

# VDA Comments

on Annex XV dossier proposing restrictions on intentionally  
added microplastic  
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## Contact

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The VDA and its member want to comment on the published adoption of the opinions by SEAC (Socio-Economic Analysis Committee) to the restriction of microplastic.

### **Insufficient description of substance identity:**

Many paints and coatings are used to finish cars with individual colors and to protect the surface against chemical, mechanical and environmental influences. An impact assessment of microplastic in paints and coatings shows contradictory statements by the material manufacturers. The reason is the complexity and extensivity of the definition of microplastic, both in the proposal by the member state and in the SEAC opinion. This is why manufacturers of paints and coatings often struggled to identify if their products contain microplastic and the quantity of the same. This situation leads to insufficient and false information among downstream or end-user chains.

Additionally, so far, none of the restriction proposals have shown analytical measurement methods for identifying microplastics in solutions. Based on these missing methods, the information given by the manufacturer also cannot be verified. As a tier in a production chain this impacts both, the analysis of received production materials and on the other side the product and the waste of the tier. This means no quantitative and qualitative analysis of wastewater can be carried out, neither from industrial side nor from official side. Clear guidelines must be created here.

### **Market impact**

The use of microplastic at industrial site is exempt from the restriction. Paints and coatings as repair-kits sold to public would be banned. This would result in extensive costs for customers to repair small damages of the coating, as this would prohibit a private repair as the needed substances would be banned.

Furthermore, in case that the release of  $7 \text{ g} / \text{m}^2$  is exceeded, the proposal would restrict the use of granulated rubber derived from End-of-Life tires in synthetic sports surfaces. The question arises however, how such values should be measured? As a consequence, the material recycling of tires will no longer be possible and would have to be replaced by thermal recovery processes instead. This finally is an unnecessary barrier to success towards the objectives of the circular economy. A detailed comment on this topic is submitted by ETRMA, the European Tyre & Rubber Manufacturers Association).

### Labelling Requirements:

Any supplier of a substance or mixture containing a microplastic is required to give information to the downstream or end-user about the quantity of microplastic in the substance or mixture and sufficient information on the polymer contained in the mixture. The supplier has the choice to convey the information in a multitude of ways:

- on the SDS
- and/or on the label
- and/or instruction for use (IFO)
- and/or 'package leaflet'

The disclosure of information must be definite, too many choices result in uncontrolled placement of information. You never know where to look. For the downstream or end-user only SDS is an efficient way to control the information, also for safety use instruction. A special designation of the microplastic components as well as an exact specification of the concentration (no concentration ranges!) in the SDB/Safety use instructions should be associated with this.

Information on label or IFO or 'package Leaflet' shall be an extra opportunity to add information but shall not be the primary one. We recommend changing the wording in the legal text.

### Reporting requirements:

[Industrial] downstream users are required to report the estimated quantity of the used microplastic of each calendar year, a description of the use of microplastic and the identity of the polymer used. Such reporting requirements to track discharge of microplastic into the environment are ineffective and disproportionate. For industrial users of paints and coatings several regulations of water and air protection are already in place, which restrict the release of solid particles and substances, like

- the German "Verordnung der Anforderung an das Einleiten von Abwasser in Gewässer (AbwV)",
- regional requirements for treating waste water,
- European BAT (Best Available Techniques) Reference Document (BREF) of 'Surface Treatment Using Organic Solvents (STS)' and the German TA-Air 2002.

Thus, a direct discharge of waste water in the environment is already prevented. The proposed reporting requirement therefore contradicts the principle of subsidiarity. Furthermore, the reporting of estimated amounts of microplastics would be highly inaccurate as for the reasons mentioned above and leads to considerable costs of personnel expense without a profitable benefit for the environment. Furthermore, a significantly higher value would be reported than is actually released into the environment, if microplastics are released into the environment at all, as this is prevented by environmental regulations in the industry already in place. In addition, the proposal does not mention what benefits the collection of such data should ultimately have for the environment. In our view, this is just another bureaucratic effort with no apparent positive environmental benefit.

We recommend including an exemption from the reporting requirements for all industry where several national regulations to protect the environment are already in place.