

Adopted EU classification: titanium dioxide producers mull legal action

Amendments to CLP published in Official Journal

18 February 2020



Some titanium dioxide manufacturers have said they may explore legal action following publication of the European Commission's [decision](#) to classify the substance as a category 2 carcinogen by inhalation.

The entry in the EU's *Official Journal* on 18 February draws a line under an almost decade-long and highly contested regulatory measure.

No changes were made since its adoption on 4 October. It will enter into force after 20 days, with harmonised classifications applying from 9 September 2021.

The Regulation had a [bumpy journey](#) through the legislature amid warnings from industry that, because there is no direct substitute for titanium dioxide, the verdict could have a "catastrophic" impact on many industries, with knock-on effects for recycling. They disputed carcinogenicity based on the dust hazard, which they said is not specific to titanium dioxide.

The substance commands a huge market globally. Its pigment form, unique for its whiteness, high opacity, brightness and durability of colour, is mixed into paints, coatings and plastics. Other applications include cosmetics, food, textiles, rubber and pharmaceuticals.

The new requirement for titanium dioxide products to carry cancer warnings on the label will apply only to mixtures in powder form containing 1% or more of the substance with aerodynamic diameter of 10µm or less.

For other forms and mixtures, the classification suggests specific notes to inform the users of the precautionary measures that need to be taken to minimise hazard.

Consequences

The Titanium Dioxide Manufacturers Association (TDMA) said its members were looking "at the available options", including taking legal action against the EU executive.

But for now, industry would prioritise implementation because it is "likely to enter into force before any legal proceeding could come to conclusion", it said.

Even though the classification is only for the powder form, health warnings on many products that cannot be inhaled, like liquids and mixtures, are likely to increase consumers' perception of risk and therefore influence the demand for them, the TDMA said. Other likely consequences include:

- many paints no longer being available;
- twice as much paint used to achieve comparable opacity;

- building rubble, plaster and wallpaper containing titanium dioxide become hazardous waste; and
- eco labels cease to apply to many consumer products.

Other poorly soluble low toxicity particles (PSLT) could also be implicated by the classification and “as a result, specific restrictions of several products may be triggered down the line,” the TDMA added.

To ensure consistency in implementation, the labelling requirements for liquids and mixtures should be clarified, it stressed. Industry also needs a clear interpretation of the implication for waste disposal, especially for the construction sector.

The European Council of the Paint, Printing Ink and Artists’ Colours Industry (Cepe) said it “regrets” the decision, also calling upon the Commission to establish clarity on the waste regulation “well before the entry into force. Any confusion about the applicability must be avoided to ensure a level playing field across Europe,” it said.

And Martin Kanert, director general of the German Paint and Printing Ink Association (VdL), said it would have to negotiate with those responsible for the award criteria for eco labels because these normally ban the presence of carcinogenic, mutagenic and reprotoxic (CMR) substances.

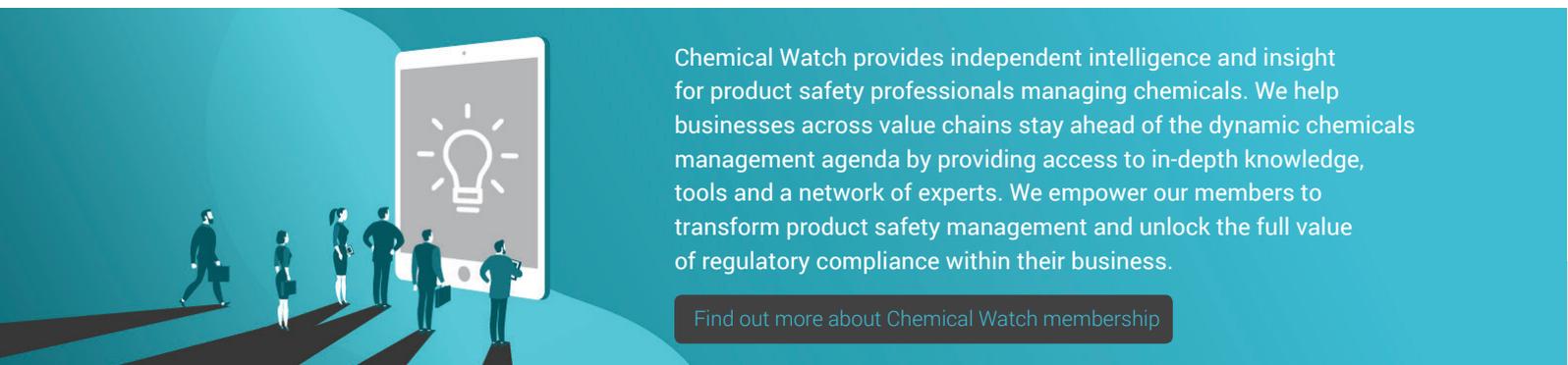
The same holds true for products with applications in toys, he added.

VdL, together with another trade body representing titanium dioxide manufacturers in Germany, will launch a dedicated website *Forum Titandioxid* in March to provide information on the safety of paints and printing inks in terms of the classification.

The delegated Regulation forms the 14th adaptation to technical progress (ATP) of the CLP Regulation, which contains amendments for 28 substances, including a carcinogen classification for **cobalt** metal.

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