

Information Note

The use of lead sulfochromate yellow and lead chromate molybdate sulfate red pigments in industrial paints

Background

Pigment Yellow 34 (Lead sulfochromate yellow) and Pigment Red 104 (lead chromate molybdate sulfate red) have been used in some industrial paints for many years. The introduction of the REACH regulation by the EU raised concerns whether their use would be allowed to continue.

DCC Maastricht BV, representing Dominion Colour Corporation (DCC), has been granted an authorisation under the REACH regulation to place on the market these substances and for these to be used in industrial and professional paints for specified uses for 7 and 4 years respectively.⁽¹⁾ Paints imported or manufactured in the EU that contain the substances must use DCC pigments as only they have been granted the authorisation.

Our industrial paint manufacturing members requested we prepare a note summarising the impact the authorisation will have on industrial paints so they can use this as part of their communication with their customers by way of introduction.

This note is only a very short summary. You must ensure that you read and follow the full information your paint manufacturer will be giving you which will run into several pages. If you don't buy direct from a manufacturer, then your supplier has a legal duty to give you this information. If they don't please request it from them.

Who can buy and/or use paints containing Pigment Yellow 34 and Pigment Red 104?

Only industrial or professional users can buy paints containing these substances where an:

- Industrial user: workers who use chemical products in an industrial site, which can be large or small ⁽²⁾ for example a production line situation.
- Professional users: skilled/trained workers who use chemical products outside an industrial setting ⁽²⁾ for example a professional painter/maintenance worker for non-consumer applications.

It is illegal to sell paints containing these substances to consumers (i.e. the general public) or for the general public to use them.

Where can paints containing these substances be used?

Paints containing these substances can only be used for:

- Industrial application onto metal surfaces (such as machines, vehicles, structures, signs, road furniture, coil coatings etc)
- Professional (non-consumer) application of paints on metal surfaces (such as machines, vehicles, structures, signs, road furniture etc) or as road markings

Use is permitted provided that the performance of the pigment in a premix, paint or painted article (eg colour, durability, hiding power, heat stability) is technically achievable only by using that substance and that the performance is necessary for the intended use.

Where can't paints containing these substances be used?

Paints containing the substances must not be used for any other purpose, including:

- waterborne paints or powder coatings
- paints for sale to, or use by, the consumer
- paints for non metallic substrates such as concrete (unless they are roads), wood, plastic, ceramic,

- glass, paper, tiles, brick, block, plaster etc
- on any 'consumer' product
- where there is another regulation (eg electronic items, toys, packaging, food contact, local enforcement regulations etc)

How long does the authorisation last for?

Paints are allowed to be supplied containing these substances until 21 May 2019 to professional users or 21 May 2022 to industrial users. This could be extended should DCC re-apply for continued use in these specialised applications.

What you must do

If you supply paint containing these substances you must pass information down the supply chain on its safe use that you receive from your supplier. This is the same as for all hazardous paints and other mixtures.

If you use paint containing these substances you have a number of obligations including but not limited to ^(1 & 3)

- register with ECHA that you use paints containing these substances (via their website: <https://echa.europa.eu/support/dossier-submission-tools/reach-it/downstream-user-authorised-use>)
- supply to ECHA a detailed justification of the need to use paints containing these substances by 30 June 2017
- perform air monitoring and biological monitoring of staff involved in using paints containing these substances and be prepared to pass this information to ECHA
- follow the risk management measures (RMMs) and Operational Conditions (OCs) as outlined in the safety data sheets provided by your supplier (which will include information from DCC). This may require the use of engineering controls and personal protective equipment (PPE).

Are there alternatives?

There are no direct weight for weight replacements with identical properties to these substances that is why the authorisations have been granted. Alternatives require compromises in performance, such as durability, opacity and brightness.

Replacement of these substances in paints may be possible in your application, but it may be necessary to adjust for example: application and drying methods and conditions, maintenance programs of painted items, colour selection or to accept some diminution in performance. We recommend you contact your existing supplier about these options if you are interested.

Any queries?

We recommend contacting your paint supplier / manufacturer in the first instance, we are sure they will be able to help but the legal responsibility for your compliance rests with you.

Limitations

This note does not cover the other authorised uses in hot melt road marking and plastic master batching.

This note is an introductory summary only and is believed to be correct at the time of writing and provided in good faith but guidance and regulation in this area continues to evolve. Please refer to the detailed regulatory texts, guidance and documents supplied by various organisations including EU, ECHA, DCC Maastricht BV and the paint manufacturers for full information.

References

⁽¹⁾ Commission Implementing Decision of 7 September 2016 granting an authorisation for some uses of lead sulfochromate yellow and of lead chromate molybdate sulphate red under Regulation (EC) No 1907/2006 of the European Parliament and Council.

⁽²⁾ Chemical safety in your business an introduction for SMEs; ECHA 2015

⁽³⁾ DCC Maastricht BV letter 27 September 2016

About Us

The British Coatings Federation is the sole UK Trade Association representing the interests of the decorative, industrial and powder coatings, printing inks and wallcovering manufacturers, representing 95% of the UK sales of coatings, inks and wallcoverings.