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HS021 - The use of lead sulfochromate yellow and lead chromate molybdate sulfate red in paints

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Background

HMG (& many other paint manufacturers) have used Lead sulfochromate yellow (Pigment Yellow 34) and lead chromate molybdate sulfate red (Pigment Red 104) in some paints for many years. The introduction of the REACH regulations within the EU raised doubts regarding their continued use. Several years ago, we took the decision to remove these pigments from our water based paints and from our powder coatings. Our solvent based paints that contain these pigments are designated as 'contains lead' on the HS label attached to all packaging. HMG also embarked on a full development programme and already offer a comprehensive range of solvent based products that are available as 'lead-free'.

Recently, our supplier DCC Maastricht BV, representing Dominion Colour Corporation (DCC) has been granted authorisation under REACH that allows these pigments to be placed on the market and for continued use in some paints for certain purposes. The authorisation is subject to re-assessment over a given time and places certain obligations on the downstream users of the materials, which must be notified to the European Chemical Agency (ECHA).

This note is designed as an initial short summary that will be followed up with more comprehensive information. **It is important to note** that it is only applicable to our customers taking solvent based 'contains lead' paints.

Who can purchase or use paints that contain lead sulfochromate and lead chromate molybdate sulfate red?

Only **industrial** or **professional** users can purchase or use paints containing these pigments.

Industrial user:

Are those for industrial purposes which are performed at a location using a fixed installation for a commercial purpose.

Professional user:

Are those that are not industrial but are performed in the context of the trade or profession of the operator.

All other uses are deemed consumer uses and are not permitted.

Where can paints containing these pigments be used?

Use	Description of USE for Paint Sector
Use 1	Use: distribution and mixing of pigment powder in an industrial environment into solvent-based paints for non-consumer use
Use 2	Use: industrial application of paints on metal surfaces (such as machines vehicles, structures, signs, road furniture, coil coating, etc.)
Use 3	Use: professional, non-consumer application of paints on metal surfaces (such as machines, vehicles, structures, signs, road furniture, etc.) or as road marking

Where these pigments cannot be used:

Must not be used for decorative coatings, children's articles (including toys, paints, jewellery & equipment), consumer products, printing inks for consumer products, food & food packaging, drugs, medical devices, ceramics & glassware, cosmetics & tattoos.

Formulation in any paint, plastic & plasticised articles for children / consumer use.

In any water based paints.

In any paints for sale to or for use by consumers.

In paints for use on non-metallic surfaces such as concrete (unless they are for roads), wood, plastic, ceramic, glass, paper, tiles, brick etc....

The use of the pigment is restricted in Annex XVII of Reach, entries 28 & 30.

How long does the authorisation last?

Paints containing these pigments can be supplied until:
21st May 2019 to professional users
21st May 2022 to industrial users

Our supplier could apply for an extension for some or all the authorised uses.

What you must do

Obligations vary depending whether you are a distributor or a downstream user (DU). These definitions are important and should be understood as they may differ from the normal terms used in the paint industry.

The Distributor definition under REACH: "any natural or legal person established within the community, including a retailer, who only stores and places on the market a substance" (handle & sell closed containers) of HMG materials.

Distributors:

- Are not considered downstream users (unless transferring / re-packing / mixing)
- Have obligations regarding information flow within the supply chain
- Exempt from Authorisation Obligations regarding reports to ECHA
- Have obligations to have Risk Management Measures (RMM's) action plans in place to handle emergency situations /disposal (damaged containers / spillages)

Downstream user

Additional obligations include:

- Register with ECHA your use of paints containing these pigments, this is done via their website:

<https://echa.europa.eu/support/dossier-submission-tools/reach-it/downstream-user-authorized-use>

- Supply ECHA with a detailed justification of your need to use these paints
- Perform biological monitoring of staff involved in using these paints and forward the results to ECHA
- Follow and adopt RMM's & Operational Controls (OC) as outlined in the HMG eSDS

Are there alternatives?

The authorisation has been granted on socio-economic and technical performance arguments as there are no direct weight for weight replacements with identical properties to these pigments. Replacement is possible; however, alternatives are more expensive and offer technical challenges (durability, opacity and colour).

Contact Information

It is important to note that the authorisation is a decision that affects users of these substances across the coatings industry and not just HMG Paints.

As such we have provided an additional information note and the contact details of our industry body (BCF) & the contact details of our supplier (DCC) should you have any queries that you wish to place directly with them. HMG are also available to contact.

HMG

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HMG can offer advice and help throughout this process but the legal responsibility for compliance rests with the full supply chain.

Support documents (eSDS and notification templates) and guidance can be found in the knowledge base area of the HMG website:

<https://www.hmgpaint.com/knowledge/knowledge-base/388/lead-chromate-authorisation>

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 HMG Paints Limited for full information.