Joint Position Statement

Cr VI limit in the context of EU Skin Sensitiser Restrictions

The undersigned organisations warn that the proposed EU restrictions on Skin Sensitizers constitute an insurmountable challenge for the international trade in leather and leather products. The proposed restriction would encompass all current skin sensitizers and those yet to be identified, even where there is evidence that their use in leather and leather products poses no risk to consumer safety. We believe that a fully automatic link with the EU legislation on Classification, Labelling and Packaging, would undermine legal certainty in the leather trade and cause serious socio-economic consequences for the operators in the global leather and leather products industry.

We understand that restrictions on chemicals identified to be of concern in consumer articles ensure the protection of European consumers and a level playing field for European operators with non-EU players. However, in a market where 80% of textile and leather articles are imported, the consequences of technical barriers to trade need to be taken carefully into consideration, in particular with regard to their enforcement at the border, and of their impact on global value chains and global trade flows.

In particular, we would like to draw the attention of the legislator on the specific restriction proposed for Chromium VI in leather and leather articles. Our concern regards the socio-economic impact of the restriction for the International leather trade and its value chain.

Global leather trade relies on an ISO test method for Cr VI

EN ISO 17075 is the standard test method that allows operators all over the world to verify its absence in leather, as the value of 3 mg/kg is understood to be equivalent to “no presence”.

We call on competent national authorities to confirm the restriction for Chromium VI with a limit of 3 mg/kg in leather, as it is not feasible to reliably test below this quantification limit. This has been noted by the ECHA Enforcement Forum and is in line with the specific restriction on Chromium VI[1]. In the absence of a reliable official standard test method, such a measure would be tantamount a market ban for Chromium-tanned leather, which constitutes today the vast majority of the international trade of leather and its manufactures.

We understand that the 3 mg/kg limit ought to be much better enforced.

Material-specific obstacles hamper a lower test limit for Cr VI

It is the complexity of the sample extraction that impedes determining Chromium VI at a level of 1 mg/kg. It may take many years or may not even be possible in a foreseeable future to develop such a suitable standard analytical method. The sample extraction often result in a conversion of small amounts of Cr(III) to Chromium VI and is the limiting step for the detection limit. A detection limit of 1 mg/kg would give both false positive results and unpredictable results. As a consequence, it would

[1] p. 152 of the final SEAC Opinion

be a very difficult situation for the leather trade not being able to get reliable results and in addition brands which today are using leather may switch to different materials due to the uncertainty of the results from the analytical method. This is why, while working on the issue with the scientific community, we call on the legislator to promote research and allow for a flexible transition period that gives sufficient time for this research to delivering a replacement for EN ISO 17075.

Concomitant restrictions on tanning agents put leather against the ropes

Replacing chromium tanning constitutes a global challenge, as the main alternative tanning chemistries are subject to increased legislative requirements while they impart different properties to the leather: Glutaraldehyde is listed as an SVHC and has been proposed by ECHA to be subject to authorisation; synthetic tanning agents contain impurities and residual monomers of bisphenol S and F, which are subject to an upcoming restriction, and vegetable tanning agents produce hard leather (e.g., belts, shoe soles) while it would take harvesting of well over 800 million trees annually to meet current global leather tanning demand.

It is important to note that, because of the different properties that they impart, direct substitution of one tanning chemical for another is rarely possible. The competitiveness of the European leather industry and value chain, based on variety, beauty and performance is at risk if it would have to abandon chromium-tanning. Alternative processes take longer and require higher volumes of chemicals (incl. biocides), leading also to increasing costs. Depriving Europe's leather industry of chromium tanning would run counter the stated principles of competitiveness of the EU Strategy for Sustainable Textiles[2].

Moreover, the EU leather tanning industry is highly dependent on access to raw materials[3]. Approx. 40% of raw materials are imported. Due to export restrictions on raw hides and skins implemented by third countries covering about 60% of global availability, mainly pre-tanned leather is traded. Approx. 75% of this leather is treated with Chromium III. This means that over 75% of leather placed on the EU market and the vast majority of imported consumer articles made with leather are at risk of non-compliance.

An end to chromium tanning obliges also the World's footwear industry to change

Furthermore, by precluding the trade in chrome-based leathers in the leather sector and its value chain, consequential costs with regard to footwear machinery in the global leather industry will become inevitable. Indeed, it is important to highlight that worldwide the main destination of leather is for the manufacture of footwear and in this with special emphasis on its uppers. With chrome-based leather disappearing, it will make most of the current equipment and processes for assembling leather footwear obsolete, which are adapted to the production of footwear with injected or vulcanized soles, forcing these processes to be rethought to work a leather with a substantially lower resistance to temperature, strongly compromising the production capacity, with direct effects on the decrease in the speed and quantity of production, as well as on the final costs of the product, which will suffer an inversely proportional increase. Leather with a chrome base, tanned through a process with the application of trivalent chromium salts, is the only type of tanning that unequivocally guarantees that it can withstand the high temperatures to which it is subjected during most of the assembly processes of the leather footwear.

[2] The EU "Textiles Strategy" includes leather and footwear

[3] https://single-market-economy.ec.europa.eu/sectors/fashion/leather-industry/eu-leather-industry_en

While a 1ppm limit for Cr VI in leather brings no measurable benefit for consumer safety

Such a heavy impact on the sector and the entire value chain needs to be related to the potential benefits for EU citizens. And, there is no indication nor evidence of measurable benefits to consumer safety and health by a lowering of the Chromium VI limit from 3 to 1 mg/kg, as demonstrated by e.g., a paper by prof. Moretto from the University of Milan[4].

In summary, the Leather industry does not oppose to a limit for Chrome VI in leather. The current 3ppm limit is equivalent to a „no presence of Chrome VI". Tanners do not use Chrome VI for tanning and make freely available good tanning practice for avoiding its eventual presence. Industry just insist on an official reliable standard test method. A purely nominal change in the legal value limit, without a reliable test method, cannot be enforced, and will therefore not have any improvement of the safety of consumers but cause an unnecessary damage to the leather and leather products trade and industry at global scale. CEN TC 289 experts are already working on the improvement of the Chrome VI test method in Leather. Putting a time limit for a new test method is not going to speed up results.

For all these reasons, the undersigned organisations call on the EU legislator and Member States, while not losing sight of the overall goal, i.e. protecting the health of European consumers, to reconsider the proposed restriction on Chromium VI in leather and adopt a regulation that maintains the competitiveness of the European leather industry and value chain.

Signatories

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Andreas Bayer, member of EUCTL Secretariat, European Chemistry for Textile and Leather

[4] Comments on the "Annex XV Report on Proposal for a Restriction", and related documents, for skin sensitizing substances - A report by Prof. Angelo Moretto, MD, PhD, ERT, Fellow ATS - Department of Biomedical and Clinical Sciences University of Milano, Milan, Italy