



EURATEX and CIRFS response to ECHA SEAC public consultation_REACH restriction on intentionally added microplastics

EURATEX, the European Textile and Clothing Confederation, and CIRFS, the European Man-Made Fibres Association, wish to reiterate its considerations for the ongoing REACH restriction on microplastics.

1) Articles cannot be restricted under REACH

Once again we strongly stress that fibres fall under definition of articles that “during production are given a special shape, surface or design which determines its function to a greater degree than its chemical composition” (ECHA Guidance on requirements for substances in articles, Version 4.0; June 2017 and Article 3 of REACH). Considering Article 67(1) of REACH, a restriction can apply to substances on its own, in a mixture or in an article that are manufactured, placed on the market or used.

Therefore, fibres are neither substances nor mixtures. They are articles and cannot be subject to a REACH restriction.

Point 2.1.1.10. on polymer fibres used in concrete and adhesive reinforcement in the RCOM document argues that fibres are still to be considered as substances, however, points out that in case fibre-like microplastics are articles, the wording of the restriction shall be amended to include fibres in the scope. This statement reflects the ambiguity on the issue and even more so reinforces the idea that fibres are clearly articles and changing of the wording as a method to include it in the scope is not appropriate.

2) Clarification for derogation on professional and consumer use

Nevertheless, under the alternative assumption of the legality of the scope regarding fibres, we ask for clarification for derogation on professional and consumer use. In our previous comments, we argued for derogating professional use, just as industrial, since it is also necessary to mix short fibers in concrete on the construction site. Company evidence suggest that these short fibers are packed in “soluble” bags which means that they do not need to be opened before they are put in the mixer. This company reasons its switch to soluble packaging for professional/consumer uses to avoid the release of microplastics in the environment.

We understand that professional use is now exempted from the restriction based on wording in paragraphs 5a and 5c; the former addresses *non-industrial professional or consumer settings*, while the latter describes conditions of derogating microplastics in materials used in *construction (concrete and adhesive) as well as any necessary preceding steps (e.g. mixing before the matrix becomes solid)*. This clearly reflect the scenario described above when soluble bags with short fibers are only open right before putting it in the mixer. In addition, both professional and industrial users are trained in

handling the products and are subject to same regulations on products used and specific occupational health and safety measures.

We also understand that the use in consumer settings has been derogated by adding “during end use” in paragraph 5c as explained in the RCOM-document on page 25 saying “The term end use was introduced to clarify that these derogations are intended when microplastics are present in substances/mixtures used by consumers and professionals.”

Addition of short technical fibres in different applications has many societal benefits: durability and safety of buildings, use as thickening agents instead of other alternatives which may form dust; mitigation of noise in automotive components. Technical short fibres are also used sparsely due to high costs. For more explanation on the benefits of short fibres, please refer to the Textil+Mode contribution (part 4).

For full clarity on this issue, we welcome a confirmation and/or clarification in Q&A that both *professional and consumer use* of short fibers indeed falls under derogations 5a and 5c.

3) Challenges to enforcement

Current technologies to detect short fibres are still immature and costly, particularly for the SMEs. Company evidence suggest that a device may cost up to €250 000 while cut off detection limit of 0.2 mm in length makes the restriction for fibres very challenging to enforce.

4) Appropriate labelling and reporting

Paragraphs 7 and 8 of the proposed restriction set certain reporting and labelling obligations for distributors and users of microplastics. Currently, the level of required information might be complex for many small and medium sized enterprises.

To make these labelling and reporting obligations manageable by companies, it is important to consider any confidential business information. We suggest having a symbol as a label and notification for the polymer group.

For consumers, it is sufficient to indicate whether the product is PP, PE or PAC. Anything more detailed than that, for example percentage composition or sub-groups, would not be useful nor recognized by consumers and would also breach confidential business information as the exact composition of fibres and microplastics is usually a trade secret. Therefore, indicating a polymer group would be sufficient enough to determine the quantities of microplastics in different industries and in which products they are used.