European Copper Institute
Copper Alliance

Comments to the public consultation on the proposal for harmonized classification of lead as hazardous to the aquatic environment

Oct 30th, 2017

The European Copper Institute welcomes the opportunity to provide its comments on the proposal for harmonized classification of lead as hazardous to the aquatic environment, authored by the Danish competent authority.

For the technical aspects of the classification proposal, we refer to the comments by the International Lead Association and by Eurometaux. Specifically, we would like to reinforce the need for correctly applying the CLP regulation and its guidance to derive the environmental hazard classification. This includes a distinction between powder and massive forms, correctly derived ecotoxicity reference values, considerations on data-rich substances, and the use of transformation-dissolution data. Additionally, we note that "rapid degradation" is a concept embedded in the CLP regulation, but guidance is currently lacking on how to apply it to inorganic substances. This hampers a correct assessment according to the provisions of the CLP regulation.

The proposed classifications for lead metal will have serious and direct implications for the European copper industry. The mixture rules dictate that mixtures (powder or massive forms) containing trace amounts of lead (above 0.025%) will obtain Aquatic Chronic 3 classification. Mixtures containing more than 0.25% lead will obtain Aquatic Chronic 2 classification, which has far-reaching consequences, including the SEVESO directive and transport legislation.

In the EU, there is an annual demand of approximately 1.3 million tonnes for copper in the form of alloys (data 2016). This market is being threatened by the present proposal. In "lead-free copper alloys", lead is present as an impurity at concentrations between 0.02 and 1%. The impurity level is, for each alloy family, the result of years of industry investigation and development to **reuse and recycle valuable raw materials**. For several other applications, lead is added up to 3.5% for functional reasons.

A preliminary analysis highlights the following areas where direct impacts can be expected:

1. The sites of many copper semi-fabricators will fall under the **SEVESO Directive**. This will directly lead to increased administrative burdens and safety measures, including e.g. additional monitoring of process and storage facilities, additional storage capacity, and containment infrastructure.
2. Serious increases in **transportation costs** of lead-containing mixtures, such as copper alloys, are foreseen. Mixtures containing > 0.25% lead (even in massive form) will obtain "Dangerous good - Class 9" status under UN transport regulations. This triggers additional requirements, including training of every person involved in transport, appointment of safety advisors, safety precautions when loading or unloading, reduced choice of shipping companies, and increased insurance fees.

For more information, please contact:

Stijn Baken – stijn.baken@copperalliance.eu

The European Copper Institute (ECI), headquartered in Brussels since 1998, represents the copper industry in Europe and is part of the Copper Alliance, a global network of 25 industry associations. ECI represents the EU copper sector which includes the producers of refined copper and the leading manufacturers of semi-fabricated copper and copper alloy products, such as tube, wire, sheet and strip. ECI is registered in the EU Transparency Register under ID 04134171823-87.

European Copper Institute

Avenue de Tervueren 168 b-10
1150 Brussels, Belgium
Tel: +32 2 777 70 70 Fax: +32 2 777 70 79
info@copperalliance.eu www.copperalliance.eu