

(GROW)

From: @etrma.org on behalf of - ETRMA >etrma.org>
Sent: 08 December 2015 13:38
To: (GROW)
Cc: - ETRMA'; (GROW)
Subject: PAH restriction
Importance: High

Dear

Following our discussion earlier this morning, we went back to the ECHA guidance on “waste and recovered substances” . It provides an indication of how “recovered aggregates” should be considered within REACH. Specifically, if the physical properties of the rubber granulates might prevail on the chemical composition, the material should be considered as an article; however, the non-applicability of REACH Annex XVII.50 to buildings/infrastructures remains valid and, consequently, it does not apply to rubber granulates when they are used in synthetic turf or shock absorbing surfaces. ETRMA does not understand on which basis the Commission interpretation of question B in CACS/40/2015 - has been challenged. Should that interpretation not being confirmed, entry 50 of Annex XVII might be also applied to roads, challenging the use of ELTs in other applications such as asphalt rubber.

ETRMA understands and supports the interpretation of the definition of article as presented in the CACS/40/2015 (ref. question B). Specifically, synthetic turf and shock absorbing surfaces are intended to remain fixed on the land on which they are installed as part of a building/infrastructure and therefore they are not “articles” for the purposes of entry 50 of Annex XVII.

Rubber infill : when considered as mixtures, obligation from entry 28 of Annex XVII would apply.

The question about coating is not bringing clarity to our understanding and should only be considered after the legal framework has been clarified (i.e. legal interpretation of question B). It should also be kept in mind that:

- To our understanding coating practices are limited to certain rubber recyclers;
- “coating” is not defined and the use of such argument has been already challenged by authorities

So from what we see, not only Member States are split, so is industry. The question is: beyond the European Commission (who knows and understands), how much Member States understand the complexity coming from REACH? Wishing you good luck and all the best. Your job is not easy.

Thank you for your attention.

Best regards

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