

Preparation of the restriction dossier for intentionally added microplastics – The current situation

The recent update statement by the European Chemical Agency (ECHA) on the progress of their development of a restriction dossier for intentionally added microplastics, is causing some misunderstandings and confusion in the market. This is what you need to know.

Background information

The European Commission has asked the European Chemical Agency (ECHA) to help prepare a regulation that will reduce European microplastics emissions by 400,000 tonnes over 20 years. It is envisaged that the new regulation will include restrictions on the use of intentionally added microplastics in:

- Cosmetics & beauty products
- Agricultural products
- Construction products
- Products used in the gas and oil industries
- Medical products
- Detergents and cleaning products
- **Polymeric infills used in synthetic turf surfaces**

ECHA's options

For each industrial application included in the draft restriction, different options have been presented to the two committees for them to consider. For polymeric infills these were:

- An immediate ban
- **A ban with a transitional period of six years until implementation**
- Making the reporting of sales and monitoring infill loss from all fields, compulsory
- Directing manufacturers to label their products to show how they should be used and managed
- **Granting derogation from the Restriction if risk management measures are installed around synthetic turf fields**

The RAC has opted to recommend a ban with a transitional period of six years until implementation.

ECHA defines microplastics as 'a material consisting of solid polymer-containing particles and where more than 1% of the particles have all dimensions $\leq 5\text{mm}$ ' and have confirmed that polymeric infill used for 3rd generation synthetic turf falls within these definitions.

ECHA are preparing a definition of how biodegradability should be assessed. If a material is considered to have acceptable biodegradability it will be excluded from the Restriction.

If approved, the regulation will become part of the EU's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Restrictions.

ECHA has two committees responsible for the development of draft REACH restrictions; the Risk Assessment Committee (RAC), consisting of scientific advisors to the member states and the Socio-Economic Analysis Committee (SEAC), consisting of social economic advisors to the member states.

SEAC have not been able to decide on the most appropriate option. They noted that risk management measures to contain synthetic infill material on artificial pitches cost less than a complete ban, but a ban would be more effective in preventing releases in the long term. Based on the available information, the SEAC does currently not prefer one option over the other.

SEAC will now launch a 60-day consultation on their draft opinion. All affected organisations are encouraged to comment.

Following this, SEAC will finalise their opinion. They may adopt one of the two options they are still considering, or they may continue to maintain their current position. Once finalised, the two opinions will be submitted to the European Commission. This should happen towards the end of this year.

What happens next?

On receipt of the two ECHA committee opinions, the European Commission will start their consultation with the 27 Member States, the Council of Europe and the European Parliament. They will then draft their recommendations for presentation to the European Union's REACH Committee. It is this committee that will vote and finally decide on whether the recommendations pass into EU legislation. This should happen in late 2021.

For a new REACH restriction to be adopted, a qualified majority of at least 55% of the member states, representing at least 65% of the total EU population, needs to vote in favour.

Implications for existing synthetic turf?

If ultimately, the European Union amends the REACH Regulations to include a ban on the sale of polymeric infills, the restrictions will only apply to the future sale of these materials from the date of enactment, which is likely to be 2028, at the earliest.

The regulation will not prevent the ongoing use of existing fields containing polymeric infills.

Timeline

2018	2019	2020	2021	2022	202?
<p>17/01 Preparation of the Restriction Dossier starts</p> <p>1/03 -1/05 Call for evidence</p> <p>30/05-31/05 Stakeholder workshop</p>	<p>11/01 Submission of Restriction dossier</p> <p>20/03-20/09 Public consultation of the Annex XV dossier</p>	<p>10/06 RAC votes in favour of the proposed restriction</p> <p>1/07-01/09 Public consultation on draft SEAC opinion</p> <p>SEAC vote to adopt draft opinion. SEAC can propose a derogation if risk management measures will be used to manage infill migration</p> <p>1/10-31/12 Combined final RAC and SEAC opinion to be submitted to the European Commission (EC)</p>	<p>EC to consult member states. Scrutiny by the European Council and European Parliament.</p> <p>Voting. A qualified majority of 55% of the countries and 65% of the population will be required to vote in favour to make the restriction take effect.</p>	<p>Proposed opinion to be adopted</p>	<p>Once the transitional period has ended (currently a six year transition period is proposed), polymeric infills can no longer be placed onto the market. However, infill inside the field or infill stocked by the owners of 3rd generation synthetic turf, can still be used.</p>