



November 05, 2013

Bills Committee on Toys and Children's Products Safety (Amendment) Bill 2013

Legislative Council

Hong Kong Special Administrative Region of the People's Republic of China

Re: Invitation for written submissions

Thank you for the invitation to comment on the Toys and Children's Products Safety (Amendment) Bill 2013.

ExxonMobil Chemical is a major global producer of plasticizers, with more than 50 years of experience in the flexible polyvinyl chloride (PVC) market. ExxonMobil Chemical is committed to ensuring the safe use of the products we sell. Understanding the potential risks of these products and communicating this information fully to our customers is part of our product stewardship efforts – a responsibility we take very seriously.

We appreciate the work of the Hong Kong government to ensure the safety of toys and childcare articles. We understand that the proposal under consideration aims to put in place restrictions on phthalates in toys and childcare articles in alignment with the existing restrictions in the European Union (EU) and the United States of America (US).

Scientific evidence from both industry and government related bodies have continued to find high molecular weight (HMW) phthalates (DINP and DIDP) to be safe for use in their current applications.

The inputs and documents submitted by Association of International Chemical Manufacturers Ltd. (AICM) and Emeritus Professor James Bridges in January 2013 also support the safe use of HMW phthalates (DINP and DIDP) in their current applications.

In your decision on the need for restrictions we would ask that you consider the significant weight of scientific evidence which confirms DINP and DIDP are safe for all current uses.

Aside from the earlier AICM position paper (Attachment) provided to the Commerce and Economic Development Bureau of Hong Kong Special Administrative Region of the People's Republic of China in January, 2013 on proposal for concentration limits on phthalates in toys and childcare articles, we would like to update you on the progress of EU and US re-evaluations of DINP and DIDP in toys and childcare articles which can be placed in the mouth.

The EU re-evaluation is ongoing and is expected to be completed in 1st quarter 2014.

- In August 2013 the European Chemicals Agency (ECHA) issued their report on the scientific re-evaluation of DINP and DIDP. The report concluded that no risks were identified in any current consumer application of DINP and DIDP. With respect to the use in toys and childcare articles scenarios were included in the report which if applied would lead to the conclusion of safe use. Nevertheless ECHA took a highly conservative approach with respect to the existing restrictions, and concluded that "a risk cannot be excluded" if the existing restrictions were to be lifted.

- The European Commission is expected to consider the recommendation in late January/early February of 2014.

The US Consumer Product Safety Commission (CPSC) re-evaluation is ongoing

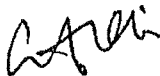
- The expert panel, Chronic Hazard Advisory Panel (CHAP) is in the process of having its report peer reviewed. It is anticipated the CPSC will issue the findings by end of year 2013.
- The CPSC staff will then consider public comments as part of a 180-day regulatory review process.

Given the status of extensive EU and US re-evaluations, and the numerous previous independent confirmation of the products safety, we request you defer consideration of your proposal to restrict DINP and DIDP in the mouthing toys and children articles.

For more background, we attach here the documents AICM January position paper and the European Council for Plasticisers and Intermediates (ECPI) statement for you reference.

Please feel free to contact Ms. Cindy Zhao or email cindyqi.zhao@exxonmobil.com for further clarifications.

Yours truly,



C.S. Tai

Oxo New Business Development Manager - China



AICM Position Paper on Phthalates Plasticizers

January, 2013

Special Duties Division
Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
23/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

Thank you for the invitation to comment on the proposal for concentration limits on phthalates in toys and childcare articles.

AICM High Molecular Weight (HMW) Plasticizers Advocacy Panel is the taskforce where the Asian high molecular weight plasticizer producers work together on product related issues. AICM is strongly committed to the protection of the health of children and consumers through the testing and evaluation of plasticisers in order to identify those substances which can be used safely. We appreciate the work of the Hong Kong government to ensure the safety of toys and childcare articles. We understand that the proposal under consideration aims to put in place restrictions on phthalates in toys and childcare articles in alignment with the existing restrictions in the European Union (EU) and the United States of America (US).

We would like to stress that the EU and US restrictions for HMW phthalates (DINP and DIDP) are based on the precautionary principle and are currently being re-evaluated, including new scientific information generated since the original restrictions were put in place.

Scientific evidence from both industry and government related bodies have continued to find high molecular weight (HMW) phthalates (DINP and DIDP) to be safe for use in their current applications.

We wish to provide the following comments for your consideration before you finalize the draft proposal.



Not all phthalates are the same.

- Low molecular weight (LMW) phthalates (such as DEHP, DBP and BBP) are classified as Category 1B CMRs (carcinogenic, mutagenic, reproductive hazards) in the EU according to the criteria of the Globally Harmonized System (GHS). These LMW phthalates are also on REACH Annex XIV and uses will be subject to specific and time limited authorization.
- HMW phthalates (DINP, DIDP) are not classified as hazardous and are neither included in REACH Annex XIV nor are they on the SVHC (Substances of Very High Concern) Candidate List. The current uses of DINP and DIDP in the EU are identified and listed under REACH as "Identified Uses".
- DINP and DIDP have both been demonstrated to be safe for use in all current applications by risk assessments conducted by government agencies in US and EU. Specifically, the EU Risk Assessment Report (2003) and the US Consumer Product Safety Commission (CPSC) Assessment (2002) both concluded DINP to be safe for use in toys and childcare products. The EU Risk Assessments have confirmed that no additional risk management measures are necessary for the use of DINP and DIDP in current applications.
- The main conclusion in the newly published NICNAS (Australia's National Industrial Chemicals Notification and Assessment Scheme) DINP assessment (September 2012) is that "current risk estimates do not indicate a health concern from exposure of children to DINP in toys and childcare articles even at the highest (reasonable worst-case) exposure scenario considered."
- In order to ensure protection of consumer health and the environment, and to avoid unintended consequences, AICM believes it is critical that regulatory decisions are based on science.

Both the EU and US restrictions on DINP and DIDP in toys and childcare articles are undergoing extensive scientific and regulatory re-evaluation which should be completed in 2013.

- The EU is re-evaluating the restrictions on DINP and DIDP. Non-classified phthalates (DINP, DIDP, DnOP) are being treated in a different way to the classified phthalates (DEHP, DBP, BBP). For the classified phthalates (DEHP, DBP, BBP), the toy restrictions will remain in place and consideration is being given to additional restrictions. For the non-classified phthalates (DINP, DIDP), the re-evaluation is still ongoing and should be completed during 2013.
- In the US, the Consumer Product Safety Improvement Act (CPSIA) restrictions on HMW phthalates (DINP and DIDP), are temporary pending a second scientific



assessment by a Chronic Hazard Advisory Panel (CHAP). For more background, we attach here the documentation from independent DINP/DIDP assessments and summaries to support the safety of DINP/DIDP.

In your decision on the need for restrictions we would ask that you consider the significant weight of scientific evidence which confirms DINP and DIDP are safe for all current uses.

We would also like to suggest postponing the finalization of your current proposal, in particular with respect to DINP and DIDP, until the EU and US have finalized their evaluations.

Please feel free to call on us for further clarifications.

Yours truly

AICM HMW Plasticizers Advocacy Panel

ANNEX 1:

DINP Assessments and DIDP Assessments



PE Summary of
Assessments _ DINP.



PE Summary of
Assessments _ DIDP.

ANNEX 2:

AICM Background and AICM HMW PAP Taskforce Objectives



[AICM Background \(http://www.aicm.com.cn\)](http://www.aicm.com.cn)

Association of International Chemical Manufacturers (AICM) representing more than 50 major foreign investments in the chemical industry of China, whose members' business covers manufacture, transportation, distribution and disposal of chemicals. 5 of AICM members ranked World Top 10 Enterprises and 28 members stood among World Top 50 Chemical Enterprises. 31 members signed Responsible Care Global Charter initiated by ICCA.

Over years of development, AICM and its members developed a shared vision: to contribute to the development of a harmonious society and the sustainable growth of China's chemical industry, as the representation of the leading international chemical players in China, AICM commits to:

- 1. Promote Responsible Care and other globally recognized chemical management principles among all the stakeholders;*
- 2. Advocate cost-effective, science- and risk-based policies to the policy makers;*
- 3. Build up the contributive role of the chemical industry to the economy.*

AICM HMW PAP Taskforce Objectives

- Proactively educate the public, media, industry and regulatory bodies on the safety and safe use of vinyl plasticizers as deemed needed or appropriate by the panel.*
- Respond to misinformation and unsound criticism of vinyl plasticizers in China.*
- Engage and cooperate with governmental bodies on areas relating to vinyl plasticizer safety and safe use.*
- Actively cooperate and support other local industry associations inside China on matters relating to the safety and safe use of vinyl plasticizers and flexible PVC in general.*
- Develop in association with similar workgroups and industry associations across the Asia Pacific region, a regional platform to initiate and execute plasticizer advocacy programs.*

ECPI's statement following ECHA's final report on high phthalates DINP and DIDP: Safe for use in all current consumer applications - no further restrictions needed

The European Chemicals Agency (ECHA) has published its final [report](#) on the re-evaluation of the restrictions on DINP and DIDP in toys and childcare articles which can be placed in the mouth. This re-evaluation of the restrictions on non-classified high phthalates is required by entry 52 of Annex XVII of REACH, which incorporated the original restrictions in Directive 2005/84/EC.

The report concludes that “a risk from mouthing of toys and childcare articles with DINP and DIDP could not be excluded if the existing restrictions on these articles were lifted”. However, based on ECHA's assessment “no further risks were identified” and hence “no further risk management measures are needed to reduce exposure of children” to these two high phthalates. Taking into account ECHA's report and the RAC Opinion it can be concluded that DINP and DIDP are safe for use in all current applications.

In this document, ECHA also indicates that “no risk is expected from combined exposure to DINP and DIDP for children exposed via food and the indoor environment”. For adults, the available biomonitoring data confirmed that “exposure from food and the indoor environment are not very significant” and, in the case of dermal exposure, “it is not anticipated to result into a risk”.

The protection of consumer and children's health is of paramount importance to the plasticiser industry. The European Council for Plasticisers and Intermediates (ECPI) is committed to supporting the REACH process and it has been following the ECHA re-evaluation of DINP and DIDP closely, providing ECHA and RAC with information in order to support an in-depth evaluation.

The report is the result of a 4 year scientific review process including a public consultation and an independent opinion by ECHA's Risk Assessment Committee (RAC) which brings together experts from all 28 Member States. The report will now be sent to the Commission for its final consideration.

Report: [Evaluation of new scientific evidence concerning DINP and DIDP](#)

About ECPI: The European Council for Plasticisers and Intermediates is a Brussels-based trade association representing the common interests of European manufacturers of plasticisers, alcohols and acids. Member companies are Arkema, BASF, Deza, Evonik, ExxonMobil, Oxochimie, Perstorp and ZAK. ECPI is a sector group of Cefic, the European Chemical Industry Council, which represents the interests of the European chemical industry.

Contact

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www.plasticisers.org