DUCC Work on Assessment of Alternative Substances in Mixtures

Introduction

DUCC represents 11 industry formulating sectors: cosmetics, detergents, aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants, crop protection and chemical distributors industries. DUCC wishes to engage in the topic of assessing alternative substances in mixtures. DUCC acknowledge that this can be a difficult topic. We also believe that Assessment of Alternative substance in products is key towards building a robust system. Downstream users have not been adequately involved in the current process, which in fact contributes to the difficulties authorities face when trying to obtain all the required information. DUCC thus wish to engage on this issue, because we think that to avoid unintended impacts on EU Society, a robust Assessment of Alternatives is key to making good decisions. 'Regrettable substitution' must be avoided; but as a concept this should be interpreted more broadly than just replacing one hazardous substance with another that subsequently turns out to be just as hazardous. For example, considering also the impact that substituting a substance could have on climate or resource use.

What is the plan?

DUCC wishes to address this topic through a series of workshops with member state representatives, Commission, ECHA, NGOs and experts from the DUCC network/ Industry.

A kick-off workshop took place on the 9th March. The aim of the workshop was to begin the exchange and have a constructive, technical discussion. To focus on the criteria and process and address the importance of AoA as a key building block for the success of the REACH process. DUCC understands that MS have difficulties with AoA in the Authorisation and Restriction step and MS were thus asked to share their experience. Based on the input received in the first workshop DUCC proposes the following next steps:

- *Workshop 2: mid-April*: Progress the discussion that began briefly at the workshop on the 9th March (see summary notes below) on what would a technical body that supports on assessment of alternatives look like? Financing? Role of industry associations? Dealing with multiple substances and uses?
- *Topics of interest to be considered for next workshops:* Supplier – customer communication around alternatives. Technical equivalence – how to define technical equivalence? Meant as technical sufficiency and considering what is an acceptable loss of performance?

If you are interested in participating to the next DUCC workshop or continuing to be involved in the work, please let us know through the zoho survey:
https://survey.zohopublic.eu/zs/5PDHF2

In case of queries please contact DUCC secretariat: giulia.sebastio@aise.eu

DUCC Workshop on Assessment of Alternative Substances in Mixtures

Summary of Discussions: March 9th 2023 – Workshop 1

Overview of participants

- Total participants: 57
- DUCC members 19
- Member states (CA) - 29 (Germany, Romania, Italy, Norway, Portugal, Estonia, Ireland, Swden, France, Austria)
- Commission - 4
- ECHA - 3
- ChemSec - 1
- REACH Law/ Aerospace industry – 1

Workshop Agenda

Introduction – *DUCC Welcome and introduction*

PART 1 Kick-off panel discussion
- Aerospace Industry Experience - Steve George (REACHLaw)
- DUCC member – Didier Leroy (CEPE)
- Civil Society – Anna Lennquist (ChemSec)

Brainstorming: Criteria for suitable alternatives. Why does regrettable substitution happen? Experience of member states on assessment of alternatives

PART 2 We believe that a body of experts will need to be created to support the discussion on AoAs. Who should be involved?

Conclusion and Next Steps

Kick-off panel discussion - Four questions asked to the panellists:

1. Who should be involved in discussions on Assessment of alternatives?
2. How long does it take to substitute a substance in a mixture?
3. Technical equivalence – What do you understand by the term technical equivalence? What does it mean in your opinion?
4. How to avoid regrettable substitution from happening?

Common points highlighted in the panel discussion:

- All relevant stakeholders should be involved in the AoA and DUs are certainly more needed
- There is no one answer to the timing needed for substitution, it depends on the substance function and end use requirements. Some applications where the technical requirements are very high and require lengthy certification (such as in aerospace) need over 10 years. Substitution costs money and resources – makes sense not to do it too often but to be forward thinking
- Important to look at the whole LCA – keeping sustainability consequences of substitution in mind
- Important criteria to consider are the hazard properties of the alternative substances. This kind of data can be difficult to predict for new chemicals

Brainstorming: Comments on what has been said? What is the experience of member states with assessment of alternatives? What information do you need? What information do you find useful?

Member states shared the following areas of difficulty they face in the Assessment of Alternatives

- Key difficulties in obtaining information. When authorities consider targeting certain substances for a restriction, there is a call for evidence (awareness raising through authority website/ ECHA). Difficulty obtaining information on the substances, uses and alternatives available. Are often told that no alternatives are available – but without any clear explanation on what research has been done.
- Missing clear criteria on what is the acceptability regarding loss of performance. Support creation of performance standards. Also, an understanding of what the end-users (customers) of formulators would deem acceptable.

- Need industry technical expertise.
- The Commission is reflecting on what could be done to improve AoA in REACH Restriction and Authorization processes. Because the REACH Committee cannot discuss every detail the idea to have an ECHA body could be a way forward. And we need substitution plans.

DUCC proposes the following criteria for assessment of alternatives. What criteria would the participants prioritize when assessing if a substance is a suitable alternative? No of respondents: 18

Slido results (priority given by participants)	Criteria
3.83	Sufficient substance hazard data
3.00	Demonstrated Safe Use of Alternative (exposure)
2.56	Technical equivalence (meant as acceptable level of performance based on discussion)
1.61	Sustainability impact = -ve or +ve
1.13	No unacceptable barrier to market (Socio-economic impacts, job-losses, patents/ confidentiality, establishing monopolies by limiting alternatives, presence of alternatives in Europe, presence of alternatives in sufficient supply)

Who should take responsibility for this?

The last part of the discussion involved an initial brainstorming on what would a body of experts supporting discussions on assessment of alternatives look like. There seemed to be a general agreement among participants that such discussions should take place at various levels - depending on granularity needed, involving Commission, ECHA, companies/groups of companies. Important is how different levels interact.

As part of the brainstorming DUCC presented the general organisation and experiences of the Montreal Protocol Technical Committees (*See figure 1 below).* The question was raised for an open discussion of participants on whether a body could be set up, inspired by the Montreal Committee structure. i.e. Basic principles of this structure:

- Technical discussions led by downstream **users of the chemical** and **member states.**
- These technical discussions would be reported publicly through a **transparent process**.
- Civil society, other stakeholders (e.g. not in kind alternative suppliers including academia) would provide critical feedback.

Opinions were asked on this proposed structure for an AoA Committee in REACH? Also key to discuss, how could such a body consider confidentiality?

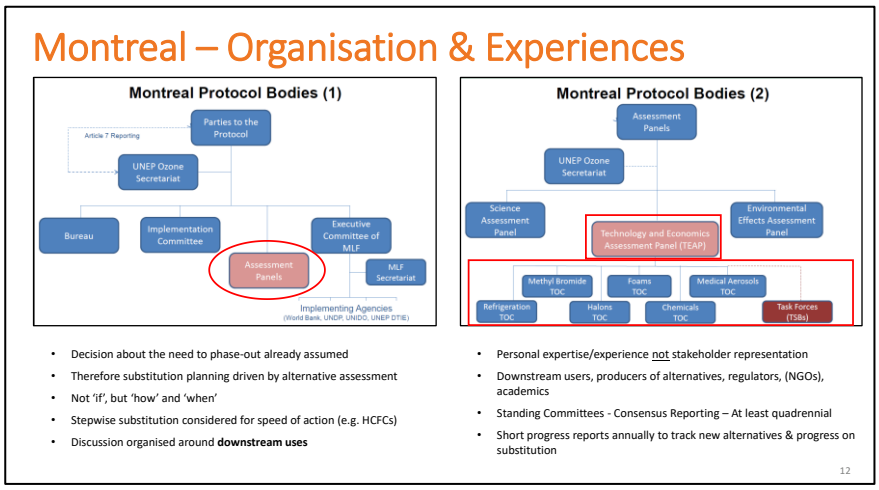

Figure 1: Montreal Protocol Technical Committee Organisation & Experiences

Comments made: **Short discussion at this workshop due to time, DUCC hopes to progress this in future workshops with member states.**

- How to fund this?
- Micromanagement at authority level can be too resource intensive.
- CBI issue needs to be resolved.
- What could be the role of trade associations?

- How would it work? Technical functions of the REACH revision will be broad, Montreal Protocol discussions were likely more focussed.
- What is the workability of such a system for an extensive list of chemicals?

CONCLUSIONS AND NEXT STEPS

DUCC wishes to progress this discussion and as a concluding point asked member states on which topics they would like to engage in future workshops.

These two points proposed for future discussion were most interesting to member states:

- Supplier – customer communication around alternatives
- Technical equivalence.

Another suggestion was to discuss 'how to deal with patented alternatives', but this was deemed less interesting by the participants.

Other topics suggested: Availability of alternative, availability of data for the alternatives, Do group bans (e.g. PFAS) really make sense or should there be more differentiation? product carbon footprint.