



9. Technical Committee update

ERFMI.

EUROPEAN RESILIENT FLOORING MANUFACTURERS' INSTITUTE

TiO₂

- TiO₂ classified as suspected carcinogen (Cat.2) by inhalation on 4th October

Timeline:

- 2 to 4-month scrutiny by EU parliament and Council and opposition period
- 4 December or 4 February: Council draft decision
- Commission to publish the delegated act immediately
- Followed by 18-month implementation period
- Classification applied July 2021 or September 2021

Consequences for production

- If buying powder, powder classified as carcinogen cat 2 by inhalation, bags shall be labelled and appropriate safety instructions followed
- Masterbatches and compound containing TiO₂ will not be classified but could bear a warning: EUH212: Warning Hazardous respirable dust may be formed when used. Do not breathe dust
- **Floorcoverings do not need to be classified as they are articles, not mixtures or substances**

Consequences for Waste Flooring Products

Waste authorities could interpret the waste framework directive that they have to classify products containing **TiO₂** as hazardous

- 1) This is a decision of the local /regional authority
- 2) EC will work on an update of the waste guidance to make local authorities aware that they should not classify. update before the end of the 18 months transition period
- 3) EUPC and members to continue advocacy supporting the revision of the waste guidance and also for an amendment of the list of waste to avoid any legal uncertainty

ADCA

- **ADCA has not been included on the Annex XIV**
- Remains on the candidate list of substances of very high concern (SVHC) for authorisation
- Regulatory action on ADCA will be further considered by the European Commission at some point in the future and a proposal to list on Annex XIV can't be excluded (expectation EuPC in 2 – 3 years)
- Industry letter sent to Commission September 2019 suggesting alternative risk management option – Occupational Exposure Limit
- EUPC will put together an industry consortium in January 2020 to put together the OEL

Microplastics



- ECHA REACH Annex XV restriction proposal for intentionally added microplastics
- Commission identified pellet loss as significant contribution to annual release of microplastics – **up to 23% of total release**
- Foresees labelling and reporting obligations related to losses of pellets, regranulate and flakes at the premises of those using them

ECHA Definition of Microplastics

Material consisting of solid polymer-containing particles, to which additives or other substances may have been added, and where $\geq 1\%$ w/w of particles have (i) all dimensions $1\text{nm} \leq x \leq 5\text{mm}$, or (ii), for fibres, a length of $3\text{nm} \leq x \leq 15\text{mm}$ and length to diameter ratio of >3

- Covers most polymers (e.g. pellets, masterbatches, flakes) used at industrial sites
- Current proposal foresees a labelling and reporting obligation on pellet loss



EUPC / Industry View



- Pellets can be used all along supply chain
- Pellets at converters transformed into plastic items and do not retain shape and size
- Should not be regulated under proposed REACH restriction for intentionally added microplastics
- Voluntary commitments instead:
 - Operation Cleansweep; or
 - Marine litter resolutions

Results of Industry Survey



- **Reporting** requirement on pellet loss **cannot bring meaningful results**
- Low levels of plastics losses **likely to be well below error margins providing no useful information** compared to overall production
- **Additional cost for industry estimated at 0.5-1 billion €/year**
- **Main identified source for loss of plastics pellet is transport**
- More than 90% of respondents have already taken measures to prevent pellets
- 70.2% are implementing a preventive measure at whole production facilities (Environmental management system)

Unintentional Release of Microplastics

- DG ENV priority for next Commission
- Losses/abrasion is on radar of ECHA
 - Recent ECHA report foresees additional information requirements for surfaces with high erosion/abrasion potential as well as large indoor surfaces
- EUPC setting up consortium project **Microplastics Release Article Service life (MiRA)**:
 - Overall project €30.000 divided by 5 potential partners
 - Looking for €6.000 per partner
 - Reviewed by Chair of TC
 - **Recommendation:** Participate in work



Definition of Recycling

Green Public Procurement (GPP)

- Italian GPP requires a content of **secondary raw material recycled or recovered** in construction products **to be at least 30%** by weight assessed on the total of all the plastic components used in a building
- Recycled content cannot be a biproduct of the manufacturing process (raw material)
- Recycled content should be a **“product” classified as waste under waste legislation.**



- Currently important debate for Green Public Procurement and Circular Plastics Alliance
- Worked with TC to review current definition to explain:
 - 1) Explain investments needed when setting up internal recycling
 - 2) Broaden definition to include industrial recycling of factory waste

Reworked Definition



Post-Industrial Waste excluded



Processing waste that is re-used immediately or continuously in the SAME process that generated the waste

Post-Industrial waste included



Processing waste that can be re-used in the SAME process that generated the waste. E.g. Factory waste generated by production machine A, then substantively adapted/reformulated then re-used by machine A;



Re-used in other internal processes or sold to other flooring manufacturers or other converters. E.g.



Factory waste generated by production machine A and re-used by machine B



Factory waste generated by production site A and reused by production site B

Post-Consumer Waste



Post-consumer waste from used flooring after renovation, demolition



Internal re-use of off cuts collected from the site of flooring installation



Waste generated from the above streams which is then provided to a recycler

Feedback from VinylPlus and EUPC

- 1) "Processing waste that can be re-used in the SAME process that generated the waste. E.g. Factory waste generated by production machine A, then substantively adapted/reformulated then re-used by machine A;"
 - Clashes with VinylPlus definition "*PROCESSING WASTE IS INCLUDED PROVIDED THAT IT CANNOT BE REUSED IN THE SAME PROCESS THAT GENERATED THE WASTE*"
- 2) "Factory waste generated by production machine A and re-used by machine B"
 - Not specific enough; if both machines use the same process, not in line with the VinylPlus definition
 - **Next step:** conference call with TC and VinylPlus to refine definition



11. CE Marking

Statement on use of hEN14041:2018

Although hEN14041 : 2018 has been published by CEN, this standard cannot currently be used. The 2004 version is the only valid one.

- As the standard is a harmonized standard , regulated by the CPR (Construction Products Regulation) it **cannot be used before it is published in the Official Journal of the European Union**
- Due to an ongoing series of changes in approach and the fast-evolving Reach regulation, a number of changes will be necessary before the standard can be finally approved.

hEN 14041:2018 update

- Not published in official journal yet, so cannot be used for CE marking purposes
- Issues to still be clarified by the Commission are
- b) the overlap of mandate M/119rev with REACH/ the list of substances of very high concern.
- c) revision of the commission decision on the AVCP systems for floorcoverings needs to be finalized. Mikkeli Tapani Head of Unit for Sustainable Construction at DG Grow stated Construction Products Regulations to be overhauled in new session of the Commission
- Unlikely to be any progress in the Harmonisation process until the Construction Products Regulations have been overhauled

In the meantime EUFCA has put together statement for member organisations regarding use of En 14041:2018