REACH MOCA Requirements and Applicability to PMA Cast Polyurethane Processor Members

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On January 17, 2013, the European Chemicals Agency ("ECHA") recommended 4,4'-Methylenebis(2-Chloroaniline) ("MOCA") and nine other substances from the Candidate List of Substances of Very High Concern ("SVHC") for inclusion in Annex XIV (List of Substances subject to Authorisation) of the European Union's ("EU") Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH") legislation. The European Commission, in collaboration with Member States and the European Parliament, will make the final decision on the inclusion of the substances in Annex XIV. Assuming MOCA is placed on the List of Substances subject to Authorisation, MOCA cannot be used after its sunset date by a cast polyurethane manufacturer, importer or a downstream user, or be placed on the market by a manufacturer, importer or a downstream user for a use in the EU unless an authorisation is granted for that use. However, REACH applies only to legal entities established in the EU and to Norway, Iceland, and Liechtenstein (the other Member States of the European Economic Area).[1] And, the REACH authorisation requirements do not apply to imported articles. Therefore, Polyurethane Manufacturers Association ("PMA") members established outside the EU may not face authorisation requirements for the cast polyurethane articles that they process in the United States and then export to the EU. PMA members still may have other REACH-related requirements. As legal and regulatory counsel for PMA, and with the assistance of Mike Kocak, EHS-Regulatory Committee Chair, we have prepared a 25-page memorandum summarizing the issues surrounding ECHA's listing of MOCA on the SVHC list of substances subject to authorization and suggesting steps for PMA to take in response the ECHA recommendation. This memorandum is published on the PMA website.

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[1] *Enquiry on Reach,* http://echa.europa.eu/web/guest/contact/helpdesk-contact-form/enquiry-on-reach-from-non-eu-countries.