Helsinki, 11.06.2018

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To
Dr. Apolline Roger, ClientEarth
Tatiana Santos, European Environmental Bureau
Natacha Cingotti, Health & Environment Alliance (HEAL)
Frida Hök, The International Chemical Secretariat (ChemSec)
Sascha Gabizon, Women in Europe for a Common Future (WECF International)
Kevin Stairs, Greenpeace European Unit

Subject: Call for evidence on intentionally added microplastics: concerns and recommendations / Your letter of 5 June 2018

Dear Apolline Roger, Tatiana Santos, Natacha Cingotti, Frida Hök, Sascha Gabizon and Kevin Stairs,

Thank you for your letter of 5 June 2018 regarding ECHA's recent call for evidence on intentional uses of microplastics. I have consulted Bjorn Hansen, Executive Director of ECHA, to respond to the concerns that you expressed.

We agree that good communication is very important and we appreciate that you shared your concerns as one of ECHA's key stakeholder groups. Based on the concerns outlined in your letter, it is apparent that some of the text in the questions and answers in the call for evidence could be misinterpreted, in particular if read out of context. This is important feedback, as we aim to continually improve the way ECHA communicates with the public and how we get the best results from the public consultations under the various regulatory processes.

The Commission has asked ECHA to propose a restriction on the placing on the market or use of microplastics[1] when it is the most appropriate Union-wide measure and is (i) targeted at the effects or exposures that cause the risks identified, capable of reducing these risks to an acceptable level within a reasonable period of time and proportional to the risk while being (ii) practical and (iii) monitorable. Therefore, ECHA will provide in the restriction proposal the justification for the definition of the scope of the restriction and any derogation based on all available information. ECHA follows these criteria, for the scientific and regulatory underpinning for all restrictions, to ensure that all relevant information is available during the opinion and decision making stages.

We understand that your main concern is related to the scope of investigation, and in particular to the fact that ECHA did not focus on the collection of hazard and risk information. ECHA did ask for information on releases of microplastics to the environment, as this is important in the assessment of the risks. ECHA is very experienced in carrying out literature surveys and in the assessment of environmental and human health risks. For instance, ECHA has screened 15 000 scientific articles that could be relevant for this specific restriction. ECHA considered it appropriate and efficient to request in this call for evidence that stakeholders collate additional information such as ongoing unpublished research related to the risks of microplastics. I would like to reassure you that ECHA is undertaking an objective assessment of the risks posed by microplastics using all publicly available information.

[1] Regulation (EC) No 1907/2006 (REACH), Annex XV.

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ECHA's scope for the call for evidence was very wide[2] and it covered all intentionally added microplastics in all uses. A call for evidence is just one of the means by which ECHA gathers information when investigating a potential restriction and preparing a restriction report. Calls for evidence on restrictions – which are different from public consultations during opinion making – are often designed to obtain specific information rather than all of the elements that are required by law. Typically, they address information that is not possible for ECHA to obtain by other means. Importantly, the specific information requested does not limit the extent of the analysis that ECHA is required to carry out or prevent the Agency from using additional information that it obtains separately[3].

ECHA will check the questions and answers which were prepared for this specific call for evidence. In doing so, we will take into account your concerns regarding the current version. ECHA will also take your feedback into account for future consultations, to avoid wrong impressions or misunderstandings.

I wish to emphasise that the Management Board and the ECHA Secretariat consider their external communication extremely important. I trust that my response has clarified the issues raised in your letter and I look forward your continued interest in helping to ensure that ECHA's forthcoming Union-wide restriction of microplastics in January 2019 is targeted, practical and monitorable.

Yours sincerely,

signed

Sharon McGuinness
Chairman of the Management Board of ECHA

cc. Bjorn Hansen (ECHA), Karmenu Vella and Kestutis Sadauskas (DG Environment, European Commission)

[2] The working definition of microplastics was intentionally very wide, being defined as "*any polymer-containing solid or semi-solid particle having a size of 5 mm or less in at least one external dimension*".
[3] For example, ECHA has recently found that stakeholder workshops can be useful to clarify and further supplement the information received in a call for evidence. Indeed, a stakeholder workshop on the restriction of intentionally added microplastics was held on 30-31 May 2018. 59 invited participants from across industry, Member States, academia and NGOs, together with ECHA staff, discussed both issues in relation to this potential restriction. The workshop discussed, among other things, the definition of microplastics, the risks posed by microplastics, understanding the uses of microplastics, the technical function of microplastics in these uses, the release and exposure potential of these uses, and the various socio-economic implications (to industry and society) of a restriction.