N°20031/11/GIFAS/PSB/CL
Paris, 12th September, 2011

Subject: **Answer on Chromium trioxide, Potassium chromate, Potassium dichromate, Sodium chromate, Sodium dichromate**

Y/Ref: **Public consultation issued on 15th June 2011 on ECHA's 3rd recommendation of priority substances to be included in Annex XIV**

Dear Sir,

The European Chemicals Agency (**ECHA**) published a draft recommendation of 13 priority substances for inclusion in the list of substances subject to authorisation (Annex XIV). This letter constitutes the GIFAS (French aerospace industries association)[1] response regarding the following substances:

- Sodium chromate (CAS 7775-11-3)
- Potassium chromate (CAS 7789-00-6)
- Sodium dichromate (CAS 7789-12-0)
- Potassium dichromate (CAS 7778-50-9)
- Chromium trioxide (CAS 1333-82-0).

The Aerospace Industry has been working for years towards a voluntary eradication of hazardous substances. In particular, chromate eradication policies have been set up amongst the main companies with related substitution roadmaps and collective mobilization of the entire sector.

Considering, in particular, the recognized adverse longterm effects of these substances, appropriate efficient control have been put in place accordingly to best protect and comply with the Environment and Health/Safety requirements, thanks to relevant corporate strategies of our companies.

However, we would like to highlight the specific use of these substances in the aerospace and defence areas for which no known Chrome VI validated alternative options are currently available.

[1] GIFAS has 300 members from major prime contractors and systems suppliers to SMEs. The French Aerospace sector comprises 157 000 direct employees and its turnover exceeds € 36 billion.

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These substances are used in limited quantities (marginal in comparaison to the other sectoral uses) and often largely diluted in neutral third matrices. They are essential for the manufacturing of our products and are found in the main processes below:

- Aluminium and Magnesium Chemical Conversion
- Aluminium anodizing
- Cadmium plating (cadmium finishing)
- Steel pickling/passivation
- Hard chromium
- Paint stripper
- Basic primer
- Bonding primer
- Sealants
- Lab use for non destructive testing.

The use of these chromates is crucial for all the critical parts as they provide the relevant anti-corrosion characteristics; they are also used for anti-fretting, galvanic coating and painting. No alternative chromium VI free options are fully mature up to now, despite many years of intensive research and mobilization of our sector worldwide.

The need to maintain, in operational conditions, the various programmes throughout their life-cycle (25^{+} years) is absolutely mandatory with regards to safety obligations which cannot be compromised and the certification obligations (EASA and FAA)[2]. Moreover, implementing an alternative solution requires qualification (reliability, test programmes) and the supply chain adaptation prior to it being fully effective.

Regarding the design of future programmes, we can anticipate new obligations but still have to maintain the use of these substances for legacy programmes requiring a full availability of the related substances over the life-cycle of these programmes.

It is vital to us to obtain extended period of time to perform extensive R&D until the qualification of alternatives is effective. Any restriction, leading to unjustified and uncontrolled withdrawal from the market, would have detrimental safety and socio-economical consequences over the various stages of our supply base. The pressure caused by short deadlines in the authorization process may discourage some suppliers and could cause disruption of the supply chain: it is of the utmost importance to avoid such disruption. We need to implement the substitution roadmaps carefully and progressively, once alternatives are validated to ensure relevant lessons learned prior to generalization.

[2] EASA = European Aviation Safety Agency; FAA = Federal Aviation Administration

Once again, we highlight our full commitment to comply with REACh requirements. The elimination of these substances would require substantial ultimate efforts, we therefore ask ECHA to:

- ✓ Delay the inclusion of chromates in the Annex XIV,
- ✓ Postpone the "application dates" and the "sunset dates",
- ✓ Accept an exemption from Annex XIV obligations for legacy programmes.

We remain confident that ECHA will support our position that any restriction or withdrawal shall not, in any case, affect the required safety level which we absolutely must maintain.

In addition to the content of this letter, we would like to emphasize that, as a member of **ASD** (AeroSpace and Defence industries association in Europe)[3], **GIFAS** fully supports ASD reply on this current consultation.

We remain at your disposal for any information you may require.

Yours faithfully,

Bruno COSTES
Chairman of the GIFAS Environment & Sustainable Development Commission

Pierre-Stéphane BENATI
GIFAS REACh Working Group Leader

[3] ASD represents over 2000 companies with a further 80 000 suppliers, many of which are SMEs. The industry sectors employ around 696.000 people, with a turnover of over €154 billion.