

Actual REACh regulation of using CrO_3 for hard chromium coatings

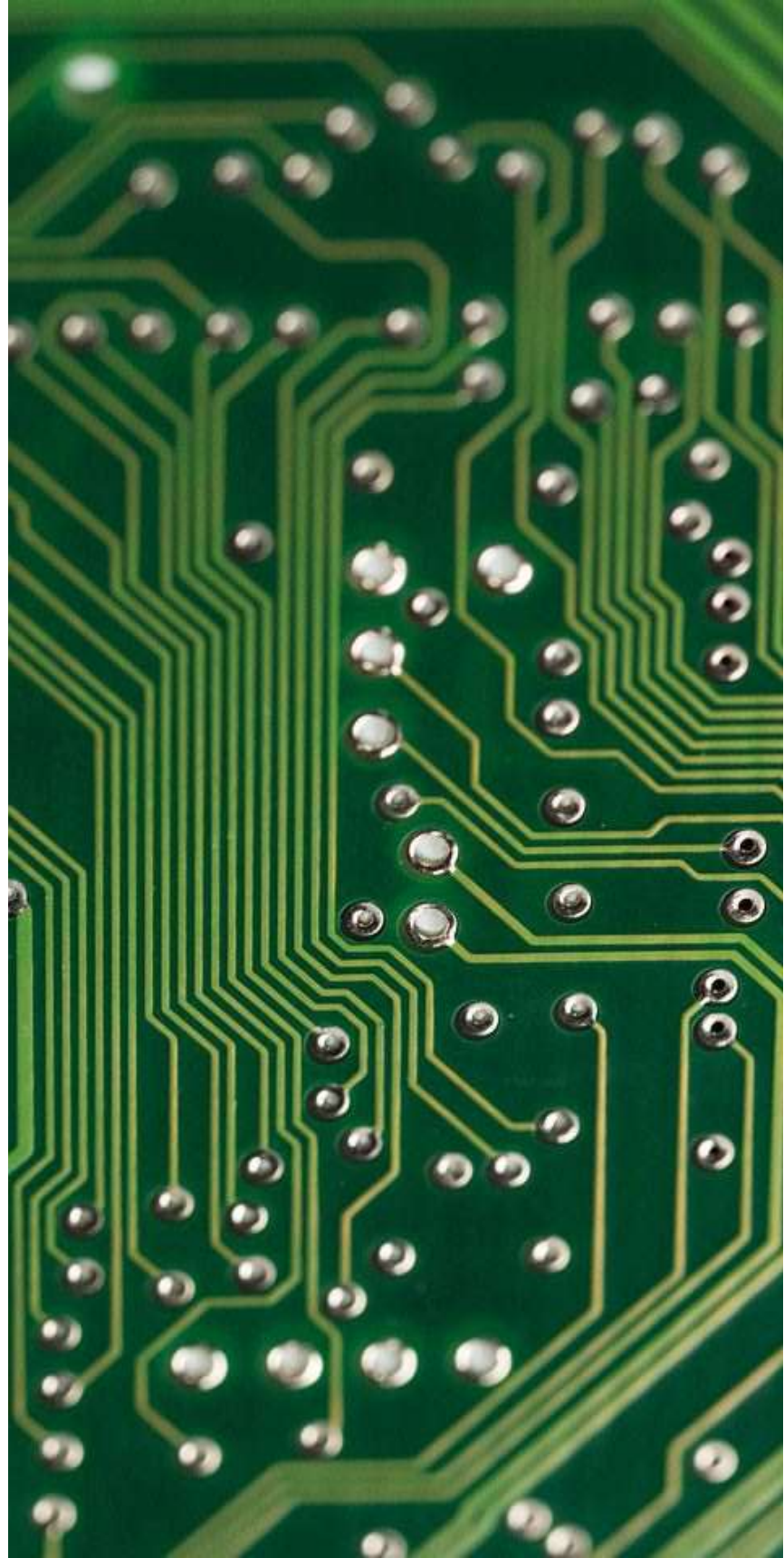
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ESSENTIAL IN SOCIETY



HISTORY REACH

- 2006: REACH – (pre)-registration: Discussion about definitions: articles, substances, alloys, ...
- 15/12/2010: CrO₃: **carcinogenic and mutagenic**, confirmed SVHC, included into Annex XIV of REACH (authorization list)
- 21/03/2016: CrO₃: latest application date
- 21/09/2017: CrO₃: sunset date

HISTORY REACH

- 2017 – 2020: authorization given to:
 - individual users (Grohe, Tata Steel, Thyssenkrupp, Borealis, ...)
 - groups of users (Cromed, FN Herstal, ...)
 - to manufacturers consortia & its downstream users (CTACsub (18/12/2020), GCCA)

FACT

The use of CrO₃ is forbidden since 21/09/2017 unless:

1. Submission of an authorization for your specific application. If an authorization is granted, this is for a fixed period (i.e. "review period"). The end of this review period is then the new sunset date for the applicant.
 1. either the applicant has to phase out the substance by this date
 2. or re-apply for authorization 18 months before the stated sunset date. The latter allows the applicant to use the substance for longer if he can demonstrate that he has not been able to implement a good alternative in the meantime.
2. You are a downstream user who uses a substance included in the authorization list (Annex XIV) on the basis of an authorization submitted and/or granted to an applicant in your supply chain. For surface treatment, the CTACsub consortium is the reference.

Main question: Is your specific application via your chemical supplier/authorization holder included in the CTACsub dossier?

CTACsub – authorization obtained for 5 essential uses of CrO_3 (EC 215-607-8; CAS 1333-82-0) (18/12/20).

SUNSET DATE: 21/09/2024 for:

- Use 1. formulation of mixtures
- Use 2. functional chromium plating/hard chromium
- Use 4. surface treatment in aviation and aerospace applications, not related to functional chromium plating or functional chromium plating with decorative character
- Use 5. surface treatment (excluding passivation of tinned steel (electrolytic tinning – ETP))
- Use 6. passivation of tinned steel (ETP)

Use 3. functional chromium plating with decorative character. Request of the European Commission, to submit a substitution plan. Decision EC sept 2021??

CTACsub – authorization obtained for 5 essential uses of CrO₃ (EC 215-607-8; CAS 1333-82-0) (18/12/20).

Do the check:

1. Does your supply run via an authorization holder* of this CTACSub Decision?
2. Is your use of CrO₃ in accordance with the scope and description in the CTAC Sub-Decision and related main functionalities set out in the CTAC Sub-Decision?
3. Do you comply with the risk management measures (RMM) and operational conditions (OC) described in the chemical safety reports?

If you answer "YES" 3 times, then your application is covered by this authorization!

*: Authorization holders are: Brother Cisa, Atotech Deutschland GmbH, Boeing Distribution Inc, Prospere Chemical Logistic OÜ, CROMITAL S.P.A., Elementis Chromium LLP, MacDermid Enthone GmbH

Immediate actions of DU's (for all authorized uses)?

18 March 2021:

Licence holders: eSDS including specific exposure scenarios

DUs: Application of these exposure scenarios without undue delay

22 March 2021:

DUs must notify uses to ECHA according to Art. 66 REACH.

18 June 2021:

DUs must complete the first occupational exposure measurements and monitoring campaigns for air and wastewater. For templates to be used for monitoring, see GPS and suppliers' safety data sheets.

12 December 2021:

DUs must notify ECHA of data from occupational exposure measurements and air and wastewater monitoring under Article 66.

Guidelines for DU to fulfill the requirements

Good Practice Sheets (GPS):

Description of operating conditions and risk management measures recommended when working with chromium trioxide. The GPS also include advice on personal protective equipment and on monitoring of exposure/emission.

<https://jonesdayreach.com/substances/>

Titel III

Does the chromium trioxide originate from one or more holders of a CTACSub authorization?

The labels and safety data sheets of the substances/preparations will contain authorization numbers '**REACH/x/x**'. These are '**use specific**', so DUs have to select the specific authorization number(s) corresponding to their use for their Article 66 notification to ECHA.

If distributors or formulators supply the substance in mixtures or if they have several suppliers of chromium trioxide, the safety data sheets and labels may contain different authorization numbers.

Do not accept deliveries without authorization numbers!

A DU **may not** continue to use a substance it has in stock without an authorization code

In case of an inspection by local authorities:

- Notification article 66 REACH
- To proof that your use/application is part of the authorization decision
- To comply with the operational conditions and risk management measures described in the Application for Authorization (AfAs) and Ads
- To comply with the national legislation on health and safety at work (working with SVHC)

What after 21 september 2024?

Options:

- Substitution with **SUITABLE** alternative resulting in **LESS RISK**
- Application for authorization as a single user
- Application for authorization as a group of similar uses & similar applications
- Joining CTACsub 2 (combined now with NPCC-Novotroitsk Plant of Chromium Compounds) or other consortia

Start on time with preparations: at least 30 months before the sunset date!

Decision-making factors:

- Business (un)certainty
- Time needed to fully substitute (review period), depending on R&D
- Price & profit

Nice to know?

- Feb 2021: JURI Committee voted to initiate legal action by the European Parliament against the Commission at the European Court of Justice for the illegality of the CTACSub authorization decision
- Green Deal: start of the revision of REACH for a toxic free environment

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12959-Chemicals-legislation-revision-of-REACH-Regulation-to-help-achieve-a-toxic-free-environment_en

- California Air Resources Board: proposed ban on chrome plating – decorative: July 2024, hard chromium: July 2028

Thanks for your attention

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