



Brussels, 1st October 2019

To: Members of the REACH committee

Re: REACH committee discussions and vote on proposal for a restriction on tattoo inks and permanent make up

Dear members of the REACH committee,

In the last REACH committee meeting (17-18 September), you have started discussing the proposal for a restriction on tattoo inks and permanent make up. The proposal will be further discussed and potentially voted in the REACH committee meeting foreseen on 19-20 November. **The undersigned organisations support the development of a Europe-wide restriction, which we believe is the most effective way to improve information on chemical exposure through tattoo inks and permanent make up and ensure the same levels of protection for all Europeans. Today, we are reaching out to you in order to share our assessment of the proposal on the table and suggest ways to improve it in the most health-protective way.**

A tattoo can be an important means of cultural or self-expression and is popular among Europeans – it is estimated that almost one in ten Europeans has a tattoo, with a higher prevalence among younger generations (up to 20-30%), according to the EU's Joint Research Centre.¹ At the moment, levels of information and regulation differ across Member States, and we believe that the restriction under

¹ EU Joint Research Centre, "Safety of tattoos and permanent make-up –Final report", 2016, accessible via: <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/safety-tattoos-and-permanent-make-final-report>

development provides an important opportunity to raise information and protection levels in order to help tattoo receivers and professionals alike to make informed choices.

From the perspective of organisations advocating for the highest levels of protection of health and the environment, it is particularly important to get the shape and format of this restriction right, for two reasons. Firstly, if successful, the future restriction would cover some 4,000 chemical substances, which is unprecedented in terms of scope. Secondly, people receiving a tattoo are getting chemicals (some of them toxic) injected directly under their skin and will remain exposed to these for the rest of their life. This is particularly critical for the younger generations getting tattooed, as they are in a particularly vulnerable period of development.

We acknowledge that the draft being discussed by the REACH committee has already improved substantially compared to the original proposals put forward by the dossier submitter in 2017.² Considering how high the stakes and opportunities are, we nonetheless believe that some additional improvements could greatly add value to the restriction.

Our recommendations are as follow:

- **Do not grant unjustified derogations.** The 2017 proposal listed 21 derogations for specific inks without an identified alternative. The revised proposal brings the numbers of derogations from 21 to two (Pigment Green 7 and Pigment Blue 15:3 for two years after the restriction's entry into force), which is an improvement. However no solid justifications have been provided for either the derogations or their proposed period. The proposal merely refers to those inks as "essential colourants in tattoo inks"³, "necessary for the tattoo industry to cover this spectrum of colours"⁴, and in the case of Blue 15:3 because "other blue pigments are lacking in brilliance".⁵ Moreover, the fact that each of these pigments is prohibited for use in hair dyes by the Cosmetic Product Regulation (CPR) also makes the case for their banning in the context of this restriction.
- **Guarantee that all proposed concentration limits are harmonized in a health-protective way.** We acknowledge that many of the concentration limits that were raising concerns in the 2017's proposal have been amended and harmonised. However, in some cases, including zinc and barium, the proposal still appears to be weaker than existing regulations and we urge the Commission and Member States to upgrade these limits in a health-protective way.
- **Support RAC's proposal for a dynamic link with both the cosmetic product regulation (CPR) and the classification, labelling and packaging regulation (CLP),** instead of SEAC's proposal for a static link. We believe that the dynamic link is the most effective way to ensure the highest level of consistency between protection levels offered by the various regulations.
- **Establish a positive list of all acceptable substances, including preservatives,** which would provide useful guidance for industries, but which ECHA's SEAC has failed to take on board.
- **Include workers' protection in the scope of this restriction.** Tattoo artists and professionals are highly exposed to chemicals present in the inks they use (primarily through inhalation). Considering the broad scope of the restriction, we regret this missed opportunity and call on you to include it.

² European Chemicals Agency, Compiled RAC and SEAC opinions on a restriction proposal on substances in tattoo inks and permanent make up, available at: <https://echa.europa.eu/documents/10162/dc3d6ea4-df3f-f53d-eff0-540ff3a5b1a0>

³ Ibid, p25.

⁴ Ibid, p70.

⁵ Ibid, p70.

- **Include all classified carcinogens, mutagens and reprotoxic (CMR) in the scope of the restriction, whatever the route of exposure.** We regret that the proposal currently excludes substances identified as CMR by inhalation only, whereas we believe that all routes of exposure supporting a substance classification should be taken into account.
- **Treat reprotoxic endocrine disrupting chemicals (EDCs) as non-threshold chemicals.** We regret the current proposal to try and quantify a “safe” level of exposure for EDCs and believe that the aim of the restriction should be to avoid their intentional use for tattoo inks. Therefore, we also regret that the **current proposal only partially addresses the problems of mixture effects for those chemicals** - by proposing the same approach for both threshold and non-threshold chemicals (in particular EDCs). In the case of threshold substances, we acknowledge RAC’s effort to address combined exposures through the application of an additional assessment factor. However, we are not satisfied with the use of assessment factors to address mixtures of non-threshold chemicals, in particular endocrine disruptors – which is neither scientifically justified nor health-protective.
- **Guarantee that labelling is requested for all substances “known or suspected to be present in” ink formulations,** including those substances not intentionally added. The current proposal mentions substances “used in the tattoo ink” (focusing on intentionally added substances), in contrast to the previous proposal (which was mentioning substances “present in the tattoo ink”). It also removes the original obligation to label restricted substances present even below the permissible limit. We believe that labelling requirements should cover all substances “known or suspected to be present”, including substances not intentionally added but that might be co-occurring, and restricted substances in any concentration.

We thank you for your commitment to finalizing this important restriction in the highest health-protective way and for considering our proposals in your endeavour.

You can find additional information in the briefing enclosed and we remain available for any questions that you might have.

Yours sincerely,

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European Environmental Bureau (EEB)

On behalf of:

Action for Breast Cancer Malta	Breast cancer UK
BUND	CHEMTrust
Ecocity Greece	Ecologistas en Acción
Fundación Alborada	Health Care Without Harms Europe
Institut za trajnostni razvoj - Institute for Sustainable Development Slovenia	International Society of Doctors for the Environment (ISDE)
Kom op tegen Kanker	Réseau Environnement Santé France

The Danish Consumer Council (Forbrugerrådet Tænk)

Women Engage for a Common Future

Women's Environmental Network

ZERO - Associação Sistema Terrestre
Sustentável