

**Committee for Socio-economic Analysis (SEAC)**

**Response to comments on the SEAC draft**

**Opinion**

**on the Annex XV dossier proposing**

**restriction on**

**Ammonium salt**

**Ammonium salts**

**EC number: -**

**CAS number: -**

**19 June 2014**

Comments on the SEAC draft opinion and specific information requests

## Specific information requests

1. The restriction proposal recommends a transition period of 12 months (after the entry into force). Is this considered as sufficient transition period for the economic operators to adapt to the requirements of the proposed restriction? If not please provide technical and socio-economic information to explain what an “alternative reasonable” transition period (e.g. 18 or 24 months) could be.

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| **Ref.** | **Date/Name/Org.** | **Comments** |
| 192 | **Date/Time:** 2015/05/18 19:26  **Type:** Industry or trade association  **Org. type:**  Industry or trade association  **Org. name:**  European Federation for Construction Chemicals (EFCC)  **Org. country:**  Belgium  **Company name confidential:** False  **Attachment:** | **Comments on the SEAC draft opinion:**  The European Technical Specification CEN/TS 16516:2013 method is applicable to volatile organic compounds, semi-volatile organic compounds, and volatile aldehydes.  CEN/TS 16516:2013 does not include in its scope the testing of inorganics.  The CEN/TC 351 has hosted a specific event on 4 May 2015 to evaluate the issue, and has agreed that although the ISO16000-9 chamber method seems suitable, specific sampling methods and conditions of the test chamber are to be used for ammonia emissions measurements.  This implies that a new standard on testing emissions of ammonia, with its corresponding proficiency testing, should be developed (by the CEN Technical Committee CEN/TC 351) before this restriction could be enforceable (at the very least 2-3 years).  Under these circumstances, we cannot help but wonder the adequacy of issuing a restriction which cannot, in its current drafting, possibly be enforced. | |
| **Specific information 1:**  A new standard on testing emissions of ammonia, with its corresponding proficiency testing, should be developed (by the CEN Technical Committee CEN/TC 351) before this restriction could be enforceable (at the very least 2-3 years). | |
| **SEAC Rapporteurs response:**  Thank you for your comments. The SEAC Rapporteurs appreciate the response from the EFCC regarding the testing method. Existing harmonized test methods, such as a European Standard, are preferred as testing method for restrictions when applicable. However, this is not a requisite for testing methods in REACH restrictions. The restriction proposes a test based on Technical Specification CEN/TS 16516 with specific test parameters to simulate worst-case real life conditions such as a relative high humidity. This test method has been developed by the CSTB, a member of the CEN TC351 WG2 (emissions of dangerous substances into indoor air) and accredited for VOC emissions from building products (ISO 17025). The SEAC Rapporteurs see no reason to divert from the test method as proposed in the draft opinion. | |
| 193 | **Date/Time:** 2015/05/18 20:01  **Type:** Industry or trade association  **Org. type:**  Industry or trade association  **Org. country:**  Belgium  **Company name confidential: True** | **Comments on the SEAC draft opinion:**  The proposed options for manufacturers are not feasible:  1. “Do nothing” does not exist, as expensive tests have to be carried out to prove the non-emission. These costs are unbearable for a small producer as likely in cellulose insulation industry. There are cellulose insulation producers who use ammonium-based formulations for more than a decade without any claims. The cellulose insulation industry is facing a highly competitive market with low delivered selling prices and high cost regulation/certification. At the moment cellulose insulation is competitive to synthetic insulation materials. Restrictions to only cellulose insulation would create an unfair disadvantage, as manufacturers of all other insulation materials are still allowed to use ammonium-based formulations. If additional tests would apply, EU cellulose industry situated in the European Union will face an invidious situation: First of all, additional tests make cellulose insulation less commercially competitive. Secondly additional tests create a major disadvantage for any cellulose insulation manufacturer located in the European Union in comparison to cellulose insulation manufacturers, which are not situated in the EU. This means that any restriction of ammonium-based formulation gives an unfair commercial advantage to non-European Union cellulose manufacturers. It is not a tolerable situation that EU cellulose manufacturers are disadvantaged by EU regulation and exposed to increased imports from outside of the EU.  2. “Switching to boron-based formulations” is a very myopic action, as boron compounds are already listed.  3. “Stabilisation of the current ammonium-based formulation” is an expensive solution as stabilised formulations are of higher price (see RAC) and lots of expensive emission tests have to be carried out proofing the effectiveness of the stabilisation.  4. “Substitution by a boron- and ammonium-free formulation” is not feasible. During the last decade, a lot of research work has been performed in order to find alternatives to boric acid as a fire retardant. The outcome of these studies is that no other materials can provide similar reaction to fire and smoulder resistance to that of boric acid. Furthermore, all other materials tested are significantly more expensive. All of these alternatives are high in price and some have unpredictable adverse effects such as off gassing, fast aging, corrosion and abrasion. With all this background knowledge, no suitable alternative for boric acid in cellulose insulation could be found; it is not realistic to find any alternative within the next years. | |
| **Specific information 1:**  The proposed transition period is far too short. During the research done during the last decade in order to find an alternative to boric acid, it became obvious that finding an alternative is very difficult. As an alternative is the only suitable way, neither 12, 18 nor 24 months are reasonable. | |
| **SEAC Rapporteurs response:**  Thank you for your comments. The SEAC Rapporteurs appreciate the response on the proposed options for manufactures of cellulose insulation containing ammonium salts.  The option “doing nothing” in the background document refers to any adaptations in the production process of the cellulose insulation material containing ammonium salts. Indeed, manufacturers of cellulose insulation material containing ammonium salts will need to test their product to ensure compliance with the proposed restriction. The SEAC Rapporteurs acknowledge that the testing costs are born by the manufacturers. The SEAC Rapporteurs did not receive information that these testing costs are unbearable for manufacturers and unfortunately the statement in this comment is not underpinned with data to show this. The SEAC Rapporteurs are not aware of synthetic insulation materials using ammonium salts. Furthermore, this restriction does not ban the use of ammonium based formulations in cellulose insulation, it only restricts the release of ammonia from the cellulose insulation. The proposed restriction concerns placing on the market of cellulose insulation and therefore regulates imported cellulose insulation into the EU as well.  As explained in the background document, cellulose insulation treated with boron-based formulations is currently a technically, economically and legally feasible option. Stabilisation of cellulose insulation with ammonium salts will lead to increased costs for manufacturers due to potential process adaptation, higher costs of a stabilised ammonium salts blend and testing costs. These costs have been accounted for in the background document and the proportionality assessment. The “substitution by a boron- and ammonium-free formulation” has deemed not feasible by the SEAC Rapporteurs as well.  Overall, the SEAC Rapporteurs appriciate the comments on the proposed options for manufacturers but no new information or data was provided to change the draft opinion.  The SEAC Rapporteurs appreciate the response to the specific information request regarding the transition period. The transition period however refers to the requirements for adaptation to the proposed restriction, not the time needed to find an alternative to boric acid. | |
| 194 | **Date/Time:** 2015/05/19 01:02  **Type:** Company-Manufacturer  **Org. type:**  Company-Manufacturer  **Org. country:**  Germany  **Company name confidential: True**  **Attachment: Confidential** | **Comments on the SEAC draft opinion:**  The cost of testing for ammonia emission has been evaluated to be around 1000,- euro. But at that day, the CSTB proposed the test at 1500,- Euro. Formulators and cellulose insulation manufacturers checking their formulation and maybe developping new formulations would have to make many tests, which means higher costs than estimated. | |
| **Specific information 1:**  The proposed transition, also with 24 monthes, is far too short.  Developping an ammonium-free and boron-free blend or in case of needing to developp a new stabilisated ammonium blend would need more time.  The fire retardant supplier may have to developp new blends compatible with the cellulose, which have to fit first the fire reaction exigences in screening tests. If this point is good, a short ammonia emission test should be done. These new blends have also then to be produced in a bigger quantity to be tested on the production lines. If the blend runs good on the line, it can be tested to check the reaction to fire through an orientation SBI Test.  Each failing leads to a new time delay related to a new developping phase.  It would also be necessary to test many alternatives on ammonia emissions to validate and then optimise the solution.  When a new ammonium formulation has been completely developped, and this can take more than 24 monthes, then it is possible to beginn with all the usual product testings according the european product standards and then organise the conformity certification ( more than 1 year more). | |
| **SEAC Rapporteurs response:**  Thank you for your comments. The SEAC Rapporteurs appreciate the response on the new estimates of the cost for testing and the view of the transition period.  The SEAC Rapporteurs take notice of the information on test costs, which is an emission test for ammonia for 28 days using the attic scenario. The proposed restriction required only a 14 days test, which is cheaper. The actual test costs indicated for the 28 day test are lower than what was indicated by the CTSB in the background document. Therefore, the SEAC Rapporteurs have no indications that the test costs used in the background document and in the opinion are an underestimation of the actual test costs.  The SEAC Rapporteurs appreciate the response to the specific information request regarding the transition period. It is acknowledged that significant time may be needed to develop new blends of stabilised ammonium salts. On the other hand, it is anticipated that some fire retardant suppliers may already have developed stabilized ammonium blends as stakeholders have indicated that there are cellulose insulation producers who use ammonium-based formulations for more than a decade without any claims.  To give the manufacturers sufficient time to find fire retardant suppliers with appropriate blends or develop more stabilized blends, the SEAC Rapporteurs propose a transition period of two years (24 months). | |