



**Committee for Risk Assessment**  
**RAC**

Annex 3 to the opinion on  
new scientific evidence on the use of boric acid  
and borates in photographic applications by  
consumers

**The Mandate – Decision by the Executive  
Director of ECHA**

**Adopted**  
**29 April 2010**

Helsinki, 28 October 2009  
Doc: ED/45/2009

**REQUEST TO THE COMMITTEE FOR RISK ASSESSMENT TO EVALUATE NEW SCIENTIFIC EVIDENCE ON THE USE OF BORIC ACID, DIBORON TRIOXIDE, DISODIUM TETRABORATE, TETRABORON DISODIUM HEPTAOXIDE, ORTHOBORIC ACID, DISODIUM TETRABORATE DECAHYDRATE, DISODIUM TETRABORATE PENTAHYDRATE IN PHOTOGRAPHIC APPLICATIONS**

**(Decision by the Executive Director)**

**Owner: Steve Hollins**  
**Validity: Until revoked**

**Distribution:**  
**Executive Director**  
**Chair of RAC**  
**Directors of Co-operation and Assessment**  
**Head of the Executive Office**  
**Head of Legal Affairs**  
**Registration**

## **AS THE EXECUTIVE DIRECTOR OF THE EUROPEAN CHEMICALS AGENCY**

### **I HAVE DECIDED THE FOLLOWING**

- 1. The Committee for Risk Assessment is requested to draw up an opinion according to the following mandate:**

#### **1 Background**

The request to the Committee for Risk Assessment (RAC) is to evaluate new scientific evidence regarding the use of boric acid and boric compounds in photographic applications. The evaluation is to consider whether consumer use of boric acid and other compounds in photographic applications, poses a risk to consumers that is adequately controlled. If this is found not to be the case, RAC is requested to give indications on additional and precautionary measures in order to reduce the possible risk to consumers.

The request from the Commission to the Executive Director of ECHA is attached as Annex 1 to this mandate.

#### **2 Terms of Reference**

To allow the Commission, on the basis of scientific advice, to take action in relation to the derogation described in its request, pursuant to Article 77(3)(c) of REACH, the Committee for Risk Assessment is requested to:

Review and evaluate the information specified in the reference documents and attached to this decision relating to the photographic application scenario taking into account the information in the risk assessments already performed. The RAC opinion should clearly express in its conclusion whether consumer use of boric acid and the other compounds in photographic applications, pose a risk to consumers that is not adequately controlled. Should the risk not be adequately controlled, indications on additional and precautionary measures are required from RAC in order to reduce the possible risk to consumers.

#### **3 Timescale to form the opinion**

The European Commission would like to receive the opinion of the Committee for Risk Assessment before the end of 2009. The urgency of the request is due to regulatory deadlines as the date of the application of the restriction set in Commission

Regulation (EC) No 790/2009 is 1 December 2010 (and the CMR restrictions will have to be applied at the same date). However, if this timeline is not feasible, the Commission asks to be informed about the expected timeline as soon as possible.

The formal request from the Commission has arrived later than anticipated and this is the first of such requests. Accordingly, sufficient time should be permitted for RAC to put in place the necessary arrangements to prepare an opinion e.g. appoint a (co-) rapporteur and then to prepare and adopt the opinion itself. I therefore request RAC to provide an opinion by 1 February 2010. I also request the Chair of RAC to prepare a response to the Commission informing them that the opinion will be provided in early February 2010.

#### **4 Remuneration**

The task for RAC following from this request is not considered to fulfil any of the requirements of a transfer of funds to the competent authorities of the Member States pursuant to Article 14(1) of Regulation (EC) No 340/2008 and therefore no remuneration will be paid by the Agency.

#### **5 Reference documents:**

Annex 1 - Request from the European Commission of 20 October 2009

Annex 2 - Draft proposal for a Commission Regulation on CMRs

Annex 3 - Information from European Photo and Imaging Association (two documents)

Annex 4 - Information received by Austria in the email exchange

Annex 5 - Boric Acid EU Risk assessment report (link to ECHA web site:

[http://echa.europa.eu/doc/trd\\_substances/boric\\_acid/ann\\_xv\\_trd/trd\\_austria\\_boric\\_acid.pdf](http://echa.europa.eu/doc/trd_substances/boric_acid/ann_xv_trd/trd_austria_boric_acid.pdf))

**2. This decision shall enter into force on the day of its adoption.**

Done at Helsinki on 28 October 2009

Geert Dancet  
Executive Director

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