

Input to 2016 Consultation 2 - DEPA Substance Review: SBAA

Stakeholder consultation held as part of a study to review a possible restriction of the substance group of small brominated alkyl alcohols under Directive 2011/65/EU (RoHS 2)

Name and contact details

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This contribution to the questionnaire is submitted by JEITA as Japan 4EE secretariat:

- JEITA (Japan Electronics & Information Technology Industries Association)
- CIAJ (Communications and Information Network Association of Japan)
- JBMIA (Japan Business Machine and Information System Industries Association)
- JEMA (Japan Electrical Manufacturers' Association)

2. Area of activity (more than one is possible):

- Industry
- Retail/distribution
- Rent/repair business
- Industry/business association
- RoHS enforcement
- RoHS analysis
- Environmental NGO
- Consumer NGO
- Institute/consultancy
- EU Member State Representative
- International agency / organisation
- Other (please specify):

Dear RoHS exemption evaluation team,

28, October 2016

(1) Firstly, we would like to provide our fundamental position on restrictions under RoHS Directive as follows:

A) About the use of SBAA in EEE

We have shared the information on current study with our members with the reference to the "Study for the Review of the List of Restricted Substances under RoHS 2" published in August 2014, and asked for their knowledge on SBAA. In addition, we have consulted to Japanese suppliers' industrial associations which might use EEE-related applications of SBAA.

As long as we know through the hearing, SBAA does not seem to be used in finished EEE. We have not heard any cases where an EEE manufacturer uses or requires for its suppliers to use SBAA in its products. In addition, even 2,3-dibromo-1-propanol (Dibromo-propanol), which is probably one of the substances triggering this consultation, is mainly used as an intermediate in the production of flame retardants, insecticides, and pharmaceuticals and has not been registered under REACH yet¹. On the other hand, the restriction under RoHS doesn't apply to the substances used or produced in production process, such as intermediate etc., if they are not contained in finished EEEs in a certain level.

Thus, we recognise that SBAA would not be widely used in EEE in large quantities, and as the result, we don't have any concrete information on application, volume or what are required under detailed questions.

Furthermore, we have doubt about that some SBAA's on "Table 1-3 SBAA with lacking information on substance identity and composition" really exist as stable substances on themselves. Their hazard also seems to be only based on assumption, not to speak of SBAA without identification by CAS numbers. We feel serious doubt whether regulating such substances under RoHS could reduce the environmental load. A RoHS restriction is justified

¹ Study for the review of the list of restricted substances under RoHS 2 - Analysis of impacts from a possible restriction of several new substances under RoHS 2
http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Substance_Review/20140806_Substance_Review_revised_version_final_plus_Dossier.pdf

2,3-dibromo-1-propanol (Dibromo-propanol) (Page 16)

4.6.2 Uses and quantities

Dibromo-propanol is not registered under REACH and was not expected to be registered by the second deadline, June 1st 2013.21. This means that, if it is still used, it is used in the EU in quantities lower than 100 tonnes. The European chemical Substances Information System (ESIS) database does not contain any reporting concerning dibromo-propanol submitted by EU Industry.

The major use of 2,3-dibromo-1-propanol is as an intermediate in the production of flame retardants, insecticides, and pharmaceuticals, and it has been used as a flame retardant. 2,3-Dibromo-1-propanol was used in the production of tris(2,3-dibromopropyl) phosphate, a flame retardant used in children's clothing and other products.

only when a substance is proven to be hazardous. For a substance group, it should be necessary to show that all of the family is hazardous. In this case, at least some of them are hardly present in finished EEE and therefore, their hazards (if any) will not occur by EEE.

Please note that restriction will incur costs on the world industry in spite of its doubtful environmental benefit, even if such substances are rarely present in EEE and the EE industry don't have to "substitute" them. This issue should be assessed from the socioeconomic point of view according to Article 6(2)(g) of RoHS Directive.

B) Description of identifiers (such as EC number or CAS number) to identify chemical substance

The description of "small brominated alkyl alcohols (SBAA)" seems to be very vague, especially in situation where there is no common understanding on coverage of "small". (Does it mean C₃₋₅?) At least, it is not a widely-recognised word, and the identification of substances should be clearly described in order to identify restricted substances precisely.

Some substances have many different chemical names. We afraid that only description of a chemical name may often cause unnecessary confusion in the identification. And it would make quite difficult to get hold of a substance in a final product without precise identification by CAS number etc. Downstream manufacturers would be hardly able even to gather information on the substance through supply-chain without identifiers.

The proposal under this consultation requires restriction of a certain group of substances as a whole, therefore it might be considered that providing exhaustive list of identifiers for each substance would be impossible. However, current proposal includes many substances which are uncertain whether they are used as stable industrial chemicals or not, even in those listed under a certain identifier. (We will separately describe our concerns about grouping below.) We believe that the consideration on possible restriction under RoHS should be done for identified substances which are widely used in EEE, only if the significant risk is reduced and if its possible benefit to the society outweighs the cost by the restriction of these substances in EEE, according to Article 6(2) and Manual Methodology for Identification and Assessment of Substances for Inclusion in the List of Restricted Substances (Annex II) under the RoHS2 Directive.

Clarification of the restricted substances would be indispensable both for authorities and for the industry to comply with EU RoHS Directive which requires management based on „homogeneous material“, appropriately. Regulation on substances without identifiers or precise identification may require an additional and enormous workload for them. Hence Japanese EEE industry considers that any substances under discussion should be always identified clearly, whether it is discussed under RoHS.

C) About the grouping of „similar substances“

We believe that the grouping of substances must be done according to internationally-agreed scientific approaches provided by OECD Guidance. However, we cannot know about the criteria or justification of the current-proposed grouping, because background information provided for this consultation does not seem to provide efficient information on the grouping.

The Commission was reviewed the definition of a group of similar substances under RoHS 2 Substance Restrictions WG. Though the final guidance has not yet been published, the draft versions of the guidance (Nov., 2014) was basically in line with the OECD Guidance. OECD Guidance has been also incorporated in "Guidance on information requirements and chemical safety assessment" of ECHA and used in REACH.

To keep the legislative consultation scientific and transparent, the basic information on justification of grouping should be provided first, because it would be one of the ground of the consultation. Arbitrary grouping may cause confusion in the whole industry of the world, make the scientific grounds of the law vague, and as a result, even prevent the effective risk reduction.

D) Concerns on the way of reviewing possible restriction under RoHS

The RoHS Directive 2011/65/EU currently does not set procedures for reviewing substances proposed as candidates for restriction under RoHS from Member States, and as a result, the way is not standardised, and consultation was done via separated consultation like MCCP from Sweden and is done via RoHS consultation pack at this time. We know that this issue is not only about this consultation but the issue which the Commission has to consider, but we are afraid that such situation might reduce transparency and predictability.

In addition, only within 60 days period for contribution, all we can do is to reply to the consultation solely based on the materials at our hand and our knowledge.

We industry would like to request to set at least 180 days (same as the period set for the consultation of draft dossiers by RAC/SEAC under REACH) as the period for comments on possible new proposal of restriction in the future consultation so that we may give more useful input to the consultation after more-detailed review. We believe full consideration among all the stakeholders would make the RoHS Directive contribute to European sustained development.

(2) Concerning our answer for your question in the consultation, we respond as follows (in blue font) :

Questions and Answers:

3. Applications in which small brominated alkyl alcohols are in use:

The following uses have been found in the literature for a number of substances from the “small linear and branched brominated alkyl alcohol” group:

- **Materials:** *Used in epoxy, polymers, polyester resins, polyvinyl, phenolic resins, styrene- butadiene rubber (SBR), and latexes, polyester, as additive in polystyrene foams (EPS), in the production of rigid polyurethane (PUR /PU) foam, in the preparation of flame retardants for plastics and synthetic fibers;*
- **Applications:** *Used in insecticides, and pharmaceuticals, in cellulosic acetate fabrics and acrylic fabrics, in paper coatings, paints, clothing, insulation, furniture, automobile interior parts & water floatation devices, packaging, draperies, institutional bedding, toys, doll clothing, wigs, mobile phones, unsaturated polyester sheets in roofing. Possible use in resins (epoxy, phenolic) used for encapsulation in capacitors, power supplies, etc.*

a) *Please provide information concerning products and applications in which small brominated alkyl alcohols are in use, or used in conjunction with other substances for example in the manufacture plastics or of resins.*

Our answer: Listed substances or similar substances as such would be rather limited in finished EEE, based on our knowledge as manufacturers. EEE manufacturers do not instruct suppliers to use these substances. Listed applications do not seem specially to relate to EEE, therefore we wonder why these substances are proposed for restriction under RoHS Directive.

Even if this substance would be used as an intermediate in the production of some materials as the background document says, it would not be contained as such in the EEE. Furthermore, the restriction under RoHS doesn't apply to the substances used or produced in production process, such as intermediate etc., if they are not contained in finished EEEs.

The previous report from Oeko, “Study for the Review of the List of Restricted Substances under RoHS 2 Analysis of Impacts from a Possible Restriction of Several New Substances under RoHS 2 (Revised Final Version)² says that dibromo-neopentyl glycol is

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http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_Substance_Review/20140806_Substance_Review_revised_version_final_plus_Dossier.pdf

Dibromo-neopentyl glycol (Page 15)
4.5.4 Summary

either not applied in EEE or applied in small amounts by manufacturers of supplied goods and that the application of the 2,3-dibromo-1-propanol is in the EEE sector is not known. We consider that the situation would not be changed since then.

Therefore, our answers to each small question are as follows:

	<i>Small questions</i>	<i>Our answer</i>
I.	<i>Which substance is used (see Annex I)?</i>	None.
II.	<i>Is the substance used as intermediate (reactive) or as additive in the named application?</i>	We don't know.
III.	<i>Quantity/concentration of substance used (weight and % weight in the homogenous material).</i>	None.
IV.	<i>Is application relevant to the EEE sector or not?</i>	As long as we know, no.
V.	<i>Does manufacture take place in the EU or elsewhere?</i>	We don't know. Final EEE manufacturers don't use them.

b) *From the available information reviewed so far, it seems that the use of small brominated alkyl alcohols in EEE is more common as a constituent of various resins, for example of epoxy resins, phenolic resins, etc. This is also supported by the physical-chemical properties of most of the substances in the group and their tendency to vaporize.*

i. *Do you support this view?*

Our answer : As long as we know, no.

ii. *Please provide information to support your view.*

Our answer : Based on our knowledge as manufacturers

c) *In a few cases, substances of the group have a larger molecular structure as well as higher melting and boiling point. Information supports that such substances may be in use in the production of*

Although publically available information on dibromo-neopentyl glycol is very scarce, it is understood that low volumes are in use in the EU for the manufacture of plastic articles. Though this could include plastic articles used in EEE, the information provided by stakeholders suggests that this is not the case. It is understood that the low volume of this chemical used in the EU (100 to 1000 tonnes per year) is mainly applied (above 90%) in unsaturated polyester (UPE) used for UPE sheets in roofing.

The information provided by stakeholders during the consultation further suggests that dibromo-neopentyl glycol is either not applied in EEE or applied in small amounts by manufacturers of supplied goods, thus requiring a more comprehensive supplier survey to allow a better quantification.

2,3-dibromo-1-propanol (Dibromo-propanol) (Page 17)

4.6.4 Summary

As 2,3-dibromo-1-propanol is not registered, it is understood not to be used in the EU or to be applied in low quantities; as further information was not obtained through stakeholders, the use volume cannot be concluded.

Though it is used as a flame retardant, its application in the EEE sector is not known to the European Flame Retardant Association, which represents the leading organisations who manufacture, market or use flame retardants in Europe. On the other hand, the case of 2,3-dibromo-1-propanol suggests that it is not always clear which (brominated) flame retardant is used within the supply chain. The Test & Measurement Coalition states that an in-depth-survey of the supply chain, including SME custom part suppliers, would be required to determine exposure and whether substitution would impact safety or other qualifications (e.g. for flame-retarded uses such as epoxy internal to power supplies).

plastic parts made of polymers such as polyurethane.

1. Do you support this view?

Our answer : We don't know because we are not resin manufacturers. The restriction under RoHS doesn't apply to the substances used or produced in production process, such as intermediate etc., if they are not contained in finished EEES.

4. Umbrella specifications:

From umbrella specifications, published by the German Electrical and Electronic Manufacturers Association (ZWEI), it can be understood that the following components make use of various types of resins.

Our general answer to the Questionnaire 4:

Listed substances or similar substances as such would not be rather limited in finished EEE, based on our knowledge as manufacturers. EEE manufacturers do not instruct suppliers to use these substances.

Even if this substance would be used as an intermediate in the production of some materials as the background document says, it would not be contained as such in the EEE. Furthermore, the restriction under RoHS doesn't apply to the substances used or produced in production process, such as intermediate etc., if they are not contained in finished EEES.

5. Alternatives and possible substitutes for small brominated alkyl alcohols:

Please see our general answer to the Questionnaire 4.

6. End-of-Life of EEE containing small brominated alkyl alcohols:

Our general answer to the Questionnaire 6:

Listed substances or similar substances as such would not be used in EEE, based on our knowledge as manufacturers.

If these substances are used as brominated-flame retardants in resin, we would have to provide information on them according to Article 8(2) of WEEE Directive 2012/19/EU, but as long as we know these substances are not used as flame retardants because of their boiling point.