

15 September 2023

## BSEF statement on Regulatory strategy for Flame Retardants

BSEF is supportive of ECHA's efforts to assess chemicals more efficiently and their intention to avoid regrettable substitution. The FR strategy is an unprecedented opportunity to do so by addressing all Flame Retardants broadly and coherently. To deliver on ECHA's efforts, the strategy must adopt a science-based and comprehensive approach towards all Flame Retardants.

Flame Retardants are essential to protect lives and property, by inhibiting ignition of combustible materials, and by slowing the rate at which a fire propagates increasing escape time and time for emergency services to act. **Given that flame retardants are critical to fire safety, a restriction would clearly be at odds with the concept of proportionality.**

**The FR strategy is an unprecedented opportunity to address all FRs broadly and coherently.** Any restriction dossier initiated should include the further data generation needed for aromatic and aliphatic brominated as well as organophosphorus flame retardants. The need for this data is recognised by the FR strategy<sup>1</sup>. Looking at all flame retardants together, regardless of their group, would allow a more coherent approach and would prevent regrettable substitutions.

The strategy draws conclusions on substances which are still under scrutiny in the Substance Evaluation (SEv) process of REACH, which is a regulatory unsound practice. This is especially true for the identified aromatic brominated flame retardant group with suspected PBT or vPvB substances, but for which these conclusion have not yet been confirmed. **Conducting evaluations on all Flame Retardants would be consistent with ECHA's own scientific approach and principle of 'one substance, one assessment' and would prevent regrettable substitution due to incomplete data.**

BSEF find that a substance-by-substance risk assessment, which includes the intrinsic properties of the corresponding chemicals, the specificities of the corresponding uses and the resulting exposures, is required in order to take into account safe uses and to be in line with current REACH regulations. **A pure hazard-based approach is not adequate and could lead to flawed conclusions and regrettable substitution.** Furthermore the availability of suitable alternatives (or the lack thereof) needs to be evaluated before restrictions are considered.

Lastly, it's worth noting that BSEF and its member companies are actively supporting the development of advanced recycling options for brominated flame retardants. Please see the [new dss+ study](#) on BFRs and the Circular Economy of WEEE Plastics: <https://www.bsef.com/media/bsef-publications/>

### Further information

For further information, please contact Michael Hack, Secretary General ([mhack@bsef.org](mailto:mhack@bsef.org)) or Patrick Fox, Head of Public Affairs & Advocacy ([pfox@bsef.org](mailto:pfox@bsef.org))

### About BSEF

BSEF – the International Bromine Council, is the global representative body for bromine producers and producers of bromine technologies. Originally founded in 1997, BSEF works to foster knowledge on the societal benefits of bromine and its applications. The members of BSEF are Albemarle Corporation, ICL Industrial Products, Lanxess, Haiwang and Tosoh.

<sup>1</sup> A recent [Commission response](#) on an EP question supports this request for further data generation.