August 17, 2026

SEAC's draft opinion on the proposed chromium (VI) restriction

ChemSec welcomes the opportunity to provide feedback on the draft SEAC opinion regarding the restriction proposal for chromium (VI) substances.

A primary objective of REACH is that CMR substances, among others, are phased out to provide a high level of protection for health and the environment (REACH Article 1 and recital 12).

For Cr(VI) substances, no safe exposure level can be established. The RAC concludes that it is necessary to ensure **at least the same level of protection** of workers and the general population to that achieved under the Authorisation process (RAC final opinion adopted 1 June 2026).

When developing the Cr(VI) restriction dossier, the Commission mandated ECHA to **encourage substitution of alternatives** (grow.f.1(2023)9570727). However, **the unusual design of this restriction proposal fails to do this**. The SEAC opinion unfortunately follows the same line.

SEAC concludes, and appears to accept, that **the dossier submitter did not make a complete and dedicated analysis of alternatives for each use**. In addition, we note that the assessment **does not consider the required functionalities of final products**. Alternatives could be, for example, to avoid plating or to use a different material.

This makes the assessment far too narrow, and therefore **a completely inadequate basis for decision-making** in accordance with the Judgement by the EU Court of Justice in Case C-144/21. We are astonished that the availability of alternatives is not a decisive factor.

We agree with SEAC that the design of this restriction does not drive substitution – end-of-pipe solutions are likely to be cheaper than substitution under the suggested limit values.

The consequences of the above are highly problematic. The proposed restriction:

- Allows the continuing use, emission and exposure of workers and the general public to cancer-causing Cr(VI) compounds in perpetuity **(with no time limits)**, regardless of whether there is an absence of alternatives.
- Provides **no substitution incentives** and **no level playing field** for alternative providers, ignoring the fact that many companies already operate without Cr(VI) substances.
- Puts companies that are on their way to substituting Cr(VI), have already substituted, or are providers of alternatives to Cr(VI), at a **market disadvantage** instead of being rewarded by the legislation. Their costs (for substitution and potential loss of market share and competitive advantage) are not considered.
- Allows companies to (re-)start using CR(VI) substances again if they are removed from Annex XIV. This would be nothing but **deregulation** and **lowering of the level of protection** of human health and the environment (as compared with the current regulation).

Cr(VI) substances can be substituted by alternatives. ECHA registration data show that annual volumes of Cr(VI) substances have decreased by almost 50% between 2010 and 2022 – a clear effect of the Annex XIV listing.

SEAC also concludes that there are alternatives on the market for some uses, which we can confirm. For example, **ChemSec Marketplace** contains 14 Cr(VI)-free alternatives for:

- Surface treatment in chemical manufacturing, plastics and rubber, and metal production and plating
- Hardeners, stabilizers and binders in plastics and rubber
- Dyeing of textiles, upholstery and leather
- Surfactants and foamers in textiles, upholstery and leather.

We agree with SEAC when it concludes that companies participating in the Calls for Evidence (CfE) have an **incentive to overstate the impacts of a restriction in order to reduce compliance costs by shifting the decision-making towards less stringent regulation**.

In addition to the selection and strategic bias identified by SEAC, we would like to add one more: Alternative providers and companies that have already substituted are highly unlikely to participate in any CfE because they are not specifically addressed, they have already done the job. SEAC considers this a “sunk cost” and therefore not attributed to the proposed restriction. However, when Cr(VI) will be allowed for continued use by their competitors, these companies’ **loss of competitive advantage from early substitution** is not properly considered.

Proportionality – SEAC acknowledges that, as a non-threshold carcinogen, there is no safe exposure to Cr(VI), and that the use of Cr(VI) does require the acceptance of some level of risk to human health, which is a policy choice. We would like to stress that this policy choice was already made by adopting REACH (which aims to substitute such substances) and by subsequently listing chromium in Annex XIV.

From a health protection point of view, substitution of Cr(VI) ultimately results in zero exposure and thus zero risk from these cancer-causing substances. The proposed move from the current authorisation regime to a weak restriction designed with only limit values, that according to RAC is not protective enough, jeopardizes the health of workers and of the general public far into the future. Instead of prohibiting Cr(VI) to ensure a phase-out, this restriction proposal risks instead *increasing* the use and thereby emissions and exposure. We question whether this is even legal.

RAC concludes that much lower limits are required, and that companies should minimise exposure and emissions as far as technically feasible, even below the specific limit values. This level of protection should be considered when concluding whether the restriction proposal is proportionate with its overall aim, namely to ensure a high level of protection for workers and the general public.

Restriction options – We regret that the option of a more workable use of the authorisation system was not assessed. None of the assessed options answers to the most relevant question at hand: How to set incentives for substitution and innovation that will ensure the phase-out of Cr(VI) substances and a high level of protection of workers and the general public as required by REACH?

We acknowledge that there could be uses of Cr(VI) substances that are essential for society, i.e. the Cr(VI) use is justified as critical for the functioning of society or necessary for health or safety with currently no alternatives available for that use (Official Journal: C/2024/2894). Such uses might require more time for substitution. But this cannot be an open-ended derogation, only a temporary solution. For some uses, we know for a fact that there are already alternatives on the market, and those should be implemented sooner rather than later. There are also purely decorative uses where we strongly believe the use of cancer-causing substances such as Cr(VI) cannot be justified.

Since the assessment of alternatives has not been properly carried out, we see two possible ways forward: Either the assessment of alternatives is re-done to the standard that is required (including, among other things, the functionality of end products), or SEAC only assesses the restriction options that are truly designed for substitution in more general terms.

To ensure that this file will advance, **we suggest a combination of restriction options that would allow for a stepwise phase-out of Cr(VI) substances with clear timelines, dependent on the essentiality of the uses:**

- A broad ban (prohibition on the manufacture, placing on the market and use of Cr(VI) substances) with clear transition times:
  1. An immediate ban (maximum 18-month after EIF) for **decorative uses**.
  2. An immediate ban (maximum 18-month after EIF) for uses where alternatives are **already on the market**.
  3. A short phase-out period (maximum 3 years after EIF) for uses where alternatives are **likely to be available**.
  4. A longer phase-out period (maximum 10 years after EIF) for **essential uses** (OJ: C/2024/2894) to allow for development of alternatives, testing and substitution.
- During these phase-out periods, **exposures and emissions shall be minimised as low as technically feasible – following recommendations already made by RAC in its final opinion.**

This combination of options would ensure that:

- Uses of Cr(VI) substances will be phased out in a stepwise manner. Clear timelines will drive substitution and innovation.
- The level of protection for workers and the general public will progressively increase.
- Uses that are essential for society will have a longer phase-out period which will enable the development and implementation of alternatives. Uses that are not justified as essential will be given a shorter phase-out period, but companies can also choose to change their portfolio.
- Uses that have already been phased-out under REACH authorisation requirements will not be allowed (more than 16,000 tonnes per year of Cr(VI) were phased-out between 2010-2022 as shown from ECHA registration data).
- Companies that invest in safer alternatives are rewarded by the legislation, not punished.