

EU Restricts 33 Substances in Clothing-Footwear-Textiles

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By November 2021, the European Union (EU) is requiring that clothing, accessories, footwear and other textiles (such as furniture upholstery and bed linens) be essentially free of 33 "CMR" substances, including lead, cadmium, arsenic, hexavalent chromium, formaldehyde, several phthalates, and certain azodyes, aromatic amines, and hydrocarbons, among other substances often found in a variety of dyes, flame retardants, and stain- and water-proofing agents. The restrictions, adopted on October 10 under Annex XVII of the EU's REACH legislation, apply to textile products sold in the EU that may come into contact with human skin (or be inhaled or ingested) and aim to reduce exposures to substances identified as carcinogens, mutagens, or reproductive toxins (so-called "CMR" substances).

The regulation specifies acceptable *de minimis* levels for the 33 substances, ranging from as low as 1 mg/kg to 3,000 mg/kg. Amounts above these levels, whether present intentionally or as an impurity, would be prohibited.

The restrictions do not apply to (a) products made exclusively of natural leather, fur or hide; (b) non-textile fasteners and non-textile decorative attachments; (c) second-hand clothing or other products; (d) carpets, rugs, and other textile floor coverings; or (e) medical devices or personal protective equipment, as well as disposable (i.e., single or limited use) textiles.

While a two year phase-in is provided to allow for manufacturers to conform to the new restrictions, a number of companies reportedly already have reformulated away from the listed substances and adopted (supposedly) less hazardous alternatives or are on track to do so.

The full text of the new EU regulation can be found here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.256.01.0001.01.ENG&toc=OJ:L:2018:256:TOC.