Comments on the SEAC draft opinion and specific information requests

## Specific information requests

1. RAC’s evaluation of the Dossier Submitter’s proposal (see [draft Background Document](https://echa.europa.eu/documents/10162/e592006a-b84a-c22a-c8c7-1e7b8f04ab80) for details) resulted in several recommendations for revised conditions. Please tell us about the impacts of these recommendations (as detailed in the [RAC opinion](https://echa.europa.eu/documents/10162/b4d383cd-24fc-82e9-cccf-6d9f66ee9089) and briefly summarised below):
   1. RAC’s recommendation for appropriate test methods and pass criteria used to identify **biodegradable polymers** (derogated under paragraph 3b), including any impacts on the availability of alternatives within the transitional periods proposed in paragraph 6. Please provide supporting evidence.
   2. RAC’s preference for a **ban on the placing on the market of infill material** (meeting the definition of a microplastic) for synthetic turf sports pitches after a transitional period of six years. Specifically, will alternative synthetic turf systems that meet relevant performance standards be available in sufficient quantities for all types of pitches by the end of the six-year transitional period proposed? How many pitches would need to be replaced before the end of their expected lifetime and what would the impacts of such a replacement? Furthermore, is there evidence to suggest that indoor artificial pitches should be treated differently from outdoor pitches? Please provide supporting evidence.
   3. The RAC opinion refers to a **“hybrid restriction option”** that would allow existing pitches using artificial turf with infill material meeting the definition of a microplastic to continue to be used beyond the introduction of the ban until the end of their useful life (as long as risk management measures were introduced). What would be the impacts of such a ‘hybrid’ restriction option? Please provide supporting evidence.
   4. RAC’s recommendation that a **lower size limit for a microplastic is not strictly necessary** as part of the conditions of a restriction as compliance/enforcement can be achieved by non-analytical means (such as via supply chain certification). Please tell us about the practical implications of this recommendation, including the costs and compliance as well as current analytical barriers for microplastics <100 nm. Please tell us whether setting a lower size limit would be justified for compliance/enforcement reasons. Please provide supporting evidence.
   5. RAC agreed with several other revisions to the conditions of the restriction proposed by the Dossier Submitter (as reflected in the Background Document); including a clarification of the conditions to define natural polymers, a derogation for soluble polymers,…. What are the impacts of such changes? Please provide supporting evidence.
2. Any uses of microplastics that are not specifically identified in paragraph 6 of the proposal would be subject to the conditions of the restriction without any transitional period. Please tell us about the impacts of the proposed restriction on **any uses not specifically identified and assessed by the Dossier Submitter**, including appropriate transitional periods (please refer to the background document). For example, the consultation highlighted that the supply of (bulk) ion exchange resins to consumers/professionals could be affected, as could various uses in fashion, arts, crafts or as toys (e.g. play sand). Information on any relevant uses of **inorganic polymers** should also be provided.
3. The Dossier Submitter has proposed a transitional period of six years for **substance-based medical devices** on the basis that the potential and timeline for substitution in these products is comparable to cosmetic products. Substance-based medical devices includes certain toothpastes, denture adhesives and products used for sun protection regulated under the Medical Devices Regulation (EU) 2017/745 rather than the Cosmetics Products Regulation (EU) 1223/2009. Please tell us about the impacts of the proposed ban, as well as of the six-year transitional period. Please indicate whether there are significant differences (function of microplastics, level of performance required for the product,…) between such substance-based medical devices and cosmetic products. Please tell us if you believe that a different transitional period would be justified, with supporting evidence.
4. The Dossier Submitter has proposed transitional periods of either five or eight years for the encapsulation of fragrances in detergents, cosmetic products or other mixtures. We welcome additional information (i.e. which has not already been provided in the previous consultation or call for evidence) on the suitability of these proposed transitional periods, including the timeline for developing alternatives, reformulating products and any other relevant issues affecting the time needed to comply with the proposed restriction.
5. Paragraph 7 of the proposal describes a requirement (24 months after entry into force of the restriction) to provide relevant **‘instructions for use and disposal’** for certain uses derogated from the ban on placing on the market. The proposal was revised by the Dossier Submitter during opinion-making in response to information submitted in the consultation (see [background document](https://echa.europa.eu/documents/10162/e592006a-b84a-c22a-c8c7-1e7b8f04ab80)). Please tell us about the practical implications of this revised requirement as well as the resources (including costs if possible) needed to comply with it? For example, please provide information about the supply chains, processes and number of actors that could be affected by this requirement as well as expected costs and other relevant impacts.
6. Paragraph 8 of the proposal describes a requirement (36 months after entry into force of the restriction) to **report information on uses and releases** of microplastics for certain uses derogated from the ban on placing on the market. The proposal was revised by the Dossier Submitter during opinion-making in response to information submitted in the consultation (see [background document](https://echa.europa.eu/documents/10162/e592006a-b84a-c22a-c8c7-1e7b8f04ab80)). Please tell us about the practical implications of the revised requirement as well as the resources needed (including the costs) to comply with it, including the potential for joint sectorial submissions? Please provide information about the supply chains, processes and number of actors that could be affected by this requirement as well as expected costs and other relevant impacts.

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| **Ref.** | **Date/Name/Org.** | **Comments** |
| **510** | **Date/Time:** 2020/07/17 13:02  **Type:**  BehalfOfAnOrganisation  **Org. type:**  Industry or trade association  **Org. name:**  The Football Association of the Czech Republic, The Association Builders of Football Pitches with artificial grass, JUTA a.s.  **Org. country:**  Czech Republic  **Attachment:** | **Comments on the SEAC draft opinion:**  This document reflects the general attitude of the below-mentioned associations and companies towards the microplastics issue and the consecutive possible ban on polymer infill used for artificial turf football fields.  The Football Association of the Czech Republic  The Association Builders of Football Pitches with artificial grass  JUTA a.s. |
| **SEAC Rapporteurs response:** |
| **511** | **Date/Time:** 2020/07/20 10:59  **Type:**  BehalfOfAnOrganisation  **Org. type:**  Company  **Org. name:**  Pro Farm Technologies Oy and Marrone Bio Innovations, Inc.  **Org. country:**  Finland | **Comments on the SEAC draft opinion:**  Agricultural and horticultural products are known to contribute to the deliberate direct release of microplastics to the environment. Some of these solid, persistent or synthetic polymeric microparticles are associated with potential environmental and human health risks posed by merely the physical state and size of the particles independently on their chemical composition. While a regulation regarding restriction or substitution of all these micro-products would represent a considerable decrease on hazards in general, other important aspects of the agronomical context would be adversely affected in case of unnecessary over-regulation.  The agronomical inputs market includes products utilized as seed coating. Lower environmental release of total inputs (which have their own hazards) due to lower and more precise applications rates compared to soil or foliar applications provides strong support for encouraging and supporting industry to use seed treatments as a preferable application method of inputs such as pesticides and fertilizers. However, small amounts of polymers are often included in seed coatings to facilitate even coating, and polymer applied coating in this context would be considered as a microplastic and therefore listed to be restricted. This type of restriction on polymers will setback seed treatment technology and potentially lead to unnecessarily higher use rates of hazardous substances.  The proposed restrictions on use of polymers, including bio-based polymers, in agriculture will be detrimental to development and implementation of innovative technologies, and may also lead to the withdrawal of well-established agricultural products from the market and weakening of food, feed and fiber production.  Additionally, scientific and technological developments indicate the definition of a hazardous micro-polymer is currently too wide and needs to be reviewed to ensure that suitable exceptions have been considered. Derogations should be allowed for products that are beneficial to environmental sustainability. For instance, natural polymers, which after extraction (other than hydrolysis) or chemical processing no longer qualify to be natural polymers, and are not biodegradable in standard testing are likely to be biodegradable when planted on a seed where soil microbes and plants metabolise them. This is particularly likely when the polymers are water soluble.  Following the example of polymers applied in seed treatments, under current guidance, polymers might be interpreted as having created a continuous layer around the seed, leading to a solid polymer coated microparticle, which is also a restricted substance. These type of polymeric microparticles should not be considered as a source of environmental and human hazards when the polymers are water-soluble; as the “solid” state and ”micro”-size properties lose significance when the seeds are planted and ambient soil moisture dissolves the polymer.  For these instances where biologically-based polymers which will not meet the current legal definition of a natural polymer, but which are likely biodegradable in practical use, and in which the overall use pattern of the polymer leads to environmentally sustainable use patterns by reducing the overall total amount of inputs used, we support the inclusion of a derogation for soluble polymers used in agriculture for seed coating, independent of the function and nature of the polymer. |
| **SEAC Rapporteurs response:** |
| **512** | **Date/Time:** 2020/07/20 15:21  **Type:**  Individual  **Country:**  France  **Attachment:**  <redacted> | **Comments on the SEAC draft opinion:**  The Group has a recycling program in France since 1997 and has breached levels of recycling that amongst the best.  Recycling is in the DNA of the Group on an international level: refurbished parts since 1955, elimination of asbestos since 1986, identification of new plastic parts for more than 30 years, ... |
| **Specific information 2:**  Tires cannot only be incinerated; they are a valuable alternative for too many usages (hydrofuge asphalt, soundproofing, astroturf….) |
| **SEAC Rapporteurs response:** |
| **513** | **Date/Time:** 2020/07/22 14:57  **Type:**  BehalfOfAnOrganisation  **Org. type:**  Company  **Org. name:**  DELTA-GOM  **Org. country:**  France  **Attachment:** | **Comments on the SEAC draft opinion:**  DELTA-GOM is a stakeholder in the French tyre recycling sector.  This sector is the EPR sector that obtains the best results in France, as well as in many other European countries.  These excellent results are based on a small, but all virtuous number of recycling methods, they have undeniable environmental advantages, while also providing significant social and economic benefits.  At the forefront of these methods is the use of rubber granulate as a infill for synthetic pitches. This is a perfect example of the circular economy that benefits a considerable number of key players: tyre producers, the businesses in the recycling sector, businesses in the sports and leisure surfaces sector, local authorities, and both professional and amateur football and rugby clubs.  This eco-system allows hundreds of thousands of people, if not millions, to play sport in safety, in any weather conditions, reusing a waste product that is less expensive for society.  This exemplary success is seriously threatened by one of the proposition of the Risk Assessment committee of the ECHA consisting of a ban after a transition period of six years.  This proposition is based on a major misunderstanding: the granulate added to existing synthetic pitches every year is not the result of dispersion into the environment, but for the vast majority that of the logical compacting of the surface under the effect of the repeated footfall of the players. Actual dispersion amounts to only a few dozen kilos per year at most.  The key players in the manufacture and installation of these surfaces are unanimous in their statements that simple, so-called “confinement” technical measures are available to limit this dispersion, and that these measures can be adapted retroactively to existing pitches for very little expense.  The ban would create a catastrophic situation, depriving at least 400,000 tonnes of tyres of any kind of recycling solution in Europe every year. In the short and mid-term, these tyres would have to be incinerated or buried as landfill, thus forming a dramatic step backwards.  To prevent this counter-productive solution, we strongly support the solution that consists in drawing up a standard for the installation of synthetic pitches that includes effective confinement measures, coupled with an obligation to make existing pitches conform to that standard within a period of five years. |
| **Specific information 1:**  There are around 17,000 large-sized artificial turf playing fields in Europe, of which between 75 and 80% are made from tyre rubber granulate.  More than 70% of the synthetic turf installed in France are made in France.  Large synthetic playing fields already correspond to the requirements of several French and European standards, as well as to the regulations of various sports federations:  - NF 90 112: Sports grounds – Unbound mineral surfaces for outdoor sports areas (2016)  - EN 15330-1: Surfaces for sports areas – Synthetic turf and needle-punched surfaces primarily designed for outdoor use - Part 1 (2013)  - EN 15330-2: Surfaces for sports areas – Synthetic turf and needle-punched surfaces primarily designed for outdoor use - Part 2 (2017)  The social and economic advantages of these sports surfaces:  The lifespan of synthetic turf surfaces is estimated at between 10 and 15 years. Their advantages are of an economic, social, and environmental nature.  A synthetic surface is economical: it requires 2 to 3 times less maintenance than natural turf; it does not require mowing, fertilising or plant protection products; every year, it makes it possible to save 3,200 m3 of water from watering (this is the equivalent of an Olympic-size swimming pool).  Tyre granulate is a infill material that is 2 to 5 times cheaper than alternative infill (in reality, this mostly means cork), the specific characteristics of which (friability and buoyancy in particular) require specific, increased maintenance operations that many French municipalities are not able to provide.  Synthetic turf protects the health of the players: the infill can absorb the impacts felt by the players on the field. This shock absorption capacity helps prevent injury and provides trauma safety, all while imitating the sensations of natural turf. On the other hand, replacing granulate by other materials – including organic ones – cannot, at present, guarantee the same game quality and the same physical safety for the players.  Synthetic turf is available for more citizens: it is an excellent alternative to natural turf. A sports surface made from tyre granulate can support intense use, 7 days a week, year-round, regardless of the weather conditions. It can be used for 50 hours a week, versus 6 to 10 hours for natural turf.  This surface does not freeze in winter, and does not dry out in summer, allowing users to play on a surface that guarantees permanent playing comfort.  The availability of synthetic sports surfaces thus makes it possible to offer game-playing slots extended to a wide range of the public every week. Municipalities can thus multiply the sports they offer – an important factor for social insertion and cohesion – and the fulfilment of sports personnel.  In terms of playing time, one synthetic turf pitch is the equivalent of 4 to 6 natural turf pitches.  The truth about the dispersion of granulate:  Contrary to several totally exaggerated statements, annual average granulate loss for a pitch is no more than a few dozen kilos. The figure of 1,000 kg mentioned per year is the result of a misunderstanding. While it is true that on average 1,000 kilos are added to a pitch every year, this is essentially because of the progressive, natural compacting of the granulate by the players.  It should also be noted that if granulate is taken off the pitch by the players on their shoes or socks, it ends up mixed in with household waste and not in the water system. It is thus harmless for the environment.  No truly valid alternative possible:  Replacing synthetic turf with natural turf is not a profitable, feasible or sustainable alternative.  Today there is no truly efficient alternative for rubber infill. Banning this infill would mean banning synthetic turf pitches, resulting in the simultaneous disappearance of the considerable social and economic advantages.  Organic infill such as cork is not a viable alternative because of its incompatibility with the climate and a lack of availability of the product. The cork used as infill is effectively the production waste from high end production applications such as corks for bottles. The quantity available is thus very low. Europe would need 221,000 tonnes/year, or more than 6 times current annual production.  Using cork would mean completely re-doing pitches with specific systems. Furthermore, it would be necessary to replace all the infill every 4 years.  An LCA has shown that the impact on the environment of cork production is high given the need for transport (production is in Portugal), the use of fertilisers, and water consumption.  In addition, 80 hectares of cork oak trees are needed to produce the 40 tonnes of cork used to fill the turf, so the environmental impact of this operation should maybe also be examined. At least, cork collected on cork oak tree is nothing else that its own natural protection in case of forest fire. What would cork oak tree become if forest fire multiply ?  Systems that use sand or no infill at all do not provide the appropriate sports characteristics and can increase the risk of injury from burning. The footholds for the players are not stabilised, which also increases the risk of injury. No solution has been judged to be satisfactory for either sporting performances or the well-being of the players by FIFA.  The social and economic impact of a ban:  France has 4,000 synthetic pitches. The functional and social need for the availability of sports facilities has even accelerated their adoption by local authorities.  On the contrary, banning this type of surface, or reducing the number of hours of use of these pitches, would highlight an already fragile imbalance in certain regions, given the low number of pitches per 10,000 inhabitants. This is notably the case in the Ile-de-France region.  Contractors and consultants, laboratories, specialist constructors, general construction firms, specialist subcontractors (maintenance etc.): in France, more than 5,000 jobs are linked to the synthetic turf industry. Growth in this sector of activity is estimated at 5% a year.  Finally, a ban would create an unsolvable problem for the European end-of-life tyre recycling sector. There would effectively be 400,000 tonnes of tyres that would find themselves with no alternative recycling solution.  The organisations responsible for recycling throughout Europe would have no idea how to process these 50 million tyres other than by incinerating them or burying them in landfill. This would be a dramatic step backwards for one of the rare recycling sectors that works perfectly well all over Europe, with collection and processing rates that are almost 100% of the new tyres sold each year.  In France, the 900 employees of the more than 30 very small businesses in the sector would necessarily feel the impact of this decision.  Bibliography :  • Fleming PR, Forrester SE, McLaren NJ. Understanding the effects of decompaction maintenance on the infill state and play performance of third-generation artificial grass pitches. Proc Inst Mech Eng P J Sport Eng Technol. 2015;229(3):169-182. doi:10.1177/1754337114566480  • https://www.sdab.se/media/1366/teknologisk-institut\_massebalancer-af-gummigranulat-fra-kunstgraesbaner\_marts-2019.pdf  • https://www.ragnsellstyrerecycling.com/globalassets/tyre-company/dokument/lca-konstgrasplaner-gummiasfalt-version-1.4\_2018\_rs.pdf  • https://www.apcor.pt/wp-content/uploads/2019/12/boletim\_estatistico\_apcor\_2019.pdf  • https://labosport.fr/wp-content/uploads/2018/06/Pr%C3%A9sentation-Labosport-Infills.pdf  • https://www.ragnsellstyrerecycling.com/globalassets/tyre-company/dokument/lca-konstgrasplaner-gummiasfalt-version-1.4\_2018\_rs.pdf  • https://www.apcor.pt/wp-content/uploads/2019/12/boletim\_estatistico\_apcor\_2019.pdf  • https://labosport.fr/wp-content/uploads/2018/06/Pr%C3%A9sentation-Labosport-Infills.pdf |
| **SEAC Rapporteurs response:** |
| **515** | **Date/Time:** 2020/07/27 15:25  **Type:**  MemberState  **Country:**  Belgium  **Attachment:** | **Comments on the SEAC draft opinion:**  Find comment in the attached file below |
| **Specific information 1:**  Find comment in the attached file below |
| **Specific information 2:**  Find comment in the attached file below |
| **Specific information 3:**  Find comment in the attached file below |
| **Specific information 4:**  Find comment in the attached file below |
| **Specific information 5:**  Find comment in the attached file below |
| **Specific information 6:**  Find comment in the attached file below |
| **SEAC Rapporteurs response:** |
| **517** | **Date/Time:** 2020/07/29 16:57  **Type:**  BehalfOfAnOrganisation  **Org. type:**  Company  **Org. name:**  Syndicat des Professionnels du Pneu  **Org. country:**  France  **Attachment:** | **Comments on the SEAC draft opinion:**  The Syndicat des professionnels du pneu is the representative organisation of companies providing the distribution and marketing of tyres in France. It currently brings together more than 1,000 companies from independent tyre manufacturers or affiliated to 8 major networks or national brands as well as the major tyre manufacturers, wholesalers and importers and tyre companies specialized online sales. Our association is a platform for exchange and consultation for all the players in the tyre industry in France. The French Association of Tyres Retailers (Syndicat des Professionnels du pneu) is a stakeholder in the French tyre recycling sector.  This sector is the EPR sector that obtains the best results in France, as well as in many other European countries.  These excellent results are based on a small, but all virtuous number of recycling methods, they have undeniable environmental advantages, while also providing significant social and economic benefits.  At the forefront of these methods is the use of rubber granulate as a infill for synthetic pitches. This is a perfect example of the circular economy that benefits a considerable number of key players: tyre producers, the businesses in the recycling sector, businesses in the sports and leisure surfaces sector, local authorities, and both professional and amateur football and rugby clubs.  This eco-system allows hundreds of thousands of people, if not millions, to play sport in safety, in any weather conditions, reusing a waste product that is less expensive for society.  This exemplary success is seriously threatened by one of the proposition of the Risk Assessment committee of the ECHA consisting of a ban after a transition period of six years.  This proposition is based on a major misunderstanding: the granulate added to existing synthetic pitches every year is not the result of dispersion into the environment, but for the vast majority that of the logical compacting of the surface under the effect of the repeated footfall of the players. Actual dispersion amounts to only a few dozen kilos per year at most.  The key players in the manufacture and installation of these surfaces are unanimous in their statements that simple, so-called “confinement” technical measures are available to limit this dispersion, and that these measures can be adapted retroactively to existing pitches for very little expense.  The ban would create a catastrophic situation, depriving at least 400,000 tonnes of tyres of any kind of recycling solution in Europe every year. In the short and mid-term, these tyres would have to be incinerated or buried as landfill, thus forming a dramatic step backwards.  To prevent this counter-productive solution, we strongly support the solution that consists in drawing up a standard for the installation of synthetic pitches that includes effective confinement measures, coupled with an obligation to make existing pitches conform to that standard within a period of five years. |
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