

## **Questions and Answers about the Listing of para-tert-Octylphenol as a Substance of Very High Concern**

The European Chemicals Agency (ECHA) recently added *para-tert-Octylphenol* (ptOP) to the Substances of Very High Concern (SVHC) list under the European Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulations. It is important to note that identification of a substance as a SVHC does not constitute a restriction of its marketing and use in Europe. Rather, it is a means to communicate prioritization of that chemical for consideration for further assessment using a process called "authorisation" under REACH.

While the addition of ptOP to the SVHC list does not impose any restrictions on the marketing and use of ptOP in Europe, it does impart customer communication obligations on companies that manufacture, import or use the compound in the European Union (EU), whether on its own, or depending on its concentration, in preparations or articles.

The following questions and answers are provided to clarify these communication requirements.<sup>1</sup>

### **What does the decision of the European Member State Committee and this listing of ptOP as a SVHC mean?**

The European Member State Committee added ptOP to the SVHC list under the REACH regulations; however, it is important to note that identification of a substance as a SVHC does not constitute a restriction of its marketing and use in Europe. Rather, it is a means to communicate prioritization of that chemical for consideration for further assessment using a process called "authorisation" under REACH.

### **When did ECHA add ptOP to the SVHC List under Annex XIV?**

The addition of ptOP to the SVHC list under REACH was effective December 20, 2011.

### **When will ptOP move to the authorization process under REACH?**

There is no requirement that ECHA move a SVHC compound to the authorization stage within a particular timeframe.

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<sup>1</sup> The information in this question and answer document are provided as guidance regarding the requirements for companies impacted by the designation of ptOP as a SVHC. It is not intended as regulatory or legal advice. All companies should review and comply with relevant regional, national and local regulations.

## **What does the addition of ptOP to the SVHC list mean for my company?**

Although REACH is only applicable within the European Union, SVHC status will also trigger obligations for certain non-EU companies to communicate with the EU downstream value chain. Communication obligations pertain to companies that import SVHC substances, or mixtures that contain ptOP at concentrations greater than 0.1 % by weight, into the EU. Therefore, the residual level of this substance must be determined in downstream products to ascertain whether or not reporting requirements exist.

In addition, all companies producing or importing mixtures containing ptOP in the EU have to provide a Material Safety Data Sheet that identifies ptOP above 0.1% by weight. Since ptOP is already classified under the Classification and Labelling Directive (CLD) for hazard endpoints, e.g. corrosivity and environmental toxicity, this does not represent a new requirement.

Producers or importers of articles have to notify ECHA if residual ptOP is present in the final article above 0.1% by weight.

There are no legal obligations for communication or otherwise in cases where ptOP is contained <0.1% in mixtures or in articles.

## **What happens if ptOP undergoes authorization under REACH?**

It should be recognized that intermediate uses are generally exempt from the authorization process under REACH. All major uses of ptOP are intermediate uses that involve additional chemical synthesis, such as its use as a monomer in resin production or as a reactant in ethoxylation for the production of surfactants.

If a compound reaches the authorization stage under REACH, it will be eventually listed on REACH Annex XIV. If this occurs, use can only continue after a "sunset date" if a specific authorization has been applied for and is granted by ECHA.

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