



DRAFT CEIR comments regarding
ECHA guideline on the restriction of nickel

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**SANITARY SHOWERHEADS SHOULD NOT FALL WITHIN
THE SCOPE OF THE REACH RESTRICTION ON NICKEL**

ECHA has drafted a guidance document on the implementation of the restriction on nickel and its compounds (Annex XVII to REACH Regulation, Entry 27), which is currently subject to public consultation. CEIR would like to thank ECHA for the opportunity to provide comments on this draft guideline.

CEIR is the European Association for the Taps and Valves Industry. CEIR gathers together manufacturers in the field of sanitary, building and industrial valves. Through its 13 national associations and 13 direct company members, CEIR represents over 350 companies, both large businesses and SMEs.

CEIR believes that sanitary taps, including shower-heads and hand-showers, do not fall in the scope of the nickel restriction set in the REACH Regulation (Annex XVII, entry 27). The inclusion of shower-head handles within the list articles falling within the restriction scope raised concerns. We therefore feel the need to provide clarifications and contribute to the debate to ensure legal certainty for the sanitary tapware sector.

First, CEIR fully supports the nickel restriction that primarily aims to improve health. The use of nickel should be limited considering nickel is a major cause of contact dermatitis amongst EU population. We also support the objective of the guideline that aims to help manufacturers complying with their obligations and facilitate enforcement of restriction provisions.

However, the draft ECHA guideline goes in our view far beyond the original scope and objectives of the nickel restriction. This wide scope extension is not based on proper justifications, scientific evidence and impact assessment. This is contrary to European Commission commitment towards better regulation.

The nickel restriction primarily aims to protect consumers against nickel allergy which may be caused by direct and prolonged contact of the skin with nickel-releasing articles. The restriction provides a non-exhaustive list of articles falling within the scope: jewellery and garment accessories. These types of articles come into direct and prolonged contact with the skin for several consecutive hours.

As far as the draft ECHA guideline is concerned, it provides a list of articles (Annex 1, Table 2), including shower-head handles, going far beyond examples given in the nickel restriction. Such a list is accompanied by neither detailed justifications and scientific evidence, nor analysis of usage patterns. The very few cases of nickel allergy reported in the Table 3 cannot be considered as relevant compared to the high number of people exposed to mentioned equipment. In addition, most of this equipment does not intend to be in contact with the skin for several consecutive hours.

Considering the lack of justification, the draft guideline does not properly support manufacturers to determine whether their products fall into the restriction scope or not and, consequently to comply with their obligations. On the opposite, it is likely to result in legal uncertainties for manufacturers.

Instead of a supporting tool, the draft guideline is in our view an amendment of the existing nickel restriction. In this case, the REACH Regulation (Article 68) requires to consider the socio-economic impacts of the restriction, including the availability of alternatives. Such a proposal should be backed-up by proper justifications (Annex XV dossier) and assessed by ECHA Committees. Indeed, extending the scope of the nickel restriction to sanitary taps will result in significant cost for manufacturers. This need to be justified by substantial benefits for the health or environment.

Moreover, shower-head handles do not fall under the definition of “prolonged contact with the skin” given in the draft ECHA guideline: the use time of shower-head has been overestimated.

In fact, the draft ECHA guideline provides an interpretation of the term “prolonged contact with the skin” to determine the list of articles within the scope. It is understood as: 10 minutes on 3 or more occasions within 2 weeks or 30 minutes on one or more occasions within 2 weeks.

As far as shower-head handles are concerned, the use patterns of consumers showed that shower-head handles in contact with the skin is shorter than the given exposure time. According to a study taps and showers carried out by the European Commission’s Joint research Centre¹, the average usage time of a shower is seven minutes per day.

In addition, the draft ECHA guideline states that the 10 or 30 minutes need to be continuous and not consisting of several short discontinuous periods of contacts. It should be noted that hand-showers are not hold in the hand by the user during the full shower time, but maximum 20% or 30 %.

Indeed, the average European bathroom is usually equipped with a fixed installation: the shower holder is out of the normal range of hands. Alternatively, it is equipped with a shower rail where the hand-shower is placed during the shower time and passive storage. According to our market knowledges, hand showers are kept in the fixture at the shower rails most of the showering time

¹ JRC, *MEErP Preparatory study on Taps and Showers*, 2014.

(approximately 70% to 100% of the total time). The hand-shower is taken into the hand only for specific actions, such as cleaning the feet.

As regards sanitary taps and accessories, no case of nickel allergy was reported, neither evidence suggested that this equipment would cause nickel allergy. Considering sanitary equipment are a common equipment and several thousands of pieces are placed on the market, sanitary taps does not seem to be not a relevant cause of nickel allergy.

Regarding the sanitary ware industry, the duration and frequency of exposure to workers is higher compared to consumers' exposure. However, contact dermatitis related to sanitary tapware has not been raised as an occupational health issue. Nevertheless, further time would be necessary to further investigate worker exposure to nickel and evaluate possible occupational issues.

As a conclusion, CEIR asks ECHA to amend its draft guideline on the nickel restriction: shower-head handles should be removed from the list of articles which are expected to result in prolonged contact with the skin (Annex 1, Table 2). In addition, sanitary taps, including water taps, shower-heads and hand-showers, should be listed in the list of examples outside the scope of the restriction (Annex 2).

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.