



POSITION PAPER

CEIR comments regarding ECHA guideline on the restriction of nickel

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SANITARY SHOWER-HEAD HANDLES SHOULD NOT FALL WITHIN THE SCOPE OF THE REACH RESTRICTION ON NICKEL

ECHA has drafted a guidance document on the implementation of the restriction on nickel and its compounds (Annex XVII to REACH Regulation, Entry 27), which is currently subject to public consultation. CEIR would like to thank ECHA for the opportunity to provide comments on this draft guideline.

CEIR is the European Association for the Taps and Valves Industry. CEIR gathers together manufacturers in the field of sanitary, building and industrial valves. Through its 13 national associations and 13 direct company members, CEIR represents over 350 companies, both large businesses and SMEs.

CEIR believes that sanitary taps, including shower-heads and hand-showers, do not fall within the scope of the nickel restriction set in the REACH Regulation (Annex XVII, entry 27). The inclusion of shower-head handles in the list of articles falling within the restriction scope raises concerns. We therefore wish to provide clarification and contribute to the debate to ensure legal certainty for the sanitary tapware sector.

First, CEIR fully supports nickel restriction that primarily aims to improve health. The use of nickel should be limited because it is a major cause of contact dermatitis in the EU population. We also support the guideline in general because it aims to help manufacturers comply with their obligations and facilitate enforcement of restriction provisions.

However, in our view, the draft ECHA guideline goes far beyond the original scope and objectives of nickel restriction. This wide scope extension is not based on proper justification, scientific evidence and impact assessment. This is contrary to the European Commission commitment to better regulation.

Nickel restriction primarily aims to protect consumers against nickel allergy which may be caused by direct and prolonged contact of the skin with nickel-releasing articles. The restriction provides a non-exhaustive list of articles falling within the scope: jewellery and garment accessories. These types of articles come into direct and prolonged contact with the skin for several consecutive hours.

The draft ECHA guideline provides a list of articles (Annex 1, Table 2), including shower-head handles, going far beyond examples given in the REACH Regulation. This list is not supported by detailed justification, scientific evidence or analysis of usage patterns. The very few cases of nickel allergy reported in Table 3 of the draft guideline cannot be considered as relevant compared to the high number of people exposed to the mentioned equipment. In addition, most of this equipment is not intended to be in contact with the skin for several consecutive hours.

Considering the lack of justification, the draft guideline does not properly support manufacturers in determining whether their products fall under the restriction scope or not and, consequently, in complying with their obligations. On the contrary, it is likely to result in legal uncertainties for manufacturers.

Instead of a supporting tool, the draft guideline is in our view an amendment of the existing nickel restriction. In this case, the REACH Regulation (Article 68) requires consideration of the socio-economic impact of the restriction, including the availability of alternatives. Such a proposal should be supported by proper justification (Annex XV dossier) and assessed by ECHA Committees. Indeed, extending the scope of the nickel restriction to sanitary taps will result in significant cost for manufacturers. This needs to be justified by substantial benefits for health or the environment.

Moreover, shower-head handles do not fall under the definition of “prolonged contact with the skin” given in the draft ECHA guideline: the use time of shower-heads has been overestimated.

In fact, the draft ECHA guideline provides an interpretation of the term “prolonged contact with the skin” to determine the list of articles within the scope. It is understood as: 10 minutes on 3 or more occasions within 2 weeks or 30 minutes on one or more occasions within 2 weeks.

As far as shower-head handles are concerned, the use patterns of consumers show that their contact with the skin is shorter than the maximum exposure time. According to a taps and showers study carried out by the European Commission’s Joint Research Centre¹, the average usage time of a shower is seven minutes per day.

In addition, the draft ECHA guideline states that the 10 or 30 minutes need to be continuous and not several short discontinuous periods of contact. It should be noted that hand-showers are not held in the hand by the user during the full shower time, but for a maximum of 20% or 30%.

¹ JRC, *MEErP Preparatory study on Taps and Showers*, 2014.

Indeed, the average European bathroom is usually equipped with a fixed installation: the shower holder is out of the normal range of hands. Alternatively, it is equipped with a shower rail where the hand-shower is placed during the shower time and passive storage. According to our market knowledge, hand-showers are kept in the fixture at the shower rail most of the showering time (approximately 70% to 100% of the total time). The hand-shower is taken into the hand only for specific actions, such as cleaning the feet.

As regards sanitary taps and accessories, no case of nickel allergy was reported and there was no evidence to suggest that this equipment would cause such allergy. Considering sanitary equipment is very common and several millions of items are placed on the market, sanitary taps do not seem to be a likely cause of nickel allergy.

Regarding the sanitary ware industry, the duration and frequency of exposure of workers is higher than that of consumers. However, contact dermatitis related to sanitary tapware has not been identified as an occupational health issue. Nevertheless, more time is needed to further investigate worker exposure to nickel and evaluate possible occupational hazards.

As a conclusion, CEIR asks ECHA to amend its draft guideline on nickel restriction: shower-head handles should be removed from the list of articles which are expected to be in prolonged contact with the skin (Annex 1, Table 2). In addition, sanitary taps, including water taps, shower-heads handles and hand-showers, should be included in the list of examples outside the scope of the restriction (Annex 2).

About CEIR

The European Association for the Taps and Valves Industry (CEIR) was formed in 1959 as the European federation of national manufacturer associations. CEIR gathers together a large number of European manufacturers in the field of valves and fittings. CEIR supports the principles of a free economy and private enterprise in Europe as well as on a global basis. CEIR represents the common economic, technical and scientific interests of the European valve industries, towards international authorities and in economic and commercial circles.