Kosmetik & Hygiejne Branchen

Copenhagen, September 2019

The Danish Association of Cosmetics and Detergents comments on REACH Annex XV restriction report on intentionally added microplastics

In addition to the A.I.S.E. submissions made, which we fully support, we would like to make the following remarks from our national perspective on microplastics in detergents.

Definition
We believe that the proposed definition lacks a clear identity of the substance(s) that are covered by the restriction. Furthermore, the proposal doesn't account for the risks of the substances included in the scope and the current draft restriction report does not priorities the solid polymers posing the highest potential risks. The current proposed definition is not clear enough and too broad.
For example, the result of the current proposed restriction will affect all polymers irrespective of their effects in the environment.

We believe that the proposed draft restriction equates solid polymers particles below 5 mm and microplastic due to their supposed persistency. The ECHA Annex XV restriction report states that '*The intent of the proposed restriction is not to regulate the use of polymers generally, but only where they meet the specific conditions that identify them as being microplastics*'.

All plastics are polymers, but not all polymers are plastic including microplastic. The ECHA Annex XV restriction report does not argue or provide a clear evidence supporting the above assumption.
We encourage ECHA to include or consider the international definition for plastic (ISO 472) and the upcoming definition on microplastic by ISO/TC 61/SC 14/WG. The ISO definition '*Solid plastic particles insoluble in water with any dimension between 1 m and 1.000 (=1 mm) and solid plastic particle insoluble in water with any dimension between 1 mm and 5 mm'* have not been considered in the proposed definition.

We believe that the current propose definition has the potential to target hundreds of polymers and substances that are not linked with plastic. For example, modified cellulose particle is considered a microplastic according to the proposed definition.

Furthermore, we believe that microplastic should be defined in terms of plastic, or otherwise more narrowly defined in terms of the properties which potentially cause the concern.

Given these considerations and arguments we support A.I.S.E definition of microplastic particles:

Microplastic particles: water-insoluble solid plastic particles with a size less than 5 mm that can be found as aquatic litter.

Reporting obligations
Substances and materials covered by derogation 5B (Soluble and film forming) will have to report uses, identities and quantities of microplastics. We believe that the reporting requirement will result in significant burden for economic operators that will have to report and potentially label a very high number of products.

We also believe that the reporting obligation could be considered as a "blacklist" by customers and thereby create a 'black list' effect. The reporting obligation will affect substances negatively and ban substances indirectly.

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A database containing detailed information on the polymer identity will be very complex. We believe that the complexity of the database is underestimated and thereby the cost for ECHA and the industry is underestimated.

Given these considerations, we believe it would increase the effectiveness and proportionality of the proposal if the reporting obligation would be entirely left out of the proposal.

Derogations for biodegradable polymers
We support the comments made by A.I.S.E. regarding the tiered approach and biodegradation criteria and the derogation for biodegradable microplastics in the proposal.
It will take significant time to develop potential alternatives and to provide evidence that the alternatives meet the biodegradation derogation criteria and other product requirements. This means that it could take several years to evaluate one potential alternative ingredient, and longer time for complex changes and multiple products.

Given these considerations, we urge ECHA to consider longer transition periods as more time is needed to find suitable alternatives. A 10-year transition period would be more reasonable to be able to fully reformulate target products.