



European Phenolic Resins Association

To: DG GROW – Ms. Kerstin Jorna, Director General, Internal Market, Industry, Entrepreneurship & SMEs
DG ENVIRONMENT – Ms. Florika Fink Hooijer, Director General, Environment

cc. ECHA – Dr. Matti Vainio – Head of Risk Management Unit
ECHA – Dr. Fleur van Broeckhuizen – Regulatory Officer (ex RIVM)
RIVM – Ms. Lonneke van Leeuwen – Advisor for National and International Policy on Chemicals
EPRA: Paul Ashford – Regulatory Advisor

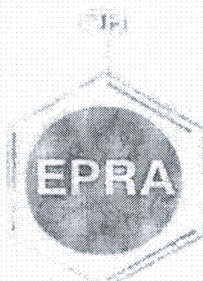
3rd May 2022

Subject: Failure of the Registration, Evaluation, Authorisation, Restriction of Chemicals (REACH)

Dear Recipients,

We write as members of the European Phenolic Resins Association (EPRA) to express our profound concern over the failure of REACH to fulfil its stated objective of '*ensuring a high level of protection for human health and the environment*' by failing to implement the transition to safer alternatives in the refractory sector.

The focus of our attention has been the rightful listing of Coal Tar Pitch High Temperature (CTPHT – CAS 65996-93-2) as an SVHC based on its classified as a Category 1B carcinogen. Our concern surrounds the fact that Coal Tar Pitch High Temperature Heat Treated (CTPHTHT – CAS 121575-60-8), itself a Category 1B carcinogen, has been allowed to be used as a substitute for CTPHT when other alternatives such as phenolic resins have been available throughout with no such classification. The reason for this regrettable substitution is that other priorities and resource issues at RIVM have prevented a full Risk Management Option Analysis (RMOA) from being conducted on CTPHTHT which would ultimately lead to the parallel listing of this alternative as an SVHC and inclusion on the Candidate List. This project has been on the RIVM agenda since early 2019 – nearly three years ago now and we are struggling to get a response from the current staff to our request for an update on progress. Accordingly, there seems to be no imminent resolution in sight. Meanwhile investment in a further 33,000 tonnes/annum of capacity of CTPHTHT has taken place with clear commercial consequences for the phenolic resins industry as well as unnecessarily prolonging the exposures of the workforce and the environment to this carcinogen.



European Phenolic Resins Association

The CTPHTHT classification, as with the CTPHT classification, is based on the presence of benzene- α -pyrene, which is reduced within CTPHTHT to levels of around 350 ppm but this is still 7 times higher than the Category 1B threshold of 50ppm for this impurity.

ECHA is aware of this issue but has largely continued to justify the choice of alternative on the basis that it represents a reduction of risk when compared with CTPHT. Efforts to highlight the availability of phenolic resins as viable non-classified alternatives have been on-going for many years. The potential use of phenolic resins for the manufacture of carbon bricks was raised in the RMOA for CTPHT written by RIVM in 2010. Although there are some differences in product characteristics, phenolic-based refractory products typically out-perform their CTP counterparts¹. However, with CTPHTHT as a less expensive alternative to phenolics, it became the natural successor to CTPHT despite its adverse hazard profile and there have been no subsequent Applications for Authorisation for CTPHT use in carbon brick manufacture which would allow phenolic resins to be showcased as viable alternatives. We understand that this failure of REACH to allow regrettable substitutions to occur 'off-grid' is something that the Generic Risk Approach being proposed under the Chemical Strategy for Sustainability (CSS) may address, but that is little comfort when there has been now over 5-years of stagnation on this subject during which inappropriate alternatives have been knowingly permitted.

The members of the European Phenolic Resins Association therefore call upon the European Commission to fulfil its duties in respect of the objectives of REACH and ensure that neither the environmental nor the internal market principles which the Commission seeks to uphold are compromised any further by the continuation of a "permission by omission" culture with respect to CTPHTHT. We remain at your disposal to provide any further information you may require in support of our case but would urge that this matter be prioritised so that we don't have to wait much longer for a just and satisfactory resolution.

Yours Faithfully,



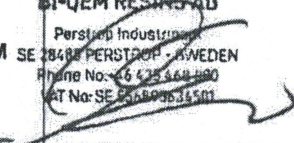



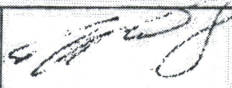

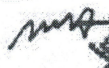



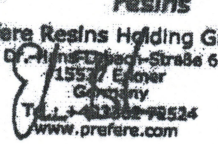
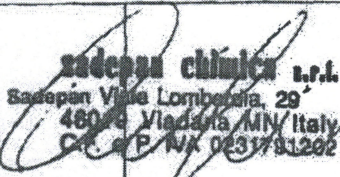
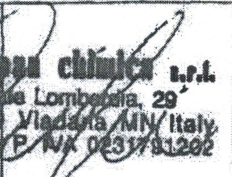
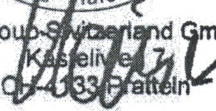
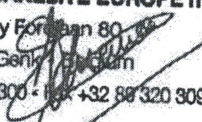
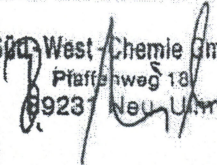
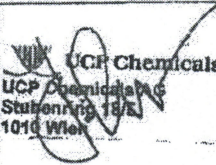
Dr. Arno Knebelkamp
(EPRA - Chairman)

Dr. Eckart Nausch
(Secretary General)

¹ <https://epra.eu/wp-content/uploads/EPRA-Refractory-article-March-2020.pdf>



European Phenolic Resins Association

<p>Allnex</p>	<p>Steven Raeymaekers</p> 	<p>Stephan FÜBI Managing Director</p>  <p>BAKELITE</p> <p>Bakelite GmbH Gemeiner Straße 2-4 D-58542 Iserlohn-Letmathe</p>	<p>BI-QEM RESINS AB</p> <p>Perstorp Industri AB SE 28488 PERSTORP - SWEDEN Phone No: +46 435 464 880 Fax No: SE 435 464 881</p> 
<p>Ercros</p>	 <p>Ercros</p>  <p>Luis Ignacio Cerdá Director Comercial División Química Polímeros</p>	<p>Fenolit</p>  <p>FENOLIT d.d. sintetične smole in more</p> 	<p>Foresa</p> <p>FORESA</p> <p>FORESA Industrias Químicas del Noroeste, S.A.U. Avda. de la Industria 10 E-48050 CALIATZ (LEIZOR - P. V. Ochoa)</p> 
<p>LERG SA°</p> <p>Lerg LERG SPÓŁKA AKCYJNA 39-206 Pustków 3, Pustków-Osiedle 59D tel. +48 (14) 580 62 11, fax +48 (14) 670 24 69 REGON 830022800, NIP 872-000-35-68</p> 	<p>LERG SA°</p> <p>Lerg LERG SPÓŁKA AKCYJNA 39-206 Pustków 3, Pustków-Osiedle 59D tel. +48 (14) 580 62 11, fax +48 (14) 670 24 69 REGON 830022800, NIP 872-000-35-68</p> 	<p>Metadynea Austria GmbH</p>  <p>METADYNEA METAFIAX GROUP</p> 	<p>prefere resins</p> <p>Prefere Resins Holding GmbH D - Himmelsbach - Straße 6 15537 Ebneth Germany Tel. +49 30 62 98524 www.prefere.com</p> 
<p>sadepan chimica s.r.l.</p> <p>Sadepan Viale Lombardia, 29 46019 Viadana (MN) Italy C.A.P. 0431/91202</p> 	<p>sadepan chimica s.r.l.</p> <p>Sadepan Viale Lombardia, 29 46019 Viadana (MN) Italy C.A.P. 0431/91202</p> 	<p>SI Group Switzerland GmbH</p> <p>SI-Group Kesselweg 7 CH-4133 Pratteln</p> 	<p>SUMITOMO BAKELITE EUROPE nv</p> <p>Henry Foreman 80 sbhpp 3600 Gennevilliers Tel. +32 89 320 300 - Fax +32 89 320 309</p> 
<p>SWC</p>	<p>Süd-West-Chemie GmbH</p> <p>Pfaffenweg 18 89231 Neu-Ulm</p> 	<p>UCP Chemicals</p> <p>UCP Chemicals Stationing 18/1 1010 Wien</p> 	<p>Süd-West-Chemie GmbH</p> <p>Pfaffenweg 18 89231 Neu-Ulm</p> 