



EUMEPS comments to REACH annex XV restriction proposal

Brussels, 20 September 2019

The European Manufacturers of EPS (EUMEPS) represent the Expanded Polystyrene industry in Europe across the full supply chain from raw material producer to converter, manufacturer and recycler. The Expanded Polystyrene industry employs over 60,000 people, mostly in over 1000 small and medium sized enterprises (SMEs). This generates a converted product turnover of 5-6 billion Euros to the EU economy.

Expanded Polystyrene (EPS) is a polystyrene foam that contains 2% Polystyrene and 98% air. In Europe, around 80% of EPS foams are used in the construction sector, mainly as insulation to reduce energy consumption of buildings throughout their service life. As buildings are responsible for 40% of energy consumption and 36% of CO₂ emissions in the EU, insulation made of EPS is essential for achieving the CO₂ reduction targets of the EU.

The proposed restriction would negatively affect certain applications of EPS. Hence, it would jeopardise the attainment overall EU targets and conflict with legislation on consumer safety and climate protection.

In the EPS industry, plastic raw materials are used in the form of round to oval granules of approximately 2-5 mm, called pellets. During their conversion into final products, plastics pellets are transformed by e.g. moulding, melting etc., which modifies their physical properties; pellets do not retain their size and shape. As EPS pellets will no longer be present after their conversion into final articles there is no risk of release during or after product use.

Request for exemptions:

The proposed restriction would in particular affect the following applications:

- EPS loose fill for cavity wall insulation,
- EPS filling material for various applications. e.g. beanbags & nursing pillows,
- EPS plaster/concrete additive.

EPS loose fill for cavity wall insulation: Polystyrene used for cavity wall insulation is used in the form of virgin foamed beads, which are usually combined with a binding agent or adhesive at the time of injection (please see demonstration here: <https://www.youtube.com/watch?v=HIRuCVEbNEE>). Polystyrene foamed beads are produced to a specified size and density, which remains unaltered during the installation process. The materials are produced under strict quality control to ensure compliance with the performance requirement and environmental protection. Once installed, the bead filling in the cavity will remain an effective insulant for the life of the building and will require no further maintenance. EPS loose bead cavity fill are often used as cost-effective insulation to renovate existing building stocks that contain cavity

walls. As the foam beads are either combined with an adhesive at the time of injection and are contained by the walls during their long service life as cavity wall insulation, derogation 5a can be applied. Microplastics are contained by technical means throughout their whole lifecycle to prevent release into the environment.

EPS filling material various applications: Foamed EPS is used in different applications like nursing pillows and mattresses. Often, they are used for medical purposes and for hygienic reasons in hospitals, to increase the comfort for humans and to avoid allergic reactions. In many applications like nursing pillows no alternative exists. Also, for this application, derogation 5a can be applied.

EPS in both applications, loose fill for cavity wall insulation and filling materials, should not be classified as hazardous waste at the end of their service life. In line with EU waste legislation, waste management options should not be limited to incineration and disposal as hazardous waste, as there are other options available that address any risk of leakage at this stage. Therefore, EUMEPS asks to clarify in derogation 5a that it would not automatically lead to the waste being classified as hazardous waste. Also, EUMEPS asks that the scope of derogation 5a is clarified to include the above applications. This clarification is necessary as the proposal describes it as “generic, but [...] primarily intended to cover uses of microplastics in non-industrial laboratory settings, including in vitro medical diagnostic uses at clinical laboratories (e.g. at healthcare centres or hospitals)”.

EPS plaster/concrete additive: EPS foamed beads are also used as an additive to plaster or concrete. The additive is used to reduce weight or provide insulating properties to the material. Concrete products containing these additives can be produced under industrial conditions and then delivered to the construction site. In other cases, ready-mixed concrete is transported to the construction site. A third option is where the mixing of the components is done at the construction site in well-controlled processes. In all cases, the concrete additives are permanently integrated into a concrete or plaster matrix and are therefore not released into the environment in their use, so that the exemption under 5c can be resorted to.

Labelling and reporting requirements would create a huge burden for the industry that is mostly organised in over 1000 SME's. A considerable amount of extra bureaucracy would be caused for impacted businesses while the foreseeable benefit for the environment is absent or very negligible.

Minimizing pellet loss is of high importance for the European Manufacturers of EPS. The producers of the raw material pellets are member of the Operation Clean Sweep® (OCS) program. Already now, accidental losses of materials must be reported at national and local levels. They are also subject to the above-mentioned stringent conditions and controls by the competent public authorities. National EPS associations and converters are currently joining OCS to implement measures prevent pellet loss at converter level.

Expanded polystyrene is one of the most easily recyclable plastics. Over the years, many collation and separation schemes have been set up locally to allow for recycling. The international EPS recycling network, [INEPSA](#), was founded already in 1992. Today, 67% of Expanded Polystyrene packaging waste is recovered, of which 33% is recycled in a profitable way and 35% is incinerated with energy recovery. The EPS Industry continues working to further increase recycling by developing new technologies and by the organisation of the supply chain in order to implement these technologies successfully. This is demonstrated by our ambitious commitment outlined in EUMEPS voluntary pledge to the EU in response to the EU Plastics Strategy. It includes the target to increase EPS packaging recycling from the current 33% to over 50% by 2025.

General remark to the restriction proposal

The title of the restriction and almost all statements in the dossier (e.g. statements on substance identity or risk assessment) suggest that this is a restriction of “microplastic”. In fact, the proposed restriction addresses all polymers and virtually all polymer-containing and polymer-coated

materials. The legal requirement for a REACH restriction to be adopted is to establish unacceptable risk. The Annex XV dossier proposal and the risk assessment fail to clearly establish unacceptable risk, as is legally required. The recent SAPEA study on microplastics commissioned by the European Commission concluded: "Given the current generally large differences between known measured environmental concentrations (MEC) and predicted no-effect levels (PNEC), it is more likely than not that ecological risks of microplastics are rare (no widespread occurrences of locations where $MEC/PNEC > 1$)." Therefore, the proposed restriction cannot be regarded as proportionate at this moment as there is no established "unacceptable risk".

By adding polymers that are (bio)degradable to the derogations from scope of the microplastic restriction, wrong conclusions could be made. It will lead to substitution of non-biodegradable microplastics to (bio)degradable polymers without having a scientific justification that such applications degrade in soil and water.

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