

VdMi position paper and state of discussion on the proposed restriction under Annex XV REACH for intentionally added microplastics – The Regulation is expected in 2022 / 2023

On 11 January 2019, the European Chemicals Agency (ECHA) submitted a restriction proposal in the framework of the Annex XV dossier under the REACH Regulation with the title „Proposal for a Restriction - Substances Names: Intentionally added Microplastics“; the current version is version 1.2 of 22.08.2019¹.

Summary:

The focus should be on the restriction of specifically used plastic particles, e. g. in cosmetics and detergents. However, the restriction proposal goes far beyond regulating only intentionally added microplastics. In particular, the broad definition of microplastics introduced there can also cover other substances like pigments and fillers, which, in our view, should not fall within the original focus of the restriction. Masterbatches become microplastics by definition.

Since 2019, the VdMi has been involved in the public consultation with opinions within the framework of its microplastics project group, consisting of representatives of pigment and masterbatch manufacturers. Together with the VCI committees, discussions took place with BAuA, BfR, UBA and BMU/BMWI.

The current opinions of the EU bodies RAC and SEAC indicate that a restriction will be decided in the near future.

Assessment of the current state of discussion:

Broad definition makes everything to microplastics:

With a particle size definition of 1 nanometre to 5 millimetres, 7 orders of magnitude (i.e. 7 decimal places) in the particle size are covered (0.000001 mm to 5 mm). The proposal is a blend of the milli, micro and nano world and thus addresses all polymers and practically all polymer-containing or polymer-coated mixtures.

The lower particle size must be adjusted

In the draft of the SEAC opinion, the lower particle size was increased from 1 nm to 100 nm and the information "temporary limited" was added. The reason given is that analysis is still lacking. We also assume that, even in the longer term, the authorities will not have the appropriate analytical methods at their disposal to monitor the very broad definition of ECHA, for example in the case of imports. An adaptation of the definition is therefore also imperative for this reason.

Planned definition of “microplastics”:

‘Microplastics’ means a material consisting of solid polymer-containing particles, to which additives or other substances may have been added, and where $\geq 1\%$ w/w of particles have (i) all dimensions $1\text{ nm} \leq x \leq 5\text{ mm}$, or (ii), for fibres, a length of $3\text{ nm} \leq x \leq 15\text{ mm}$ and length to diameter ratio of >3 .

‘Particle’ is a minute piece of matter with defined physical boundaries; a defined physical boundary is an interface.

‘Polymer-containing particle’ means either (i) a particle of any composition with a continuous polymer surface coating of any thickness or (ii) a particle of any composition with a polymer content of $\geq 1\%$ w/w.

* in the SEAC draft opinion of June 2020 = 100 nm

¹ Source: [Microsoft Word - rest_microplastics_axvreport_en.docx \(europa.eu\)](#)

Notification obligations have become information obligations

The extensive reporting obligations for substances and mixtures that are not to be subject to the restriction but fall under the definition of microplastics, as laid down in the original proposal, are not currently provided for due to the objections of industry. Instead, an obligation to provide information is envisaged. It is not yet certain whether the information on the safety sheet is sufficient.

The restriction proposal also covers industrial intermediate products / intermediates

Due to the broad definition of microplastics in the submitted restriction proposal, no distinction is made between intentionally added microplastics and other granulates such as masterbatches. Masterbatches, however, are typical intermediates for the industrial process in plastics production, they are not microplastics in the sense of the restriction proposal on microplastics.

The restriction proposal misses the target

The restriction proposal only focuses on so-called primary microplastics; the much larger proportion of secondary microplastics, such as tyre abrasion or textile fibres, is not restricted with this measure.

Primary and secondary microplastics:

Primary microplastics - use EU, ECHA estimate
= 51,500 to/a, 70% could get into the environment
= 35,700 to/a

Secondary microplastics - amount EU after study for UBA
= 1.3 mil to/a (without source weathering macroplastics)

→ **3% Primary microplastics and**

→ **97% Secondary microplastics**

Planned timetable of the EU Commission:

- February 2021: Formal submission of RAC and SEAC opinions to the EU Commission
- 3 months after receipt of the opinions: Preparation of a draft amendment to Annex XVII (draft restriction) by the Commission
- November 2021: The agreed proposal goes to the REACH Committee
- September / October 2022: Presentation and discussion in the REACH Committee
- 13+14 December 2022: Further discussion, possibly vote in the REACH Committee
- 2023: Possible entry into force of the Regulation
After there are individually defined transitional periods for the products covered by the restriction

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The Verband der Mineralfarbenindustrie e. V. represents German manufacturers of inorganic (e. g. titanium dioxide, iron oxides), organic and metallic pigments, fillers (e. g. silica), carbon black, ceramic and glass colours, food colourants, artists' and school paints, masterbatches and products for applied photocatalysis.

The VdMi is listed in the Lobbying Register for the Representation of Special Interests vis-à-vis the German Bundestag and the Federal Government (Lobbyregister des Deutschen Bundestags, number R000760) as well as in the Transparency Register of the EU Commission (number 388728111714-79).