1531	2011/09/14 13:19 File attached	ASSOGALVANICA Industry or trade association Italy	I. Observations on ECHA's background document Observations on document developed in the context of ECHA's third Recommendation for the inclusion of Substances in Annex XIV. Point 2.2.1 Volume(s), imports/exports "The largest part of the registered amount is allocated to uses in the scope of authorisation." Observation: ECHA's interpretation of the concept of 'intermediate' (as given in its June 2010 clarification document) excludes substances used as surface treatments, e.g. Chromium Trioxide used in metal finishing. On that basis, the volumes of Chromium Trioxide used for that purpose fall under the scope of authorisation. However, the conclusion reached in the clarification document cannot be supported. The abovementioned clarification document was reviewed by two independent legal experts, the law firm Field Fisher Waterhouse and Professor Dr. Kristian Fischer, at the request of Industry. In Cefic's position paper of December 2010 (please see link: http://www.cefic.org/Documents/IndustrySupport/Cefic%20concept%20of%20intermediates%20letter%20(2).pdf), the followed was reported: "Both legal advisory statements conclude that the interpretations for intermediates as elaborated in the [clarification] document go far beyond the Article 3 (15) of the REACH Regulation and therefore the concept of intermediates was narrowed tremendously by ECHA, Commission and the Member States." That position was subsequently endorsed by Cefic itself (see December 2010 document) and supported in a number of recent petitions made by Industry associations, such as AIFM, AIAS, Assogalvanica, VOM BL, VOM NL, Anaz,… and the Institute of Metal Finishing. Within that context, should the literal definition of intermediate under Article 3(15) be applied, the volumes of Chromium Trioxide used in metal finishing would fall outside of authorisation. As a result, the statement made under Point 2.2.1 is without foundation. Point 2.2.2.1 Manufacture and releases from manufacture "No information is available on the manufacture of chromium trioxide itself". Observation: Information is available. ECHA has simply failed to take into consideration a number of studies that were performed under EU programs with public funding , which involved the participation of a number of interested parties (for further information see our observation on point 4 below). Point 2.2.2.2 Uses and releases from users. "falling under authorisation are…metal finishing" Please see observation in Point 2.2.1

			"Recent exposure information reported in the annex XV dossier presented by Germany…" Observation: We wish to stress the fact that Germany's dossier is not representative of worker exposure in Europe. It is our understanding that the information derived therein came mainly from data collected from a limited number of industrial sites in Germany that were not complying with exposure reduction measures. An accurate assessment should be based on an examination of multiple sites throughout the European Union. Moreover, as stated in page 19 of the Annex XV dossier for chromium trioxide, "in Germany the occupational exposure limit, which was based on the technical feasibility was withdrawn in 2006." Therefore, the fact that an added safety requirement has been removed should also lead to the conclusion that it is misrepresentative as a European standard. Indeed, point 3.3.4 of ECHA's guidance for the preparation of an Annex XV dossier on the identification of substances of very high concern states that, "certain types of information, including exposure-related information, are needed for the later process used to prioritise the substances for inclusion on Annex XIV, once the dossier has been accepted." This point goes on to make reference to 'available' information on exposures. In this connection, we refer to the investigation carried out by Regione Lombardia (see Decreto Regione Lombardia No 3357 of April 13, 2011 Vademecum for the improvement of safety and health of workers employed in electroplating activities) in the highly industrialised zone of Como in Italy that states that, "the risk for workers is at present greatly reduced in comparison with previous years" and that, "levels of exposure (of workers) to chromium hexavalent are not different from those found in the population." Notwithstanding the above, it should not be forgotten that Chromium Trioxide has already undergone rigorous assessment and consideration at the European Union level under Regulation 793/93. The conclusion reached in the Commission's recommendation of 30 May 2008 was that the existing legislative framework was sufficient. The only outstanding action suggested in the risk reduction strategy was to establish at Union level occupational exposure limit values for Chromium hexavalent ("CrVI") compounds. If indeed needed, this would be a far better solution when compared to Annex XIV listing. Point 2.3 Availability of information on alternatives Observation: We stress that the alleged alternatives to Chromium plating are not suitable. This conclusion is partly made by the background dossier itself. HVOF is not able to give a useful thickness to coating in the majority of items. Moreover, when spraying Chromium compounds at high temperatures, Cr III oxidizes to Cr VI (similar to when welding stainless steel). This means an increase of risk for the worker.

			Vacuum coatings and nanotechnology may be applied only on small size products with very high added value. This is because the creation of the vacuum requires a high energy consumption. At present, the risk linked to nanotechnology is under investigation. This is because nanoparticles have such a small size that they can cross the cellular membrane; therefore, the health hazard may be dramatically high. Zinc based alternatives and nickel based alternatives are not actual alternatives. Indeed, zinc and nickel treatments are complementary to chromium plating or processes addressed to other characteristics. Part modification cannot be considered as an alternative. Below we shall briefly comment on two of the suggestions given in the Annex XV dossier: - the use of plastic instead of metal: Plastic also needs to be plated (for certain uses) and it does not have the structural properties needed for a number of products. In addition, plastic is not as recycled as metals. Therefore, plastic instead of metals translates to a greater environmental impact. - the use of stainless steel instead of iron: We stress that stainless steel contains roughly 10% chromium metal. Welding of stainless steel will expose millions of workers to a great health risk because Cr metal is transformed by welding in hexavalent Chromium in the inhalble gases. Point 2.4 Existing specific Community legislation relevant for possible exemption Observation: In the "Environmental Risk Reduction Strategy and Analysis of Advantages and Drawbacks for Hexavalent Chromium" (RRS) final report of October 2005, there is a non-exhaustive list of existing controls on emissions and exposure to Hexavalent Chromium. In this connection, we believe that existing EU-wide measures, International measures and National measures represent a legislative framework that is capable of assuring that risks deriving from the use of Chromium Trioxide are adequately controlled. Indeed, as previously stated, such a conclusion has already been drawn by the Commission in its 2008 recommendation. To that end, we stress, in particular, the importance of Directives 96/61/EC and 2008/01/EC on integrated pollution prevention and control, and Directives 96/82/EC and 2003/105/EC on the control of major-hazards involving dangerous substances. Point 2.5 Any other relevant information (e.g. for priority setting) The inherent properties score for Chromium Trioxide is 1. Practically speaking, this means that there are other substances which are stronger candidates for Annex XIV inclusion. Such a finding is further supported by the outcome of the in-depth assessment that was undertaken on Chromium Trioxide under Regulation 793/93, where the Commission in its recommendation effectively stated that restrictions are unnecessary.

			Point 3.1 Prioritisation: Verbal argumentative approach High Volumes allocated to uses in the scope of authorisation We reiterate our observation made to point 2.2.1. of the Background Document, Chromium Trioxide used in electroplating should be considered as an intermediate. High Number of sites This is an exaggeration, as only 2.5 % of metal working companies in the EU are metal finishing installations using Chromium Compounds. With respect to exposure to workers, we refer to our observation on point 2.2.2.2 of the Background Document. Point 3.1 Prioritisation: Scoring approach High Volumes allocated to uses in the scope of authorisation We request that the volume be reviewed, as Chromium Trioxide used in electroplating should be considered as an intermediate. High Number of sites As stated above, only 2.5 % of metal working companies in the EU are metal finishing installations using Chromium Compounds. Therefore, a Score of 1 should be given. "Some of the the uses appear to have a potential for significant work exposure. Score 3". We reiterate our observation on point 2.2.2.2 of the Background Document. As a consequence, we suggest that a score of 1 be given. Point 4. References A number of important documents are missing. This includes, by way of example, the Commission recommendation of 30 May 2008 which concluded that restrictions were not required. Instead, it stated that, "the legislation for workers protection currently in force at community level is generally considered to give an adequate framework to limit the risks of the substances to the extent needed and shall apply." It is also worthwhile mentioning the earlier document "Environmental Risk Reduction Strategy and Analysis of Advantages and Drawbacks for Hexavalent Chromium" (RRS) made Under Framework Contract: CPEC 24 of October 2005. Lacking this report, the reader misses an important document where, after considering effectiveness, practicality, economic impact and monitorability, it is stated that (paragraph 4.2. of the Executive summary): "marketing and use restrictions would be inappropriate and disproportionate measures for risk reduction. The risks have been clearly overestimated in the RAR and in the majority of Member States measures are already in place which reduce unacceptable risks, if not eliminate them. Techniques and technologies currently available are able to ensure adequate control of risks." II. Conclusions

			• Chromium Trioxide is mainly used for metal finishing; therefore, its principal use is that of an intermediate. As a result, a significant proportion of volumes used fall outside the scope of the authorisation procedure. • Chromium Trioxide has already been subject to an in-depth assessment within the framework of Regulation 793/93. The conclusions of that assessment as given in the Commission's subsequent recommendation and communication were that restrictions were not required. Instead, "the legislation for workers protection currently in force at community level is generally considered to give an adequate framework to limit the risks of the substances to the extent needed and shall apply." • The Annex XV dossier prepared by Germany is flawed with respect to the exposure data relied upon therein. • The alleged alternatives to Chromium plating identified by Germany are not suitable. • The Annex XV dossier prepared by Germany fails to mention a significant amount of literature, which supports the view that prioritisation of Chromium Trioxide is unwarranted. • Inclusion in Annex XIV can only be subject to extended application and sunset dates. A failure to do so would mean an outright ban on Chromium Trioxide being used for metal finishing/electroplating.
1530	2011/09/14 13:12 File attached Confidential	Company Germany	

1531	2011/09/14 13:19 File attached	ASSOGALVANICA Industry or trade association Italy	Should Chromium Trioxide be prioritised for Annex XIV inclusion, it is imperative that the application and sunset dates be extended. As a non-threshold carcinogen, an application for authorization for Chromium Trioxide will need to include a socio-economic analysis. Given the complexity of the supply chains of articles subject to surface treatment, additional time is needed. In that respect, the following dates should apply: application date (date for submitting applications for authorisation): July 2015 ; and sunset date: January 2017. A failure to grant additional time would have the practical effect of transforming the Annex XIV listing into an outright ban.
1656	2011/09/14 16:28 File attached Confidential	Company Germany	The current Draft Annex XIV entry (dated 15th June) states for chromium trioxide: 'Assumed the Commission Regulation including the substances of this third Recommendation in Annex XIV would enter into force in January 2013, the latest application date would be July 2014. Sunset date = Latest application date plus 18 months = January 2016 The sunset date should be minimum 48 months after amending CrO3 to annex XIV for the following reasons. Although we would appreciate 60 months. 1. ECHA themselves predicted a timetable of 24 months for preparing an application for authorisation and the application dossier should be submitted 18 month before the sunset date. Chromium trioxide is a non-threshold carcinogen. Consequently, an application for authorization will need to include a socio-economic analysis (SEA). Preparing SEAs will be require a huge amount of interaction within the supply chains and is expected to take a considerable time. If Chromium Trioxide is to be prioritised for authorization the application and sunset dates should be extended in order to enable robust SEAs to be developed. July 2015 and January 2017 respectively for latest application and sunset dates would provide a minimum realistic time frame in which suitable SEAs could be prepared. 2. The life cycle of a catalyst varies from 2 up to 5 years. 3. If no authorisation is granted a phase out will require a massive effort of the industry (manufacturers of polymers, processors, end users).