



BERGESON & CAMPBELL, P.C.

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MEMORANDUM

Via E-Mail

DATE: June 12, 2009

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: New REACH Restriction Process Enters into Force

On June 1, 2009, a new process to restrict chemicals under the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) program entered into force. European Union (EU) member states and the European Chemicals Agency (ECHA), at the request of the European Commission (EC), may now prepare Annex XV dossiers to identify substances of very high concern (SVHC), propose a harmonized classification and labeling, or propose restrictions. The ECHA website includes a public registry of intentions, which is intended to notify stakeholders of the substances for which the authorities intend to submit Annex XV dossiers and thus facilitate timely preparation of comments later in the process. The registry of intentions is available at http://echa.europa.eu/chem_data/reg_intentions_en.asp.

According to the ECHA, the dossier must include a description of the risks; available information on alternative substances and/or techniques that can be used to replace the substance; other possible legislative ways to reduce the risk at the EC level; and an analysis of the benefits and costs of the suggested restriction. Once ECHA's Risk Assessment Committee (RAC) and Socio-Economic Analysis Committee (SEAC) have confirmed that the dossier meets REACH requirements, ECHA will post the dossier on its website for a six-month comment period. RAC and SEAC will prepare opinions on the proposed restriction within nine and 12 months, respectively. The EC will then consider the RAC and SEAC opinions and propose a comitology decision to the European Council within three months. The European Parliament will also take part in the decision process.

ECHA states that the registry of intentions will encourage cooperation between member states when preparing Annex XV dossiers, and will allow member states and the ECHA to check whether a dossier for a specific substance has been prepared in the past or is currently underway. Member states are required to notify ECHA of their intentions to prepare an Annex XV restriction dossier. According to ECHA, member states are planning to submit their first dossiers in **Spring 2010**, and the EC may request ECHA to prepare proposals as a result of the



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review obligations included in the current entries of the restricted substances in Annex XVII of REACH.

The registry of intentions lists the following current intentions:

Dossier By	Substance	Type of Dossier	Notification of Intention	Expected Date of Submission
Spain	2-[2-(4-chlorophenyl)-2-phenylacetyl]indan-1,3-dione	CLH	26/3/2009	1/6/2010
Norway	acryl amide	CLH	4/3/2009	1/6/2009
Norway	methyl acrylamidoglycolate	CLH	4/3/2009	1/6/2009
Norway	methyl acrylamidomethoxyacetate	CLH	4/3/2009	1/6/2009
Germany	Anthracene oil	SVHC	9/2/2009	3/8/2009
Germany	Anthracene oil, anthracene paste, distn. Lights	SVHC	9/2/2009	3/8/2009
Germany	Anthracene oil, anthracene paste, anthracene fraction	SVHC	9/2/2009	3/8/2009
Germany	Anthracene oil, anthracene-low	SVHC	9/2/2009	3/8/2009
Germany	Anthracene oil, anthracene paste	SVHC	9/2/2009	3/8/2009
Germany	Diisobutyl phthalate	SVHC	9/2/2009	3/8/2009
Netherlands	4-hydroxy-3-[1,2,3,4-tetrahydro-3-[4-[[4-(trifluoromethyl)phenyl]methoxy]phenyl]-1-naphthalenyl]-2H-1-benzopyran-2-one	CLH	29/1/2009	31/12/2009
Netherlands	abamectin	CLH	23/1/2009	1/5/2009
Netherlands	3-dodecyl-1,4-dihydro-1,4-dioxo-2-naphthyl acetate	CLH	23/1/2009	31/5/2009
Spain	2,4-Dinitrotoluene	SVHC	12/1/2009	3/8/2009
Denmark	Stoddard solvent (US term for white spirit, corresponding to white spirit type 1; see CAS-no. 64742-82-1)	CLH	6/1/2009	25/5/2009
Denmark	White spirit type 1, Naphtha (petroleum), hydrodesulphurised heavy	CLH	6/1/2009	25/5/2009
Denmark	White spirit type 2, Naphtha (petroleum), solvent-refined heavy	CLH	6/1/2009	25/5/2009
Denmark	White spirit type 3, Naphtha (petroleum), hydrotreated heavy	CLH	6/1/2009	25/5/2009
Denmark	White spirit type 0, Solvent naphtha	CLH	6/1/2009	25/5/2009



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Dossier By	Substance	Type of Dossier	Notification of Intention	Expected Date of Submission
	(petroleum), medium aliphatic			
United Kingdom	Metazachlor	CLH	04/12/2008	30/7/2009
United Kingdom	Fuberidazole	CLH	04/12/2008	31/7/2009
United Kingdom	Tralkoxydim	CLH	04/12/2008	5/10/2009
United Kingdom	Acrolein	CLH	04/12/2008	30/9/2009
Finland	difenacoum	CLH	30/10/2008	31/12/2010
Norway	n-hexane	CLH	30/10/2008	31/5/2009
Norway	1,1,2,2/tetrahydroperfluoror-1-decanol	CLH	30/10/2008	31/5/2009
Norway	3-[3-(4'-bromo[1,1'biphenyl]-4-yl)-1,2,3,4-tetrahydronaphth-1-yl]-4-	CLH	30/10/2008	31/1/2010
United Kingdom	Thiacloprid	CLH	30/10/2008	07/5/2009
United Kingdom	Indoxacarb	CLH	30/10/2008	30/7/2009
COM	residues (coal tar), pitch distn/	SVHC	27/06/2008	3/8/2009
COM	Distillates (coal tar), heavy oils	SVHC	27/06/2008	3/8/2009
COM	Distillates (coal tar), heavy oils, pyrene fraction	SVHC	27/06/2008	3/8/2009
COM	Distillates (coal tar), pitch, pyrene fraction	SVHC	27/06/2008	3/8/2009
COM	coal tar pitch, high temperature	SVHC	27/06/2008	3/8/2009
France	Tris(nonylphenyl)phosphite (TNPP)	CLH	10/06/2008	31/10/2009
France	formaldehyde	CLH	10/06/2008	31/12/2009
France	trichloride of methyltin	CLH	10/06/2008	30/6/2009
France	methyltin tri(2-ethylhexyl-mercaptoacetate	CLH	10/06/2008	30/6/2009
Austria	tris(2-chloroethyl)phosphate	SVHC	30/04/2008	NA
Norway	Arsenic and its salts	SVHC	30/04/2008	NA
Germany	Clothianidin	CLH	15/04/2008	31/12/2009
Germany	Al-Phosphid	CLH	15/04/2008	31/12/2009
Germany	K-Sorbat	CLH	15/04/2008	31/12/2009



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CLH -- Classification and Labeling
SVH -- Substances of Very High Concern

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We hope this information is helpful. As always, please call if you have any questions.