



CEIR comments regarding the restriction of lead in consumer articles

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SANITARY TAPS DO NOT FALL WITHIN THE SCOPE OF THE REACH RESTRICTION OF USE OF LEAD IN CONSUMER ARTICLES

Commission Regulation (EU) 2015/628 has recently amended REACH Annex XVII about restricted substances. The use of lead is now restricted in articles which meet all three following conditions:

- (a) are supplied to the general public and contain lead or lead compounds in any accessible part of the article at concentrations equal to or greater than 0.05% by weight;
- (b) are likely to be placed in the mouth by small children, during normal or reasonably foreseeable conditions of use;
- (c) are not already covered by any other EU specific legislation in which lead is regulated.

ECHA is currently drafting a guidance document on the implementation of this restriction, which is subject to public consultation. The European Association for the Taps and Valves Industry – CEIR – would like to thank ECHA for the opportunity to provide comments on the draft guidelines.

Taps and valves manufacturers do not consider themselves affected by this new restriction. Indeed, manufacturers firmly believe that taps are out of the scope of the lead restriction (Commission Regulation (EU) 2015/628). However, we feel it is necessary to contribute to the debate in order to avoid legal uncertainty, especially for sanitary tapware.

Based on the definitions and assumptions in Regulation 2015/628, CEIR considers that most sanitary tapware is out of the restriction scope because it is normally not accessible to small children after installation. This is typically the case for basin and kitchen taps. As regards bath, bath/shower

taps and some other sanitary tapware terminal fittings such as outdoor taps and drinking fountains etc., they could be perceived as being covered by the scope of the restriction due to their usual position in the bathroom or their general installation position.

However, Clause 2.3.2 of the draft guidelines excludes some products from the scope because there is a “due level of parental care for reasons of safety”. This is obviously the case with bath taps due to the risk of scalding. In reality, adults prevent children from using bath taps (and other sanitary tapware terminal fittings) and, a fortiori, from placing them in the mouth.

In addition, products covered by European legislation in which lead is regulated are out of the scope of the restriction. Sanitary taps, including bath taps, fall within the scope of the Construction Products Regulation (305/2011) regarding fitness for contact with drinking water. Moreover, products connected to the public water supply also fall within the scope of the Drinking Water Directive (98/83/EC) which mirrors their fitness for contact with drinking water requirements as referenced in the Construction Products Regulation. Both Regulation 305/2011 and Directive 98/83/EC cover the risk of lead migration. In addition, many Member States have specific legislation that regulates the composition of materials used in all sanitary tapware products connected to the public water supply.

An additional requirement regarding the amount of lead would interfere with the existing regulatory portfolio. As a consequence, it might result in unnecessary double regulation and conflicting requirements. This is contrary to EU industrial policy and the Commission’s commitment towards better regulation.

Furthermore, sanitary tapware products are usually made of brass, a copper-zinc alloy which always contains lead for technical reasons. The state of the art in Europe is to use brass compositions containing between 1% and 4% of lead. However, this brass is always covered by a protective layer for corrosion-resistance purposes. This protective coating has been shown to last much longer than the 2-year period stated in the guidelines.

Therefore, CEIR asks ECHA to list taps in its guidelines amongst those products being out of the scope of the restriction introduced by Commission Regulation (EU) 2015/628.

About CEIR

The European Association for the Taps and Valves Industry (CEIR) was formed in 1959 as the European federation of national manufacturer associations. CEIR gathers together a large number of European manufacturers in the field of valves and fittings. CEIR supports the principles of a free economy and private enterprise in Europe as well as on a global basis. CEIR represents the common economic, technical and scientific interests of the European valve industries, in particular towards international authorities and economic and commercial circles.