



## **ENPC contribution to the European Commission public consultation on possible restriction of hazardous substances (CMR 1A and 1B) in textile articles and clothing for consumer use under Article 68(2) of Regulation EC No 1907/2006 (REACH)<sup>1</sup>**

### **About ENPC:**

The European Nursery Products Confederation (ENPC) represents the juvenile industry in Europe, and the childcare industry's core objective is to provide families with products that offer optimum protection to children such as wheeled equipment, car seat, furniture, and feeding equipment. ENPC's membership includes national associations representing medium-size enterprises (SMEs) and major European industries supporting the competitiveness of the sector. Members come from France, Italy, Germany, Spain, Austria, UK, Belgium, and the Netherlands. Amongst the 260+ members represented in total, more than 40% are small enterprises, 37% are medium enterprises, most with an international reach.

### **ENPC comments to the public consultation:**

- 1. Lack of toxicological scientific approach** - The proposed restriction is unscientific. Such an approach completely ignores whether there is any real life exposure to the chemical. This proposed restriction on CMR (categories 1A and 1B) are not based on toxicology scientific evidence, which is the method childcare manufacturers would welcome. Ruling substances' restriction without having scientific data does not guarantee a higher level of products' safety. On the contrary, the European Commission should accurately take into consideration the socio effects the restriction could have in the protection of vulnerable consumers. If a company invest will be obliged to invest a higher amount of money in testing, without having an improvement of products safety but with the aim to protect brand reputation, as a consequence European families will have to face higher prices for child care products, which are indispensable consumers products.
- 2. Lack of consistency regarding limits proposed** - The proposed total content limits (50 mg/kg or 30 mg/kg) are arbitrarily set and which do not take into consideration the test methods associated or the detection limits. This would implement unworkable system that lacks any consistency. Every single substance family should diligently be associated with a deep and specific analysis taking into account the socio-economic impacts and the real consequences. Industry needs clear, standardized and harmonized test methods that can be applied to the consumers' products.

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<sup>1</sup> [http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item\\_id=8299](http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8299)



3. **Huge burden testing** - Industry will face extra testing exercises without having implemented a specific test methods for all substances listed. Even if testing is not mandatory, industry risk facing testing demands for which there are no recognized test methods for many of the targeted substances. The possible restriction would lead a huge burden testing which will have a big socio-economic impact on the companies, especially for SMEs.
4. **Legal incompatibility and unclear EU legal framework** - The restriction of certain substances proposed in textile articles and clothing for child care articles are already regulated by REACH, and the restriction will lead to a redundancy with existing restrictions. Some examples are below listed:
  - 4.1) **The list of the substances' restrictions included a too broad variety of substance families** (heavy metal compounds, formaldehyde, phthalates, etc.). The draft list of restrictions should be carefully evaluated according to the specificity of the category as the substances are differently used in the textile industry. Many of the substances listed are already covered by the general safety obligation of child care products manufacturers as well as by Art. 33 of REACH (SVHC – candidate list) or Annex XVII.
  - 4.2) **Carcinogenic azo-colorants - aromatic amines** (REACH, Annex XVII). A great part of the aromatic amines listed in the consultation is already ruled by REACH, which regulates 22 aromatic amines. A better legal and policy making approach would indeed eliminate the aromatic amines from the list, and list only those colorants for which a possible carcinogenic effect has been scientifically proven. The aim is to have a restriction clearly identified for the textile sector.
  - 4.3) **Derivatives of petroleum and PAHs**. The restriction proposed is indeed not proportionated and unjustified. PAHs restriction should be deleted as none of the substances listed have a big toxicology impact on textile – only in isolated cases, traces of PAHs can be founded.

**ENPC**