

Alerts & Publications



The European Chemicals Agency Lists 38 Chemicals as Potential Substances of Very High Concern

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On August 17, 2012, the European Chemicals Agency (“ECHA”) added 38 chemicals to their “registry of intentions” as proposed “substances of very high concern” (“SVHC”). The listing means that the chemicals could be subject to a ban or significant use restrictions under the European Union’s Registration, Evaluation, Authorization and Restriction of Chemical Substances (“REACH”). REACH, which became effective on June 1, 2007, requires manufacturers and importers of substances manufactured or imported in quantities greater than 1 tonne per year per registrant to collect information on the uses and properties of those substances and register that information under REACH. By May 31, 2013, all substances manufactured or imported in quantities greater than 100 tonnes per year must be registered under REACH.

Adding a substance to the registry of intentions is one of the first actions taken by ECHA in the process of banning hazardous substances under REACH. The 38 chemicals were added to the registry of intentions because they are believed to be carcinogenic, mutagenic or reprotoxic. There are currently 50 chemicals listed as potential SVHC. Among those chemicals listed are di-n-pentyl phthalate, commonly used as a plasticizer; perfluorooctanic acid (PFOA), commonly used in coatings and nonstick cookware; and cadmium, commonly used in jewelry. There are currently 59 categories of restricted substances under REACH. Substances listed as restricted substances have specific restrictions on their use.

The European Commission could confirm the 38 substances’ status as SVHC by the end of August 2012. Public consultation could begin as early as early September 2012. If there are no objections during the 45-day public consultation process, the substances could be added to the “candidate list” for bans by the end of 2012. There are currently 84 substances on the candidate list.

The registry of current SVHC intentions listing the 38 proposed SVHC can be found at <http://echa.europa.eu/web/guest/registry-of-current-svhc-intentions>.

For more information on REACH, please visit <http://www.omm.com/eu-adopts-reach-chemical-regulation-law-07-03-2007/>, http://ec.europa.eu/enterprise/sectors/chemicals/reach/index_en.htm, and <http://www.omm.com/global-developments-in-consumer-products-regulation-01-27-2009/>.

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