

EU, MDI-containing consumer products – Amendment of the Marketing and Use Directive published

The most important consequence of the MDI EU Risk Assessment had been the request to limit the risks arising from the use of MDI-containing consumer products due to potential skin and respiratory sensitization of consumers.

As a consequence of this the EU Commission made the proposal to impose legally based marketing and use restrictions on MDI containing consumer products. Now, after extensive scientific and political discussions on EU level, which took more than 3 years, the EU Marketing and Use Directive (76/769) has been amended accordingly.

The legal text reads as follows:

Methylenediphenyl diisocyanate (MDI), CAS No: 26447-40-5, Einescs No: 247-714-0

(1) Shall not be placed on the market after 27 December 2010, as a constituent of preparations in concentrations equal to or greater than 0,1 % by mass for supply to the general public, unless the packaging:

(a) contains protective gloves which comply with the requirements of Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (*).

(b) is marked visibly, legibly and indelibly as follows, and without prejudice to other Community legislation concerning the classification, packaging and labelling of dangerous substances and preparations:

— Persons already sensitised to diisocyanates may develop allergic reactions when using this product.

— Persons suffering from asthma, eczema or skin problems should avoid contact, including dermal contact, with this product.

— This product should not be used under conditions of poor ventilation unless a protective mask with an appropriate gas filter (i.e. type A1 according to standard EN 14387) is used.”

(2) By way of derogation, paragraph 1(a) shall not apply to hot melt adhesives.

These legal requirements will make the safe use of MDI containing consumer products even easier: The necessary safety gloves will be readily available and additional safety instructions can help the consumers to adjust the use conditions accordingly.

As it can be seen in the legal text, a transitional period enables the affected industry to adjust the concerned products accordingly. After 27 December 2010 products which do not comply with the provisions may no longer be sold to the general public.

The marketing and use directive (76/769/EEC) including all its amendments will become part of Annex XVII of REACH; this Regulation shall enter into force on 1 June 2009. There are currently political discussions ongoing on EU level concerning this matter. Nevertheless, it can be expected that the new regulation will become effective as scheduled on 1 June this year. However, it should be pointed out that this problem will not have any impact on the deadline - 27 December 2010 - mentioned in the amendment.