

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 Cosmetics Europe submissions, which we fully support, we would like to make the following remarks from our national Danish perspective on microplastics on in cosmetics and personal care products.

General remarks

In general, we support the view that REACH is the most appropriate regulatory tool to address the issues and risk that intentionally added microplastics potentially pose to the environment. However, as the restriction proposal is presented it is not in line with the REACH requirements. It is highly disproportionate when it comes to the economic impact on the cosmetics industry and the assumptions on the impact on SME is highly underestimated. In addition, the definition of microplastics in the proposal is too broad and includes substances which are not plastics and does not contribute to the plastic litter issue.

Impact on SME's

Approximately 88 percent of our industry are SME's. A vast majority of our SME members are not entirely focused on producing "organic" or "natural" products. Our assessment is therefore that a restriction as laid out in the proposal by ECHA would have far reaching socio-economic impact on SME's. Which is in sharp contrast to what ECHA estimates in the proposal.

Lack of proportionality

We don't find that ECHA in the proposal demonstrates an unacceptable risk to microplastics. The persistency of the material does not equal a risk to the environment. Therefore, any restriction on cosmetics leave-on products are far from being a proportionate measure. ECHA estimates that 79,3 percent of the costs of the overall restriction will be borne by leave-on cosmetics products, yet the proposal states that leave-on cosmetics products are estimated to be 2 percent of the overall emissions of intentionally added microplastics. That is a highly disproportionate and is not in line with ECHA requirements. Therefore, we call ECHA to exempt all leave-on cosmetics products from the restriction and to extend the transition periods for the other uses in the rinse-off category.

Too broad definition

ECHA proposed approach to regulate a generic group based on a broad definition is not in line with the REACH and the way the precautionary principle should be applied. The proposed restriction on microplastics is based on a generic definition of polymers which is too broad to target the issue of relevance. Therefore, ECHA should clearly identify a list of eligible polymers to the restriction through relevant, workable and enforceable criteria. We support the scientifically based definition of microplastic particles which targets the plastic litter issue: water insoluble solid plastic particles with a size less than 5 mm that can be found as aquatic litter.

