Comments on the substitution plan (Art77(3)(c))

**Consultation start date**: 21/10/2020

**Consultation end date**: 18/11/2020

**Substance**: Chromium trioxide

**Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”

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| **8** | **Date:** 2020/11/10 16:41  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** Company – Downstream user  **Org. name:** Rudolf Clauss GmbH & Co KG  **Org. country:** Germany | **Comment:**  The application of Chromium Trioxide in an aqueous solution as an „decoating agent“ for Copper and its alloys on ferrous materials is currently not replaceable by any chemical or electrochemical chemistry which would be less hazardous then Chromium Trioxide by itself.  The main application for copper and copper alloy coatings on ferrous materials is the protection from galling. Especially the threads from couplings and drilling equipment in the oil and gas and general drilling industries needs to be protected partially against galling by copper and copper alloy coatings.  These copper and copper alloy coatings serve also as conductors for electrical conditions in the very same kind of equipment, used by the drilling industries.  Failure of these coatings duo to improper etching and decoating at local functional areas can cause extremely difficult problems during the operation of the drilling equipment. Galling of pipes on an oil rig or an electrical shortcut deep in the borehole are major issues.  Further is the above mentioned equipment reusable, and requires therefor to be reworked. In that case old copper and copper alloy coatings have to be removed from the ferrous materials without corroding the below and original substrate surface. This can only be done with Chromium Trioxide solution.  Galling and the application of copper and copper alloys is not limited to the drilling industries, but also well used in other technical applications world wide.  There are many other applications of copper and copper alloys as a functional coating and subsequently the same requirement for using aqueous Chromium Trioxide solution during surface finishing treatment. Explosion protection by preventing sparking through thick layer coating of copper and copper alloys on hard substrates is just one more application to be mentioned.  Possible substitution of Chromium Trioxide could be Cyanide and / or Nitric acid. Both chemistries are considered as being even more toxic and dangerous, when compared with Chromium Trioxide. Further and of even more relevance is the fact, that neither of these chemicals have the ability to etch copper and copper alloys while protecting the ferrous materials a 100% at the same time. |
| **Applicants’ response:** |
| **15** | **Date:** 2020/11/17 10:44  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Country:** Austria | **Comment:**  Chromium trioxide cannot be replaced! |
| **Applicants’ response:** |
| **19** | **Date:** 2020/11/17 12:09  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Country:** Slovenia | **Comment:** |
| **Applicants’ response:** |
| **27** | **Date:** 2020/11/17 16:57  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** Company – Downstream user  **Org. name:** Rujz Design d.o.o.  **Org. country:** Slovenia | **Comment:**  At this point in our production, we don't have alternative to Chromium trioxide.  Alternative products on the market do not meet current customer requirements.  Color and wear resistance are problematic.  If alternative product is not developed or current is prohibited it could lead to closer of galvanic division in our company. |
| **Applicants’ response:** |
| **30** | **Date:** 2020/11/17 17:37  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** Company – Manufacturer  **Org. name:** <redacted>  **Org. country:** Slovenia  **Company name confidential:** Yes | **Comment:** |
| **Applicants’ response:** |
| **31** | **Date:** 2020/11/17 18:27  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** National NGO  **Org. name:** <redacted>  **Org. country:** Spain  **Company name confidential:** Yes  **Attachment:** | **Comment:** |
| **Applicants’ response:** |
| **36** | **Date:** 2020/11/18 12:39  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** International NGO  **Org. name:** ChemSec  **Org. country:** Sweden | **Comment:**  The applicant has not provided clarity on what specific uses the application includes. This is key for the SEAC Committee to evaluate the substitution plan.  The applicant has based the substitution plan on companies replying to a survey. We find this very problematic of a number of reasons. The burden of proof is on the applicant, the applicant needs to evaluate the alternatives in details in order to be able to make a credible substitution plan. To solely rely on yes/ no- replies from a survey are not a credible evaluation. There needs to be a technical evaluation of the justification either for the alternatives available and the timeline for substitution or justification for no alternatives available.  Some of the replies in the survey indicated alternatives were available- this indicates alternatives are available in general and the substitution plan needs to include all companies.  SEAC needs to justify their opinion and if the Substitution plan do not include relevant information to do a justification SEAC must conclude that the applicant failed to provide relevant information to make an assessment.  A substitution plan must include an explanation of why the alternatives available in general are not possible to use for the applicant.  A substitution plan must also include actions, timelines and R&amp;D information which the applicant is undertaking or plans to undertake to replace the SVHC as well as explanations and justification for each step. |
| **Applicants’ response:** |
| **43** | **Date:** 2020/11/18 14:12  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Country:** Germany  **Attachment:**  <redacted> | **Comment:** |
| **Applicants’ response:** |
| **53** | **Date:** 2020/11/18 20:44  **Consultation:** 0095-03  **Applicant(s):** REACHLaw Ltd as Only Representative on behalf of Joint Stock Company “Novotroitsk Plant of Chromium Compounds”  **Org. type:** International NGO  **Org. name:** ClientEarth  **Org. country:** Belgium  **Attachment:** | **Comment:**  Please find attached our contribution to the consultation on additional information submitted by REACHLaw for authorisation (chromium trioxide). |
| **Applicants’ response:** |