

Discussion about proposed new EU hazard classes, Anne-Christine Machery and Alison Potts

Anne-Christine Machery of CNRS Prévention du risque chimique commented on LinkedIn below the first video, asking about whether PBT/vPvB and PMT/vPvM :

Thank you for this interesting video. I just wonder about the "one hazard class for PBT/vPvB" (and also about PMT/vPvM) according to the point 12 (13 is the same for PMT) in the EC explanatory memorandum : "(12) The intrinsic properties of PBT and vPvB substances and mixtures display similarities, but they differ substantially with regard to the toxicity criterion. It is therefore appropriate to create two separate hazard classes, each with its own criteria, while establishing common rules for the scientific assessment of the intrinsic properties related to persistency and bioaccumulation". The draft proposal for annex I is not so clear as it does not state that BPT/vPvB properties lead to one class with two categories (the word "category" does not appear in the section). Not being an ecotoxicologist, I wonder if a substance can meet the criteria for vPvB AND those for PBT (of course if a substance meet the vPvB criteria, it meets PB criteria but if classified only as PBT, the vPvB property information would be "omitted". In other words : what about vPvBT substances ?

Alison replied:

Hello Anne-Christine. Thanks for the question. You raise an interesting point. If we look at substances that have already been classified under Annex III of REACH (PBT/vPvB) then we find examples that have been classified as both PBT and vPvB [Pyrene CAS# 129-00-0, or Alkanes C14-17, chloro, CAS# 85535-85-9]. In the guidance for development of PMT/vPvM, (<https://www.umweltbundesamt.de/en/publikationen/reach-improvement-of-guidance-methods-for-the>) similarly we find that both classifications can be assigned to the same substances. I would assume that is the intent of the new draft regulation. The existing CLP text states (Article 27) that precedence only applies if the hazard statement is redundant or duplicative. And unfortunately neither EUH440 or EUH441 fully covers the other. EUH441 = "Strongly accumulates in living organism including in humans with possible long-lasting effects" (the "possible" means it does not adequately cover the text of EUH440). Based on the current draft proposal you would need to put both Hazard Statements on your product if the criteria for PBT and vPvB applied. If (like me) you think the label would look silly with both statements, then I recommend you reply to the consultation!

Alison added:

If I were looking to resolve this, I'd be advocating for a joint hazard statement. (Similar to H302+H312). Unfortunately it isn't on the agenda for the ad-hoc Caracal in October. Which means it hasn't been identified as an immediate workability problem.

Anne-Christine responded:

Thanks for replying. In my opinion it would be quite different from differentiation. And of course it would make no sense to use a combination "EUH440 + EUH441". This impossibility leads to understand, as you say in the video, that PBT and vPvB are 2 categories of the same class PBT/vPvB. Then why isn't it clearly presented as a unique class with 2 categories in the draft of the annex I ? Yet the explanatory memorandum states exactly... the opposite. For skin corrosion/irritation hazard class, it is indicated in the annex I that category 1 is for corrosion and category 2 for irritation. Nothing like this in the draft for PBT/vPvB and PMT/vPvM.

Anne-Christine also responded:

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sorry Alison, I missed your first reply and then I replied to the second one... and I'm happy we share the same feeling about EUH440+EUH441 ! Thank you also, I didn't know that some substances were previously identified (under Reach) as PBT AND vPvB !