

## ASSESSMENT REPORT PROPOSAL IN COMPLIANCE WITH REACH

**NO. RC-SVHC-010-0900315**

**DATE: Aug. 21, 2009**

We have been commissioned by our client to conduct REACH compliance assessment on their products (Contract No.: RC-SVHC-010-0900315). We have assessed our client's product under the European Regulation (EC) No 1907/2006 (hereinafter referred as REACH Regulation), including product categories, substances list, SVHC (Substances of Very High Concern) as well as our client's responsibilities and obligations for this product under REACH Regulation. The result and findings of the assessment and our proposals are described as follows:

### 1. Client's Information

<b>Name:</b>	Shanghai Xijiao Rubber Product Factory
<b>Address:</b>	No. 88 HuaXu Road, Xujin Town, Qingpu, Shanghai
<b>Name of the contact person:</b>	JianXing Wang
<b>Tel:</b>	+86-021-69760280-133
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### 2. Product Identification

<b>Product name:</b>	CR & CR SPONGE
<b>Type/ model:</b>	N/A
<b>Physical appearance/colour/ odour:</b>	Solid/black/odourless
<b>Product type:</b>	Article

### 3. Product Substances Information

#### 3.1 Substance on its own or in mixtures

Index	Substance name	CAS No.	EC No.	Tone
N/A	N/A	N/A	N/A	N/A

#### 3.2 Substance in article intended to be released

Index	Substance name	CAS No.	EC No.	Tone
N/A	N/A	N/A	N/A	N/A

#### 3.3 SVHC (Substance of Very High Concern) in article (Details see Annex 1)

### 4. Responsibilities and Obligations (related laws and regulations see Annex 2)

#### 4.1 Registration

**4.1.1** According to the definition in Article 3(3), Chapter 2, Title I, the client's product, CR & CR SPONGE is regarded as "Article" under REACH Regulation.

**4.1.2** According to Article 7(1), Chapter 2, Title 2 of REACH Regulation, there is no substance intended to be released under normal or reasonably foreseeable conditions of use in the client's product. Therefore, registration is not required.

#### **4.2 Notification**

As the concentrations of the SVHCs defined in Article 57 of REACH Regulation in the client's products are less than 0.1% weight by weight (w/w), the obligation of notification is not required according to Article 7(2) under REACH Regulation.

#### **4.3 Information Communication down the Supply Chain**

As the concentrations of the SVHCs in the client's product are less than 0.1% weight by weight (w/w), the obligation of communicating information down the supply chain is not required in accordance with Article 33 of REACH Regulation.

#### **4.4 Others**

##### **4.4.1 Authorisation**

Since the manufacture of this product is based outside the EU, and the lifecycle of related substances outside EU is irrelevant with respect to REACH Regulation, there is no obligation of authorisation required for our client's product.

##### **4.4.2 Restriction**

The directive on marketing and use of dangerous substances 76/769/EEC have been repealed since 1 June 2009, and our client should follow the restriction conditions outlined in Annex XVII in REACH Regulation from then on.

### **5. Assessment Conclusions**

According to the product information provided by our client and related Articles of REACH Regulation, we draw the conclusion that:

**The products supplied by the client comply with REACH Regulation as it currently stands.**

### **6. Proposal for REACH Compliance**

**6.1** The client should inform his downstream users as soon as possible that the products mentioned above comply with REACH.

**6.2** The client should pay constant attention to the SVHCs in the candidate list and fulfil related obligations if necessary. This list may be updated regularly and it is important to monitor any changes to it.

**6.3** The client should ensure the exported products are consistent with the sample provided to Chemical Inspection & Regulation Service Limited in material, vendors and production process.

## Contact information:

Office in Europe	China Office
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Prepared by:

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Date: August 21, 2009

Reviewed by:

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Mr. Kevin Lee  
Managing Director

Date: August 21, 2009

## STATEMENT

### First: Instruction for the assessment conclusion

The above assessment conclusions that we have made is based on the understanding and analysis of the consignor's product and REACH regulation and only applies to the situation described in the report. This conclusion does not apply to any enterprise or product that fails to meet the description.

As parts of REACH regulation (for example Annex XIV) are still under modification, the above conclusion only applies to REACH regulation as it currently stands.

This report is only used to assist the consignor to know his own responsibility and obligation under REACH Regulation, and provide the actors in his supply chain with evidence that his products are in compliance with REACH regulation.

The consignor should study this report carefully. If there is any doubt or suggestion, please contact us and we will do our best to clarify and include any necessary amendments.

### Second: Disclaimer Statement

We undertake no responsibility and no obligation to verify the authenticity of information supplied by the consignor.

The client should ensure the exported products are consistent with the sample provided to our company in material, vendors and production process. We can't be held responsible or bear any consequence which may result from differences between the sample products provided to us and the exported products.

We have completed this report with all professional competence, responsibility and reasonable due diligence, however due to the limited approach to the consignor, the products and the market we can't guarantee that the content of the report is fully accurate.

Consignor should make a cautious decision to adopt the assessment conclusion of this report. We assume no liability for any loss incurred as a result of the use of the conclusion.

### Third: Privacy statement and others

This report has been completed by us independently. We guarantee that we shall not disclose information in the above report to any third party (except with the express written permission of consignor). We shall assume no responsibility for any loss caused by disclosure of the report.

We suggest that before offering the report the consignor should sign a security agreement with the third party in order to keep the information of consignor and products in the report from disclosure.

Chemical Inspection & Regulation Service Limited

## ANNEX 1 TEST RESULTS OF SVHC (SUBSTANCE OF VERY HIGH CONCERNED)

### Sample Description:

<b>Name:</b>	CR & CR SPONGE
<b>Quantity:</b>	1 PC
<b>Description:</b>	Black
<b>Date of receiving sample:</b>	Aug. 14, 2009
<b>Date of test:</b>	Aug. 14, 2009 – Aug. 19, 2009
<b>Test requested:</b>	Fifteen (15) Substances of Very High Concern (SVHC) analysis. SVHC list is based on the publication by European Chemical Agency (ECHA) on 28 October 2008, regarding regulation (EC) No 1907/2006 concerning the REACH.

## 1. List of SVHC

NO.	Name	CAS No.	EC No.	REACH Limits (mg/kg)	Classification
1	Anthracene	120-12-7	204-371-1	1000	PBT
2	4,4'- Diaminodiphenylmethane	101-77-9	202-974-4	1000	CMR2
3	5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)	81-15-2	201-329-4	1000	vPvB
4	Hexabromocyclododecane	25637-99-4 3194-55-6 (134237-51-7, 134237-50-6, 134237-52-8)	247-148-4	1000	PBT
5	Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)	85535-84-8	287-476-5	1000	PBT
6	Dibutyl phthalate(DBP)	84-74-2	201-557-4	1000	CMR2
7	Bis (2-ethyl(hexyl)phthalate) (DEHP)	117-81-7	204-211-0	1000	CMR2
8	Benzyl butyl phthalate(BBP)	85-68-7	201-622-7	1000	CMR2
9	Cobalt dichloride	7646-79-9	231-589-4	1000	CMR2
10	Bis(tributyltin)oxide	56-35-9	200-268-0	1000	PBT
11	Sodium dichromate, dihydrate	10588-01-9	234-190-3	1000	CMR1
12	Lead hydrogen arsenate	7784-40-9	232-064-2	1000	CMR1,2
13	Diarsenic trioxide	1327-53-3	215-481-4	1000	CMR1
14	Diarsenic pentaoxide	1303-28-2	215-116-9	1000	CMR1
15	Triethyl arsenate	15606-95-8	427-700-2	1000	CMR1

**Remarks: classification (defined by 67/548/EEC)**

1. PBT: Persistent, Bioaccumulative and Toxic
2. CMR1, 2: Carcinogenic, Mutagen, and toxic to reproduction Category 1 or 2.
3. vPvB: very high persistent, very high Bioaccumulative

## 2. Test Method:

NO.	Item	Screening Methods (ST)		Quantitative Methods (QT)	
		Method	Limit(mg/kg)	Method	Limit(mg/kg)
1	Anthracene	N.A.	N.A.	EPA 8270D	100
2	4,4'- Diaminodiphenylmethane	N.A.	N.A.	EPA 8270D	100
3	5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)	N.A.	N.A.	EPA 8270D	100
4	Hexabromocyclododecane	EDXRF	200	EPA 8270D	100
5	Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)	N.A.	N.A.	EPA 8270D	100
6	Dibutyl phthalate(DBP)	N.A.	N.A.	EPA 8270D	100
7	Bis (2-ethyl(hexyl)phthalate) (DEHP)	N.A.	N.A.	EPA 8270D	100
8	Benzyl butyl phthalate(BBP)	N.A.	N.A.	EPA 8270D	100
9	Cobalt dichloride	EDXRF	200	EPA 3052+6010C	100
10	Bis(tributyltin)oxide	EDXRF	200	EPA 8270D	100
11	Sodium dichromate, dihydrate	EDXRF	200	EPA 3060A+7196A	100
12	Lead hydrogen arsenate	EDXRF	200	EPA 3052+6010C	100
13	Diarsenic trioxide	EDXRF	200	EPA 3052+6010C	100
14	Diarsenic pentaoxide	EDXRF	200	EPA 3052+6010C	100
15	Triethyl arsenate	EDXRF	200	EPA 8270D	100

### Remarks:

1. N.A.: Not Applicable.
2. EDXRF: X-ray fluorescence spectrometry.

### 3. Parts and Photos :

No.	Parts No.	Parts Name
1	0900315	CR & CR SPONGE



0900315

#### 4. Test results:

Test Item	Results(mg/kg)
	0900315
Anthracene	N.D.(QT)
4,4'- Diaminodiphenylmethane	N.D.(QT)
5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene)	N.D.(QT)
Hexabromocyclododecane	N.D.(QT)
Alkanes, C10-13, chloro (Short Chain Chlorinated Paraffins)	N.D.(QT)
Dibutyl phthalate(DBP)	120
Bis (2-ethyl(hexyl)phthalate) (DEHP)	N.D.(QT)
Benzyl butyl phthalate(BBP)	N.D.(QT)
Cobalt dichloride	N.D.(ST)
Bis(tributyltin)oxide	N.D.(ST)
Sodium dichromate, dihydrate	N.D.(ST)
Lead hydrogen arsenate	N.D.(ST)
Diarsenic trioxide	N.D.(ST)
Diarsenic pentaoxide	N.D.(ST)
Triethyl arsenate	N.D.(ST)

#### Remarks:

1. Test parts may be single material or a variety of materials which could not be divided by physical ways. Unless otherwise noted, components of base material, coating metal, coating paint and/or colouring pigment were no longer divided, but tested as one whole.
2. All results are applicable only to the test samples.
3. N.D. = Not detected (<MDL) MDL= Method Detection Limits
4. Because it is difficult to detect the substances  $\text{CoCl}_2$ ,  $\text{C}_{24}\text{H}_{54}\text{O}_2\text{Sn}_2$ ,  $\text{Na}_2\text{Cr}_2\text{H}_2\text{O}_7$ ,  $\text{PbAsH}_3\text{O}_4$ ,  $\text{As}_2\text{O}_3$ ,  $\text{As}_2\text{O}_5$  and Triethyl arsenate via direct tests (but via converting them into detectable elements), we consider that all the relative elements exist in the form of their compounds when having the test.
5. Chemical Inspection & Regulation Service Limited reserves the right of final explanations.

## ANNEX 2 THE APPLICATION OF REACH REGULATION

### 1. The scope of REACH Regulation

“TITLE I GENERAL ISSUES

Chapter 1 Aim, scope and application

#### *Article 2 Application*

5. The provisions of Titles II, V, VI and VII shall not apply to the extent that a substance is used:

(a) in medicinal products for human or veterinary use within the scope of Regulation (EC) No 726/2004, Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use.

(b) in food or feeding stuffs in accordance with Regulation (EC) No 178/2002 including use:

(i) as a food additive in foodstuffs within the scope of Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption;

(ii) as a flavouring in foodstuffs within the scope of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production and Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council;

(iii) as an additive in feeding stuffs within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition;

(iv) in animal nutrition within the scope of Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition.”

6. The provisions of Title IV shall not apply to the following mixtures in the finished state, intended for the final user:

(a) Medicinal products for human or veterinary use, within the scope of Regulation (EC) No 726/2004 and Directive 2001/82/EC and as defined in Directive 2001/83/EC;

- (b) Cosmetic products as defined in Directive 76/768/EEC;
- (c) medical devices which are invasive or used in direct physical contact with the human body in so far as Community measures lay down provisions for the classification and labelling of dangerous substances and mixtures which ensure the same level of information provision and protection as Directive 1999/45/EC;
- (d) food or feeding stuffs in accordance with Regulation (EC) No 178/2002 including use:
  - (i) As a food additive in foodstuffs within the scope of Directive 89/107/EEC;
  - (ii) As a flavouring in foodstuffs within the scope of Directive 88/388/EEC and Decision 1999/217/EC;
  - (iii) As an additive in feeding stuffs within the scope of Regulation (EC) No 1831/2003;
  - (iv) In animal nutrition within the scope of Directive 82/471/EEC.

## 2. Registration responsibility

### “TITLE II REGISTRATION OF SUBSTANCES

#### Chapter 1 General obligation to register and information requirements

##### **Article 5 No data, no market**

Subject to Articles 6, 7, 21 and 23, substances on their own, in mixtures or in articles shall not be manufactured in the Community or placed on the market unless they have been registered in accordance with the relevant provisions of this Title where this is required.

##### **Article 6 General obligation to register substances on their own or in mixtures**

1. Save where this Regulation provides otherwise, any manufacturer or importer of a substance, either on its own or in one or more mixture(s), in quantities of 1 tonne or more per year shall submit a registration to the Agency.”

## 3. Definition of an article

### “TITLE I GENERAL ISSUES

#### Chapter 2 Definitions and general provision

##### **Article 3 Definitions**

3) Article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition;”

## 4. Registration and notification obligations for substances in articles

### “TITLE II REGISTRATION OF SUBSTANCES

#### Chapter 1 General obligation to register and information requirements

##### *Article 7 Registration and notification of substances in articles*

1. Any producer or importer of articles shall submit a registration to the Agency for any substance contained in those articles, if both the following conditions are met:

- (a) the substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year;
- (b) the substance is intended to be released under normal or reasonably foreseeable conditions of use.

A submission for registration shall be accompanied by the fee required in accordance with Title IX.”

2. Any producer or importer of articles shall notify the Agency, in accordance with paragraph 4 of this Article, if a substance meets the criteria in Article 57 and is identified in accordance with Article 59(1), if both the following conditions are met:

- (a) the substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year;
- (b) the substance is present in those articles above a concentration of 0.1% weight by weight (w/w).

3. Paragraph 2 shall not apply where the producer or importer can exclude exposure to humans or the environment during normal or reasonably foreseeable conditions of use including disposal. In such cases, the producer or importer shall supply appropriate instructions to the recipient of the article.

4. The information to be notified shall include the following:

- (a) the identity and contact details of the producer or importer as specified in section 1 of Annex VI, with the exception of their own use sites;
- (b) the registration number(s) referred to in Article 20(1), if available;
- (c) the identity of the substance as specified in sections 2.1 to 2.3.4 of Annex VI;
- (d) the classification of the substance(s) as specified in sections 4.1 and 4.2 of Annex VI;
- (e) a brief description of the use(s) of the substance(s) in the article as specified in section 3.5 of Annex VI and of the uses of the article(s);

(f) the tonnage range of the substance(s), such as 1-10 tonnes, 10-100 tonnes and so on.

5. The Agency may take decisions requiring producers or importers of articles to submit a registration, in accordance with this Title, for any substance in those articles, if all the following conditions are met:

(a) the substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year;

(b) the Agency has grounds for suspecting that:

(i) the substance is released from the articles, and

(ii) the release of the substance from the articles presents a risk to human health or the environment;

(c) the substance is not subject to paragraph 1.

A submission for registration shall be accompanied by the fee required in accordance with Title IX.

6. Paragraphs 1 to 5 shall not apply to substances that have already been registered for that use.

7. From 1 June 2011 paragraphs 2, 3 and 4 of this Article shall apply 6 months after a substance is identified in accordance with Article 59(1).

8. Any measures for the implementation of paragraphs 1 to 7 shall be adopted in accordance with the procedure referred to in Article 133(3)."

## 5. SVHC

### *"Article 57 Substances to be included in Annex XIV*

The following substances may be included in Annex XIV in accordance with the procedure laid down in Article 58:

(a) substances meeting the criteria for classification as carcinogenic category 1 or 2 in accordance with Directive 67/548/EEC;

(b) substances meeting the criteria for classification as mutagenic category 1 or 2 in accordance with Directive 67/548/EEC;

(c) substances meeting the criteria for classification as toxic for reproduction category 1 or 2 in accordance with Directive 67/548/EEC;

(d) Substances which are persistent, bioaccumulative and toxic in accordance with the criteria set out in Annex XIII of this Regulation;

(e) Substances which are very persistent and very bioaccumulative in accordance with the criteria set out in Annex XIII of this Regulation;

(f) substances - such as those having endocrine disrupting properties or those having persistent, bioaccumulative and toxic properties or very persistent and very bioaccumulative properties, which do not fulfil the criteria of points (d) or (e) - for which there is scientific evidence of probable serious effects to human health or the environment which give rise to an equivalent level of concern to those of other substances listed in points (a) to (e) and which are identified on a case-by-case basis in accordance with the procedure set out in Article 59.”

## 6. Information communicated down the supply chain

“TITLE IV INFORMATION IN THE SUPPLY CHAIN

### *Article 31 Requirements for Safety Data Sheets*

1. The supplier of a substance or a mixture shall provide the recipient of the substance or mixture with a safety data sheet compiled in accordance with Annex II:

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*Article 32 Duty to communicate information down the supply chain for substances on their own or in mixtures for which a safety data sheet is not required*

.....

### *Article 33 Duty to communicate information on substances in articles*

1. Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0.1% weight by weight (w/w) shall provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.

2. On request by a consumer any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0.1% weight by weight (w/w) shall provide the consumer with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.

The relevant information shall be provided, free of charge, within 45 days of receipt of the request.”

## 7. Authorisation

## “TITLE VII AUTHORISATION

### Chapter 1 Authorisation requirement

#### **Article 56 General provisions**

1. A manufacturer, importer or downstream user shall not place a substance on the market for a use or use it himself if that substance is included in Annex XIV, unless:

(a) the use(s) of that substance on its own or in a mixture or the incorporation of the substance into an article for which the substance is placed on the market or for which he uses the substance himself has been authorised in accordance with Articles 60 to 64; or

(b) the use(s) of that substance on its own or in a mixture or the incorporation of the substance into an article for which the substance is placed on the market or for which he uses the substance himself has been exempted from the authorisation requirement in Annex XIV itself in accordance with Article 58(2); or

(c) the date referred to in Article 58(1)(c)(i) has not been reached; or

(d) the date referred to in Article 58(1)(c)(i) has been reached and he made an application 18 months before that date but a decision on the application for authorisation has not yet been taken; or

(e) in cases where the substance is placed on the market, authorisation for that use has been granted to his immediate downstream user.

2. A downstream user may use a substance meeting the criteria set out in paragraph 1 provided that the use is in accordance with the conditions of an authorisation granted to an actor up his supply chain for that use.

.....

6. Paragraphs 1 and 2 shall not apply to the use of substances when they are present in mixtures:

(a) for substances referred to in Article 57(d), (e) and (f), below a concentration limit of 0.1% weight by weight (w/w);

(b) for all other substances, below the lowest of the concentration limits specified in Directive 1999/45/EC or in Annex I to Directive 67/548/EEC which result in the classification of the mixture as dangerous.”

## **8. Restrictions**

## “TITLE VIII RESTRICTIONS ON THE MANUFACTURING, PLACING ON THE MARKET AND USE OF CERTAIN DANGEROUS SUBSTANCES, MIXTURES AND ARTICLES

### Chapter 1 General issues

### **Article 67 General provisions**

1. A substance on its own, in a mixture or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted.

2. Paragraph 1 shall not apply to the use of substances in cosmetic products, as defined by Directive 76/768/EEC, with regard to restrictions addressing the risks to human health within the scope of that Directive.

3. Until 1 June 2013, a Member State may maintain any existing and more stringent restrictions in relation to Annex XVII on the manufacture, placing on the market or use of a substance, provided that those restrictions have been notified according to the Treaty.

The Commission shall compile and publish an inventory of these restrictions by 1 June 2009.”

### **9. Only representative of the Non-EU manufacturers**

“TITLE II REGISTRATION OF SUBSTANCES

Chapter 1 General obligation to register and information requirements

#### **Article 8 Only representative of a non-Community manufacturer**

1. A natural or legal person established outside the Community who manufactures a substance on its own, in mixtures or in articles, formulates a mixture or produces an article that is imported into the Community may by mutual agreement appoint a natural or legal person established in the Community to fulfil, as his only representative, the obligations on importers under this Title.

2. The representative shall also comply with all other obligations of importers under this Regulation. To this end, he shall have a sufficient background in the practical handling of substances and the information related to them and, without prejudice to Article 36, shall keep available and up-to-date information on quantities imported and customers sold to, as well as information on the supply of the latest update of the safety data sheet referred to in Article 31.

3. If a representative is appointed in accordance with paragraphs 1 and 2, the non-Community manufacturer shall inform the importer(s) within the same supply chain of the appointment. These importers shall be regarded as downstream users for the purposes of this Regulation.”