



BERGESON & CAMPBELL, P.C.

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MEMORANDUM

Via E-Mail

DATE: December 7, 2009

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: ECHA Member State Committee Agrees on New SVHCs to Be Added to the Candidate List and First REACH Testing Decision

During the European Chemicals Agency (ECHA) Member State Committee's December 2-4, 2009, meeting, the Committee unanimously agreed that 15 new substances of very high concern (SVHC) would be added to the Candidate List. The Committee also unanimously agreed on a testing proposal from ECHA that was submitted under the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) regulation. More information on these actions is provided below.

15 SVHCs to Be Added to the Candidate List

ECHA will include the 15 SVHCs on the Candidate List in **January 2010**. Candidate List substances may eventually be included on the list of substances subject to authorization under REACH regulation. In this case, after a transition period, they can only be used if a specific authorization is granted. Information requirements for suppliers of substances, preparations, and articles containing these substances will also follow from the inclusion of the substances on the Candidate List. More information is available at http://echa.europa.eu/doc/press/pr_09_15_msc_svhc_20091207.pdf.

The new substances are listed below.



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SUBSTANCE NAME	EC NUMBER	CAS NUMBER	REASON FOR PROPOSAL
Anthracene oil	292-602-7	90640-80-5	PBT; vPvB; Carcinogen, category 2 ¹
Anthracene oil, anthracene paste, distn. lights	295-278-5	91995-17-4	PBT; vPvB; Carcinogen, category 2 ² ; Mutagen, category 2 ³
Anthracene oil, anthracene paste, anthracene fraction	295-275-9	91995-15-2	PBT; vPvB; Carcinogen, category 2 ² ; Mutagen, category 2 ³
Anthracene oil, anthracene-low	292-604-8	90640-82-7	PBT; vPvB; Carcinogen, category 2 ² ; Mutagen, category 2 ³
Anthracene oil, anthracene paste	292-603-2	90640-81-6	PBT; vPvB; Carcinogen, category 2 ² ; Mutagen, category 2 ³
Pitch, coal tar, high temp.	266-028-2	65996-93-2	PBT; vPvB; Carcinogen, category 2
Acrylamide	201-173-7	79-06-1	Carcinogen, category 2; Mutagen, category 2



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SUBSTANCE NAME	EC NUMBER	CAS NUMBER	REASON FOR PROPOSAL
<p>Aluminosilicate Refractory Ceramic Fibres</p> <p>Aluminosilicate Refractory Ceramic Fibres are fibres covered by index number 650-017-00-8 in Annex VI, part 3, table 3.2 of Regulation (EC) No 1272/2008, and fulfil the two following conditions:</p> <p>a) Al₂O₃ and SiO₂ are present within the following concentration ranges:</p> <ul style="list-style-type: none">• Al₂O₃: 43.5-47 % w/w, and SiO₂: 49.5-53.5 % w/w, or• Al₂O₃: 45.5-50.5 % w/w, and SiO₂: 48.5-54 % w/w, <p>b) fibres have a length weighted geometric mean diameter less two standard geometric errors of six or less micrometers (µm)</p>	-	-	Carcinogen, category 2



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SUBSTANCE NAME	EC NUMBER	CAS NUMBER	REASON FOR PROPOSAL
Zirconia Aluminosilicate, Refractory Ceramic Fibres Zirconia Aluminosilicate Refractory Ceramic Fibres are fibres covered by index number 650-017-00-8 in Annex VI, part 3, table 3.2 of Regulation (EC) No 1272/2008, and fulfil the two following conditions: a) Al ₂ O ₃ , SiO ₂ , and ZrO ₂ are present within the following concentration ranges: • Al ₂ O ₃ : 35-36 % w/w, and • SiO ₂ : 47.5–50 % w/w, and • ZrO ₂ : 15-17 % w/w, b) fibres have a length weighted geometric mean diameter less two standard geometric errors of six or less µm	-	-	Carcinogen, category 2
2,4-Dinitrotoluene	204-450-0	121-14-2	Carcinogen, category 2
Diisobutyl phthalate	201-553-2	84-69-5	Toxic for reproduction, category 2
Lead chromate	231-846-0	7758-97-6	Carcinogen, category 2; Toxic for reproduction, category 1
Lead chromate molybdate sulphate red (C.I. Pigment	235-759-9	12656-85-8	Carcinogen, category 2; Toxic for reproduction,



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SUBSTANCE NAME	EC NUMBER	CAS NUMBER	REASON FOR PROPOSAL
Red 104)			category 1
Lead sulfochromate yellow (C.I. Pigment Yellow 34)	215-693-7	1344-37-2	Carcinogen, category 2; Toxic for reproduction, category 1
tris(2-chloroethyl) phosphate	204-118-5	115-96-8	Toxic for reproduction, category 2

PBT -- Persistent, bioaccumulative, and toxic

vPvB -- Very persistent and very bioaccumulative

¹ -- The substance does not meet the criteria for identification as a carcinogen in situations where it contains less than 0.005% (w/w) benzo[a]pyrene (EINECS No 200-028-5).

² -- The substance does not meet the criteria for identification as a carcinogen in situations where it contains less than 0.005% (w/w) benzo[a]pyrene (EINECS No 200-028-5) and less than 0.1% w/w benzene (EINECS No 200-753-7).

³ -- The substance does not meet the criteria for identification as a mutagen in situations where it contains less than 0.1% w/w benzene (EINECS No 200-753-7).

First REACH Testing Decision

This is the first time that the Member State Committee has discussed a testing proposal. The Committee agreed that the registrant should be required to carry out tests for:

- Viscosity;
- Aquatic toxicity (*Daphnia magna* long term toxicity);
- Repeated dose toxicity; and
- Reproductive toxicity.

The Committee discussed the registrant's proposal to use read-across from another substance, instead of testing the repeated dose toxicity and reproductive toxicity. All Committee members agreed, after discussing the basis of scientific arguments and the REACH requirements, that the tests are necessary. The Committee concluded that the registrant had not provided enough justification for the read-across and that the hazards of the registered substance



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could therefore not be concluded on that basis. ECHA will make the final decision in accordance with the Committee's unanimous agreement and the decision will be addressed to the registrant. More information is available on the Internet at http://echa.europa.eu/doc/press/na_09_33_msc_first_testing_decision_20091207.pdf.

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We hope this information is helpful. As always, please call if you have any questions.