synthetic turf used on artificial sports fields, both made from recycled tyres, are merely made accessible (and not sold) to the public.
2. The restriction on placing on the market for supply to the general public covers the supply of tiles/mats used on public playgrounds and synthetic turf used on artificial sports fields, both made from recycled tyres.

→ ETRMA's view is that the first interpretation is the most appropriate

Also based on the minutes of the CARACAL meetings: “SE proposed to replace the whole term by ‘foreseen to be used by general public’. COM indicated that changing the wording would entail the risk to include many professional and even industrial products, which would not be proportionate in the context of a measure the main target of which are consumers (general public).”



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Articles or mixtures?

Synthetic turf and rubber tiles/mats:

ETRMA fully supports the legal analysis presented by the EU COM (see CARACAL CACS/40/2015 document (9/11/2015)): *"buildings do not constitute "articles" for the purposes of Article 3(3) - so long as they remain fixed to the land on which they stand. The same applies to other large structures such as bridges. Smaller objects affixed to land such as garden swings or garden statuary are probably to be treated in the same way. However, once again, if the objects are removed, then they constitute "articles".*

*Insofar as synthetic turf and rubber tiles/mats that are permanently fixed are considered part of the facility or premises where they have been laid, arguably they will **not be "articles" for the purposes of entry 50 of Annex XVII.***

Rubber infill used in synthetic turf should be considered as **mixture** under REACH, and it will fall within the scope of entry 28 of Annex XVII which imposes a limit of 0.01% for benzo(a)pyrene and dibenz(a,h)anthracene and of 0.1 % for other PAHs classified as Carc 1B.



NO DEMONSTRATED HEALTH IMPACT

No evidence of demonstrated health concern

- **Shock-absorbing surface** - A 2015 re-assessment of the risk, taking the ECHA comments on migration into account, was conducted using BaP as a marker. It showed that PAH exposure for young children is well below the lowest value of the Derived Minimal Effect Level (DMEL) proposed by ECHA (5 - 550 pg BaP/kg bw/day).

Reference: 2015, Dr. J. Van Rooij, European Registered Toxicologist, Ceasar Consult B.V., DETAILED HEALTH RISK ASSESSMENT – CHILDREN PLAYGROUND, Reassessment of PAH exposure among children from granulate/tiles of end of life tyres. Annex I of ETRMA Factsheet (dated 28/10/2015)

- **Synthetic turf fields** - A human volunteer study provides evidence that dermal PAH uptake through the skin of football players active during 2 hours play on synthetic turf fields with rubber infill is minimal. This validated study showed that despite the use of a sensitive biomarker (1-hydroxypyrene in urine) **no significant PAH uptake could be measured.**

Reference: Joost G. M. van Rooij & Frans J. Jongeneelen. Hydroxypyrene in urine of football players after playing on artificial sports field with tyre crumb infill. Int Arch Occup Environ Health (2010).

From a public health perspective there is no clear evidence nor scientific justifications of the need to incorporate synthetic turfs and shock-absorbing surfaces in the scope of the PAHs restriction (REACH Annex XVII 50.5)



URGENCY of CLARIFYING SCOPE of ENTRY 50-5

- Municipalities and local authorities are the most important customers for those applications and are currently renewing their (annual) public tenders for 2016.

ECHA/EU COM should urgently:

- Clarify that the scope of Entry 50.5 does not apply to synthetic turf / artificial sport grounds and shock absorbing surfaces.
- Provide a clear definition of prolonged or short-term repetitive contact with human skin or oral cavity for other applications which might fall under the scope of Entry 50-5.



URGENCY of CLARIFYING SCOPE of ENTRY 50-5

PREMATURE INFO

INFORMATION IS ALREADY CIRCULATING. NEED TO ACT NOW!!!

Source: So.FteR news "Are you ready for the new REACH restriction?"



New REACH restrictions on PAH to come into effect in December: are you prepared?

Please contact us for more information on our products.

The new limits on PAH content will also apply to granules for the use of artificial turf SO.F.T.E.R. infill products, always ensuring maximum safety, already comply with these new norms.

On December 31, 2015, the European Regulation n° 1273/2013 will enter into force. After this date it will no longer be possible to manufacture or market inside the territory of the European Union products with a PAH (Polycyclic Aromatic Hydrocarbons) content in



NEED TO APPLY A RISK-BASED APPROACH

EU legislator needs to find a **balance between circular economy goals and the environmental goals of REACH** and to work for a long term solution which guarantees the sustainable use of secondary raw materials in the economy by adopting a RISK-BASED approach.