European Copper Institute
Copper Alliance

EuRIC

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The harmonized classification of Copper forms

COMMENTS TO THE ENTRIES OF COPPER IN THE CLP REGULATION

On 1 December 2022, the Committee for Risk Assessment (RAC) of ECHA adopted an opinion on the proposal for the harmonised classification and labelling (CLH) of Copper (EC 231-159-6).

We welcome the classification conclusion following the environmental hazard evaluation by RAC. According to the available science and the CLP Guidance, the specific surface area (SSA) of 0.67 mm^2/mg (equivalent to the surface area of a copper sphere of 1 mm diameter) is a suitable metric to distinguish between copper massive and copper powder forms. Based on the available data, we agree with the conclusion that Copper forms with SSA ≤ 0.67 mm^2/mg (massive copper) are not classified. For Copper with SSA > 0.67 mm^2/mg, RAC recommends classification as Aquatic Acute 1 (M=10) and Aquatic Chronic 1 (M=1).

We provide here our comments regarding the new and existing copper entries in Annex VI of the CLP Regulation:

- We assume that there will be no entry for Copper forms with SSA ≤ 0.67 mm^2/mg (massive copper). To ensure that the RAC assessment is reflected in the Commission Implementing Regulation, we propose to include **a recital that refers to the no classification of massive copper** for environmental hazards.

- To improve clarity, we propose to **include an additional descriptor, "fine forms", to the Chemical Name**, and to add a footnote or recital that clarifies the SSA of 0.67 mm2/mg corresponds to a copper sphere with 1 mm diameter. This is because the Specific Surface Area may cause confusion: it is not a metric which is routinely used in the supply chain. The Chemical Name would then read: "Copper, fine forms; [specific surface area >0.67 mm2/mg]". The dossier submitter Sweden has already agreed to this proposal (see Annex 2 to the RAC opinion – RCOM document, page 3—4) but it has not been discussed by RAC.

There are currently already two copper entries in Annex VI of the CLP Regulation which concern active substances under the Biocidal Product Regulation:

- Granulated copper [particle length: from 0,9 mm to 6,0 mm; particle width: from 0,494 to 0,949 mm] (Index No 029-024-00-X; CAS number 7440-50-8) which is classified as Aquatic Chronic 2
- Copper flakes (coated with aliphatic acid) (Index No 029-019-01-X; No EC or CAS number) which is classified as Aquatic Acute 1 (M=10), Aquatic Chronic 1 (M=10), and for three human health endpoints.

The entry for Granulated copper already creates confusion in the copper value chain (e.g. downstream users and recyclers). We expect that this confusion will further increase if the newly proposed entry is adopted. We agree with dossier submitter Sweden that the proposed new entry for Copper, fine forms [SSA > 0.67 mm^2/mg] should encompass other copper forms, and that **the entry for Granulated copper could be deleted**. In case it would remain, a footnote should **clarify its limited scope and applicability**, for example: "this entry is specific for a Biocidal Product Regulation active substance with a defined reference specification".

About the European Copper Institute

The European Copper Institute (ECI) is the leading advocate for the copper industry in Europe and the European arm of the International Copper Association (ICA). Our members mine, smelt, refine and recycle copper for use across the economy, in the electricity system, buildings, transport and industry. The European Copper Institute acts as the secretariat of the REACH Copper Consortium which provides a coordinated answer to the EU REACH requirements.

About EuRIC

The European Recycling Industries' Confederation (EuRIC) is the umbrella organisation that encompasses a network of European Member States and National recycling associations. It is the link between the recycling industry and the European Union, acting as the platform for co-operation and the exchange of best practices across the industry. EuRIC represents key companies included in the collection, processing, recycling, transport, and trade of various recyclables (metals, paper, plastics, tyres, construction & demolition waste from household or industrial waste, WEEE, ELV, Packaging, etc.) across Europe.