



7 January 2013

## Update on Deca-BDE under REACH

On 19 December, ECHA<sup>1</sup> announced the inclusion amongst 54 substances of the flame retardant Deca-BDE<sup>2</sup> in the Candidate List<sup>3</sup> of SVHC substances for Authorisation under REACH. This follows the submission of an Annex XV proposal by the UK, which concluded that Deca-BDE meets the criteria in Annex XIII of REACH because of PBT/vPvB<sup>4</sup> properties of its potential degradation products.

As is the standard requirement under REACH, six months after inclusion in the Candidate List producers and importers of articles must notify the ECHA if Deca-BDE is present in their articles in quantities totalling over one tonne per producer or importer per year and above a concentration of 0.1 % weight by weight (w/w)<sup>5</sup>. Importantly, this notification requirement will not apply in those circumstances where the specific use of Deca-BDE in the articles has already been included in the registration dossier of Deca-BDE.

From the date of inclusion, suppliers of an article containing an SVHC<sup>6</sup> in a concentration above 0.1 % weight by weight (w/w)<sup>7</sup> shall:

- provide the consumer with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance within 45 days of receiving a request
- provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance

This is the first time that a substance has been included in the Candidate List on the basis of potential degradation products. While the rationale for this decision is specific to Deca-BDE, it implies that all substances being registered under REACH will require some degree of testing as to their potential to degrade to SVHCs over 12 months and at levels as low as 0.1%. EFRA is concerned that the ECHA and Member State authorities have not considered the extent to which this new requirement, now interpreted for Deca-BDE, could increase the registration timing and burden of testing.

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<sup>1</sup> The European Chemicals Agency is in charge of managing the registration, evaluation, authorization and restriction processes for chemical substances as set up in the EC regulation No 1907/2006 to ensure consistency across the European Union

<sup>2</sup> Decabromodiphenyl ether, CAS number 1163-19-5

<sup>3</sup> The detail on DecaBDE's inclusion in the Candidate List is available on the ECHA website here: <http://echa.europa.eu/candidate-list-table/-/substance/2403/search/+term>

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Substances on the Candidate List are not subject to Authorisation immediately; identification of substances of concern is only the first step. The next step is for Member States, the ECHA and the European Commission to determine whether or not Deca-BDE should eventually be prioritised for REACH Authorisation, compared to other substances already on the Candidate List. The prioritisation process includes a 3 month consultation period of interested parties.

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*About EFRA:*

*EFRA (the European Flame Retardants Association) brings together the major companies which manufacture flame retardants in Europe. EFRA covers all types of flame retardants: chemicals based on bromine, chlorine, phosphorus, nitrogen and inorganic compounds. EFRA is a Sector Group of Cefic, the European Chemical Industry.*  
[www.flameretardants.eu](http://www.flameretardants.eu)

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<sup>4</sup> PBT = Persistent, Bioaccumulative Toxic. vPvB = very Persistent, very Bioaccumulative.

<sup>5</sup> Article 7 of REACH, Registration and notification of substances in articles. Article 7(6) of REACH provides that the notification requirement does not apply where the specific use of the substance in the articles has already been registered.

<sup>6</sup> Substances of Very High Concern

<sup>7</sup> Article 33 of REACH, Duty to communicate information on substances in articles