



Downstream Users of Chemicals Co-ordination group

CASG-Polymers Mandate DUCC comments on CARACAL document CA/16/2020

DUCC thanks the Commission for providing the mandate for the new CARACAL sub-group on polymers and for the opportunity to respond.

DUCC is a joint platform representing **eleven industry sectors** that use chemicals to formulate mixtures (as finished or intermediary products) for professional and industrial users, as well as for consumers (see box below for more information). Most of these sectors are downstream users of polymers and as such rely on their suppliers for a more detailed understanding of the properties of the polymers they use. However, some companies in DUCC sectors manufacture or import polymers (made from registered monomers and reactants); many of these companies would be placed in the role of registrant for the first time. Furthermore, it should also be emphasised that some DUCC member companies customise polymers to the requirements of their mixtures and applications, which results in further new polymers that are currently exempt from REACH and not covered by their upstream suppliers. A potential need to register every one of such 'customised polymers' will completely change the situation for these sectors, as it would shift their position from mere downstream users of substances to manufacturers of polymers.

Furthermore the registration of polymers under REACH will lead to other impacts in the downstream supply chain, which should be taken into account in these discussions. For a more detailed consideration of the downstream user perspective please see the annex to this document.

DUCC therefore believes it is of high importance for downstream user sectors to be represented in these discussions. DUCC expresses its strong interest to contribute its expertise to the CASG-Polymers, and wishes to nominate the following representatives to participate on behalf of its broad membership:

- *[redacted]*
- *[redacted]*
- *[redacted]*

Short profiles of each nominee are provided, indicating their areas of expertise and responsibility. The specific participant(s) for each meeting of the CASG-Polymers will be selected on the basis of the agenda.

DUCC thanks the Commission in anticipation and looks forward to successful cooperation on this important issue.

DUCC, 5 May 2020



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About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under **REACH** and **CLP**.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, the vast majority being SMEs. The calculated turnover of these companies is more than **215 billion euros** in Europe.

For more information on DUCC: www.ducc.eu

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DUCC's public ID number in the **Transparency Register of the European Commission** is: **70941697936-72**



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ANNEX:

Downstream user perspective regarding Polymers Requiring Registration

Cases where DU become registrants

Firstly, members of our sectors are not only downstream users but can sometimes be themselves manufacturers and importers of polymers. Many of these companies would previously never have been considered as registrants of substances (if not required to register monomers or reactants).

Also, depending on the application, some members will make modifications to a polymer, for example by changing a functional group. Such modifications are essential to meet end-user demands and to fulfil technical requirements (those of the customer and those laid down in the regulations). This 'customisation' would also potentially qualify them as registrants of a new polymer.

In addition, there are a number of key polymers used in the Downstream User industry that may not be fully covered by CEFIC's portfolio. It is important to note that most of our sectors have much higher numbers of variations of polymers, and we are concerned that CEFIC only represents a subset of the polymer variations existing in the market.

Therefore, although DUCG members are primarily downstream users, their perspective should be included in the development of criteria as they will be impacted directly.

Polymer identification/grouping and the effect of classification on downstream users

DUCG would like to outline the effects that changing the classification of polymers could have on downstream users.

Firstly, once new data are obtained on a substance or polymer, this information must be passed down the supply chain. The impact of Downstream User legislation and the timelines imposed regarding communication in the supply chain should be taken into account in a situation where a significant number of polymers will be registered. This will be key so as not to overload the supply chain with new data requirements.

In a case where a new polymer classification leads to a change in the classification of a mixture, this has far-reaching effects for downstream users:

- claims on products would need to be revised;
- there may be a need to reformulate as a result of changing classification;
- significant burden to update the SDS etc. This is particularly relevant for SMEs, that may not necessarily be set up to make rapid changes.
- a product may no longer be compliant with voluntary certification schemes (e.g. ecolabel).

Hence the concerns are as follows:

- 1) It is key that criteria for PRR and polymer grouping be proportionate and science based, to avoid the risk that a large number of polymers could be grouped based on inadequate data - e.g. incorrect uses, or incorrect qualifications of polymers as *hazardous* merely based on those. This would cause unnecessary burden on DUs, who would need to deal with both the regulatory requirements and those of the market within the same timeline.



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The CEFIC pilot tests are an important step to clarify the complexity of polymer chemistry. However, these are only considering a small portion of polymers. It is thus important that these are not treated as the only input for criteria.

On this point, the discussion on grouping is key. It is true that grouping allows for streamlining the data on substances. However, it is important to avoid that polymers which should not be classified are inappropriately grouped with polymers that are classified, with all the attendant consequences (as listed above). In a worst-case scenario, this could lead to regrettable substitution.

- 2) Downstream users should be able to participate in the discussion and be aware of potential changes in classification. It is vital for time to be given to permit DUCG members to prepare so as to take the necessary steps to proceed with steps like reformulation.
- 3) More registrations will mean higher costs. These costs may initially be taken up by registrants, however these will need to be shared between all and the impact will thus be passed down across the supply chain. Furthermore, the potential registrations of the necessary 'customised polymers' (with their different variations) would mean disproportionate costs and would also imply an additional burden to DUCG sectors, many of which comprise SMEs.

Downstream User requirements

It is clear that Downstream Users must comply with all relevant legislative requirements. Other points to consider as requirements of Downstream Users are:

- The complexity of polymer chemistry, compared to monomers, must be accounted for. Identification of polymers should be tailored to these substances. Following the exact model as CAS numbers would be problematic for DU sectors. The need for a model that is designed and appropriate for polymers is key, since if this is not well designed and too restrictive, it will give less flexibility to the DU regarding requirements such as grouping for CLP Annex VIII (Poison Centres Notification).
- Any inclusion of "uses" as a parameter in the criteria should take into account input from the DU sectors that are better placed to assess how such polymers are used in the marketplace.
- Certain downstream user sectors have made commitments to reducing or eliminating animal testing. The requirements of REACH to include animal testing would have a significant impact on such commitments if these were extended to polymers.
