



March 2016

JMB REACHNote 2/16 - carbon black / PAHs / consumer articles - reference [RN2/16]

This document is an update to our REACHNote 2/15 which was sent out in July 2015

FAO REACH team  
Aflex Hose Limited

Dear Sir / Madam,

## EU Regulation 1272/2013 limits on polyaromatic hydrocarbons in consumer articles – carbon black

### 1. Introduction

Following a proposal from Germany, the EU adopted a new restriction under REACH in December 2013 setting maximum levels of polyaromatic hydrocarbons (“PAHs”) which may be present in certain consumer articles. The restrictions laid down in implementing Regulation (1272/2013) finally came into force on the 27<sup>th</sup> December 2015.

A copy of the Regulation is attached and you will see from the Annex that maximum levels are set for eight specific PAHs for both a list of specified articles for consumers in general and lower limits for toys.

Unlike - for example - toy legislation, these limits are based on **TOTAL CONTENTS**, rather than **EXTRACTABLE** levels of the listed PAHS.

## 2. Problems of interpretation

Regulation 1272/2013 has several areas where interpretation is less than obvious :-

- a. The first part of the restriction definition in the Annex includes the words “Such articles include **amongst others**” (our emphasis). This means that – potentially – **any** article which comes into contact with skin may be affected by the restriction.
- b. The second part of the restriction definition includes the words “prolonged or repetitive short-term contact with the human skin”. Nothing in the Regulation says how this wording should be interpreted.

ECHA is producing guidance which should clarify both of the problems of interpretation above : please see section 5 below.

## 3. Problems of applicability

In most areas of chemical legislation the area of application is clear eg toys, food-contact plastics : In this case - while toys are specifically covered – applicability depends on the exact identity and use (is there skin contact ?) of the final article.

It's rare for either the pigment supplier, the masterbatch producer or the pigmented plastic granule supplier (if relevant) to have information about the end-use article.

There is therefore a chance that any of us in the supply chain before the article producer could receive one of the dreaded questions “your product is suitable for use in articles which must to conform to 1272/2013 ?”. It's therefore important to inform others down the supply chain about this legislation and how it may affect them.

## 4. Cabot carbon blacks

Cabot produces a large number of grades of carbon black for use in plastics, inks and coating applications.

Many are designed for ‘general purpose’ use but there also quite a number which comply with Regulation 10/2011 (“PIM”) for use in food-contact plastics and /or with many of the national (non-harmonised) requirements for use in food-contact inks.

Cabot also produces three grades which meet the requirements laid down by the FDA for ‘high-purity furnace black’ under 21 CFR § 178.3297 : the specification includes limits for total PAHs and for benzo[a]pyrene.

Following a careful review of their product portfolio, Cabot has now produced a statement (copy attached) regarding PAH levels in their carbon blacks and a list of grades which will not contribute levels of PAHs above the limits set in Regulation 1272/2013. The three FDA grades will comply even at 100 % loading (ie as the products themselves) : the other grades at loadings at or below 40 %.

## 5. Future developments

In view of the problems outlined above in the interpretation of the restriction wording, the EU's Competent Authorities for REACH and CLP ("CARACAL") agreed at its meeting in November 2014 to request ECHA to produce guidance on this matter.

It was hoped that this guidance would appear by September last year, but not even a draft version has been made available yet. As and when it does appear we will send you a copy.

We hope that this clarifies the situation, but please feel free to contact us if you need any further information or help.

Phil Rowley  
Regulatory Affairs Manager

### Attached documents :-

- a. EU Regulation 1272/2013
- b. Presentation given by JMB at the BCMA seminar October 2014
- c. Cabot carbon black / PAH statement dated 24th July 2015

Please note that this is not the same grade list as in our REACH Note 2/15 : we do not handle six of the grades in the left-hand column of the table at the bottom of page two and these have been blanked out.

We are therefore able to offer the three FDA grades and TWELVE other grades where PAH compliance can be guaranteed, possibly with a 40 % maximum loading limit.