

# Annual Review 2009



**ETAD®**

The Ecological and Toxicological Association  
of Dyes and Organic Pigments Manufacturers

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# Mission Statement

## The purposes of the Association are the following:

**To coordinate and unify** the efforts of manufacturers of synthetic organic colorants to minimize possible impacts of these products on health and the environment.

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**To achieve** these ends by the most economic means without reducing the level of protection of health and the environment.

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**To encourage** harmonization of health and environmental regulations in key geographical areas.

**To represent** the positions and interests of the manufacturers of organic colorants towards authorities, public institutions and media.

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**To promote** responsible environmental and health risk management during manufacture, transport, use and disposal.

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**To enhance** the recognition of the commitment of ETAD members to responsible behavior with respect to health and the environment.

# Preface from the President



Dr. Ulrich Ott  
Clariant International Ltd.

**The time of economic crisis asks for special measures in business but we must not forget about providing solutions for a sustainable future.**

In 2009 our industries have suffered considerably from the worldwide economic crisis. Prime focus of our member companies has been to survive in a very challenging environment. Although we are not out of the recession, I am convinced that our industries have the strengths to overcome this difficult situation. In times like this we should by no means disregard a balance of short term economic necessities and long-term sustainability. Managing our businesses with great awareness for environmental protection, sound product stewardship, safe handling and safe application of our products will be an important driver for competitive advantage in the future. Rapidly changing business requirements and environment and stricter regulations around the globe are challenging but reveal many opportunities to differentiate ourselves with ecologically and toxicologically safe products. It is therefore of great importance that we continue in ETAD with our joint efforts and look for ways to foster our association.

With many others, the colorants businesses have become of global nature; that is why we should put more emphasis on expanding our ETAD global platform too. We have made significant progress in making ETAD more visible in India and to establish an office there. We organized an ETAD seminar in Mumbai where we invited the leading colorant manufacturers of India and we held a symposium at the India Chem exhibition in Ahmadabad.

Our Vice President Ravi Kapoor and our Indian Operating Committee have given great support to organize these events. In a similar way, Asia and especially China will be a focus area in the future as well, since many of our markets and their downstream users have moved east and we have to acknowledge this trend.

A great deal of our efforts in ETAD was put in the area of REACh. It has been a major focus for our member companies and they have worked together closely and have shared their experiences with the preregistration of substances. During 2009 the REACh Working Group has been working on proposals for use categories, process categories and exposure scenarios based on the Chemical Safety Report template published by ECHA. The objective is to achieve a common approach which is essential to ensure consistent information to downstream users. Another important topic of concern has been the discussion about nano materials. The impact of the current nano debate on organic colorants has been actively followed by POC who has prepared a position paper and participated in various working groups. ETAD has started to work with the authorities in order to find appropriate methods for risk characterization of nano scale materials. There are many more issues our committees have tackled very successfully, from which all our member companies can benefit; very interesting reports are available for our members.

ETAD nowadays operates in an industrial environment which is considerably different from the past. We have to challenge continually the effectiveness of ETAD in representing the interests of its member companies, which rightly expect benefits and additional value for their businesses and downstream users.

I would like to thank all who have greatly contributed to our achievements, especially the committee chairmen and the experts. I would also like to emphasize that, in order to continue to be a competent, globally well established association with high visibility and reputation, it needs active participation of all member companies in the various projects in our committees. Jointly we can make a difference.

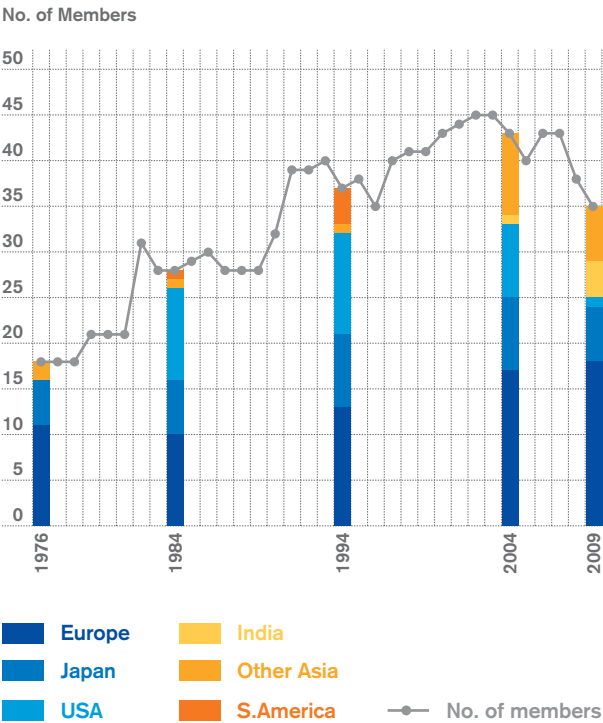
**We have  
to challenge  
continually  
the effectiveness  
of ETAD in  
representing  
the interests  
of its member  
companies**



# Membership

ETAD is glad to announce that Sudarshan Chemical Industries Ltd. has been accepted as a new member of ETAD in November 2009. European Colours, Hodogaya Chemical Co., Ltd., T & T Industries Corporation as well as United Color Manufacturing, Inc. resigned their membership effective December 31, 2009.

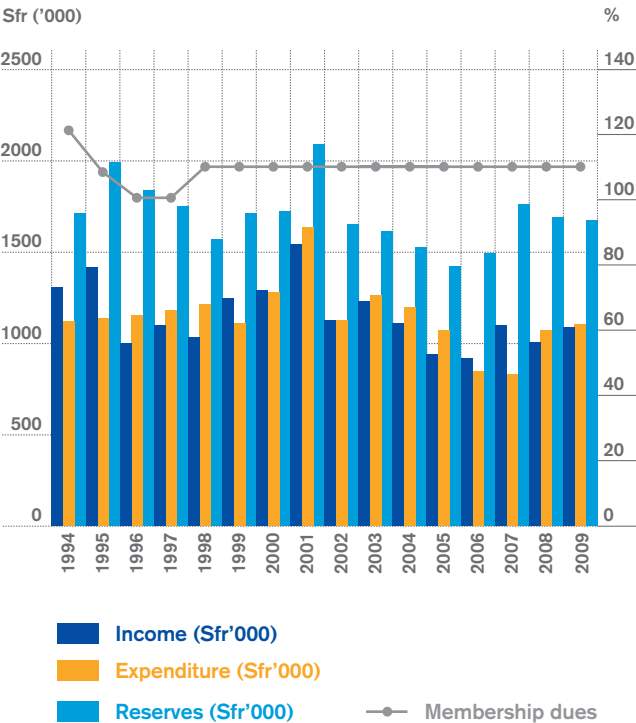
Fig. 1 – Growth and changing regional composition of the ETAD membership



# Finance

ETAD is a non-profit association. The operating expenses are recovered mainly by means of payments by the ETAD members. In 2009, total income was SFr. 1'086 million compared with total expenditure of SFr. 1'101 million, resulting in a loss of SFr. 14'857.86.

Fig. 2 – Summary of income / expenditure 1994 - 2009











# 35<sup>th</sup> General Assembly

**The 35<sup>th</sup> Ordinary General Assembly of ETAD was held at the SAS Radisson Hotel, Switzerland on May 15, 2009.**

Out of the current ETAD membership of 38 companies, 19 were present or represented by proxy. Of the current total vote entitlement of 90 votes, 63 votes were represented at the meeting (70%).

The minutes of the 34<sup>th</sup> Ordinary General Assembly 2008 and the Annual Report 2008 were approved unanimously. The General Assembly also approved unanimously the report of the Treasurer and chartered accountants (PriceWaterhouseCoopers AG) and the budget for 2009, as presented by Dr. Hochstein. Due to the financial situation it was possible to avoid any increase in membership costs for the thirteenth successive year.

As is customary, the Board proposal for its composition for 2009/2010 was presented to the Assembly. There were no additional nominations in response to the invitation by ETAD Legal Counsel, Dr. Uebersax. The Board was elected unanimously as follows:

## **Dr. Ulrich Ott**

Clariant International Ltd.  
President

## **Mr. Ravi Kapoor**

Heubach Colour Pvt. Ltd.  
Vice president

## **Dr. Bernd Hochstein**

Ciba Inc., part of BASF  
Treasurer

## **Dr. Davor Bedekovic**

Huntsman Advanced Materials  
(Switzerland) GmbH, Textile Effects

## **Mr. Steve Liu**

Sun Chemical (China)

## **Mr. Guillaume Legay**

Toyo Ink Europe Specialty Chemicals

## **Mr. Peter Krummeck**

Sun Chemical Pigments International

## **Dr. Jürgen Schmiedl**

BEZEMA

Dr. Bedekovic congratulated the new President, Dr. Ulrich Ott, and invited him to take over for the closing remarks. Dr. Ott thanked Dr. Bedekovic for his great effort to lead ETAD through difficult times. He thanked the company representatives for the trust shown to him by his appointment as President and asked them for their assistance in the ongoing and upcoming ETAD activities. He also reminded them that their representative

from the moment on was Dr. Walther Hoffherr, who as Acting Executive Director had fully assumed the responsibility of the ETAD office in Basel.

Dr. Ott acknowledged the difficult times ahead which industry is going to have to live through, and drew the attention of the representatives present to a series of challenging questions about the role and future of ETAD companies:

- How do ETAD companies intend to position themselves in the future?
- How can ETAD become a real global organization?
- How can ETAD improve its visibility and recognition and build a global brand?
- Which values are ETAD companies currently communicating both to members and downstream users and what can be done to improve the communication?
- How can cross fertilization among ETAD committees globally be ensured?
- What are the priorities in the committees?

Dr. Ott closed the General Assembly exhorting ETAD companies to take a more active role even in helping the association recruiting new suitable companies, and emphasized the need for "silent" companies to take part in the existing committees and contribute to bring forward the common interests and goals.

# European Operating Committee (EOC)

The EOC has focused its resources on the issues with imminent consequences for ETAD member companies. The key external factors were the REACH legislation and the increasingly restrictive requirements from retailers and brands.

Concerning the implementation of the REACH legislation the EOC developed guidelines for the REACH working group. It was decided to make hands-on experience with the application of the use descriptor system. The implications arising from this experience were evaluated with the goal to consolidate the theoretically possible ramifications of this descriptor system to the minimum necessary. The EOC used the knowledge base of its member companies to arrive at that smallest common denominator. Moreover the experience on pre-SIEF and SIEF activities of the companies was exchanged to maintain a common knowledge of the developments in that field. The information provided by VCI, TEGEWA, CEFIC and other involved organizations were included into this information exchange to avoid diverging opinions between the various associations. The candidate list of the ECHA has been continuously monitored to highlight the implications for ETAD member companies.

Among other new retailer and brands standard releases the EOC analyzed the new Oeko Tex Standard 100 and GOTS. The latter was addressed jointly with TEGEWA on the subject of "halogenated compounds". These substances were also mentioned in other labels without appropriate specification, such that action was taken to avoid the generalization to "halogen-free compounds" when primarily the effluent contamination of AOX is concerned. In response to the common concern, GOTS invited ETAD, together with other interested international associations, to take part to the discussion on the update of the current standard.

The joint project of the German Information Network of Departments of Dermatology (IVDK) and ETAD on contact dermatitis was strongly supported in order to achieve a scientifically sound, agreed evaluation of the issue, which will be presented to the concerned German authorities. No new cases of allergic contact dermatitis due to textile dyes were reported by IVDK in 2009. This low occurrence strongly supports the results obtained by ETAD in similar international studies, which showed that dyes in textiles have a statistically irrelevant role as cause of contact dermatitis.

# The EOC has focused its resources on the issues with imminent consequences for ETAD member companies

Press releases were monitored by EOC members as more often erroneous statements were made that could have negative impact on future standards imposed by brands and retailers. Case by case it was decided whether ETAD in its function as an independent and esteemed association was to present a comment to the author of the release. Besides the direct communication with the authors of possibly misleading publications, agreed statements to clarify the issues to the customers were discussed and, when necessary, official position papers released.

At the request of the Colour Index Editorial Board EOC was asked to review and amend as necessary new definitions which were being considered for inclusion in new releases of the on-line Colour Index version, so that any misinterpretations and consequent adverse effects on the industry could be avoided.

A special success of EOC collaboration with authorities was the Canadian final evaluation of several dyes in the Challenge Program as not PBiT (persistent, bioaccumulative and inherently toxic). The basis of the assessment were two key studies proposed by EOC and sponsored by ETAD, whose results were considered by the Canadian authorities as valid for a read-across through almost all dyes in the Challenge.



# Pigments Operating Committee (POC)

**As was highlighted in last year's Annual Report, monitoring, evaluating and responding to the increasing volume of international legislation and regulations, standardisation committees and downstream user associations continued and took the centre stage of work of the ETAD POC also in 2009.**

Major topics related to pigments and pigment-additives were:

## International legislation

The Canadian "Challenge Program" was continually monitored and bearing in mind their product portfolio individual companies responded as necessary. The US TSCA reform, the Chemical Substance Notification in Taiwan and the Turkey Adoption of a REACH-like Chemical legislation were followed. Further attention was drawn on the developments of GHS and the CLP regulation in Europe.

## Food contact

The POC continued its support of EuPIA for the preparation of an up-dated inventory of pigment additives on products used in packaging printing inks. Meanwhile a complete Inventory List was established and is available on the EuPIA web site. POC, via the ETAD office, remains in contact with EuPIA to minimise potential adverse effects on our downstream users arising from the differences between EuPIA lists and the lists included in the Swiss Ordinance CSR 817.023.2.

## Toys

The work on the revision Toys Standard EN 71-7 (finger paints) by EN-71 CEN TC 52/WG5 continued (albeit slowly) in 2009. ETAD provided input by a position paper and a new proposal for the revision of this standard. The new EC Directive on the Safety of Toys 2009/48/EC introduces new and more stringent limits for heavy metals and other substances. This will require new and improved analytical techniques as well as the re-working of EN 71 parts 3, 9, 10 and 11. Member companies have committed people to work in the appropriate working groups to ensure that organic pigments are properly considered and the industry does not suffer from complex and resource-consuming analytical procedures. POC has also considered specific approaches to deal with customers' requests.

Additional attention was drawn on a new draft regulation on toys safety in Vietnam and the US CPSIA on new lead and phthalate limits in toys.

## REACH

The hard work over the past years in preparation for the implementation of REACH now pays good dividends. POC members established seven consortia which include both substances with registration deadline in 2013 and intermediates, and as required by the Regulation these consortia are open to other manufacturers and importers. Further details of the consortia are now on the ETAD web site. Furthermore ETAD was invited to participate in the Plastics Exposure Scenario Team (PEST) to help

assess the contribution of pigments used in plastics to the corresponding exposure scenario(s).

## Nano materials

The discussion on probably new toxicological effects of nano size particles, the definition of nano materials and the set-up of analytical methods for the determination of partial nano size quantities in particular related to organic pigments became an important new topic of the POC. In this respect the committee actively sought to co-operate and discuss with national authorities (e.g. Swiss BAG and the Danish EPA) as well as with national / international industry associations. A nano position paper was elaborated by ETAD and made available on the ETAD internet page.

## Primary Aromatic Amines (PAA)

The Analytical Group continued its work in 2009 on the development of a new less resource-demanding test method for the determination of extractable primary aromatic amines in pigments, based on ETAD Analytical Method No 212 and solving in particular the issues of reproducibility and recovery rates.



# Regulatory Affairs Committee (RAC)

The Regulatory Affairs Committee is, at present, composed of seven standing members all of whom are responsible for global regulatory compliance matters within their own ETAD member companies. The committee met three times in 2009. Meetings are always supported by the presence of the ETAD Executive Officers and occasionally by other interested parties including guest speakers. An active exchange of information takes place between RAC and the CEFIC Global Emerging Regulation team (GER).

The key remits of RAC are:

- Monitoring world-wide developments of chemical control regulations.
- Ensuring awareness of new regulatory requirements among member companies.
- Providing advice on the interpretation of the regulatory requirements.
- Assessing the potential impact on the colorants industry.

RAC strives to ensure:

- A fast information flow and updates on chemical control regulations both developing and changing.
- The provision of sufficient information to enable RAC members to be able to promote awareness of regulatory requirements within their company.
- An information and experience exchange platform leading to prioritization and possible solutions.
- An ability to advise companies on the resources required.

Meetings include special workshops and presentations on crucial issues and involve the invaluable support of the ETAD Secretariat and Executive in critical developments. Each RAC member reports at each meeting on countries or regions allocated to him/her.

In addition to the routine reporting certain specific issues were considered in depth by RAC during 2009 and included:

- a) REACh
- b) Classification and labelling inventory REACh Articles 112-114
- c) Toys and finger-paints
- d) OECD QSAR toolbox
- e) GHS (Globally harmonised system)
- f) Commercial product register briefs

## REACh

The Excel Matrix of open questions on REACh started by RAC and available in the ETAD e-room continued to be used and updated during 2009. The ETAD REACh working group met regularly

# Meetings include special workshops and presentations on crucial issues and involve the invaluable support of the ETAD Secretariat



throughout the year and progressed work on proposals for use categories, process categories and exposure scenarios based on the Chemical Safety Report template published by ECHA. The objective is to achieve a common approach essential to ensure consistent information to downstream users. The ECETOC model for risk assessment will be evaluated for suitability. The Working Group has been collecting information on standard situations and operational conditions in manufacturing and during application. The ongoing work is focused on determining standard parameters for the various dye groups with respect to sectors of use and exposure scenarios. Contact was maintained with downstream users and organizations representing them to ensure consistency. Initial discussions began regarding environmental release categories.

### **Classification and labelling inventory REACH Articles 112-114**

The articles pertain to the obligation under REACH to submit the classification and labelling of all substances classified as hazardous under Directive 67/548/EEC for inclusion in the agencies inventory – unless the substance is already submitted as part of a registration. There is no tonnage limit governing the submissions and the responsibility for consistency and an agreed classification lies with the manufacturers/importers. The deadline for this action is December 2010. Member companies were alerted to consider resources allocated especially if discussion on test data leading to different classifications is necessary. RAC continues to work on the clarification of some points of the legislation.

### **Finger-paints**

The EN 71-7 standard for toys is proposed for modification, which will affect the safety requirements of colourants used. Furthermore, some new limits proposed for impurities also require an update of the existing analytical methodology. Due to the expected impact of the standard on pigments, RAC is following the evolution of the updating process in tight communication with the POC, which is actively taking part in the expert meetings and contributing with ETAD specific expertise to the definition of the new requirements.

### **OECD QSAR toolbox**

No detailed practical experience has been widely reported regarding the QSAR toolbox. The toolbox analyses a given structure against various profiles, data gaps are identified and the tool can be asked to fill them using various available sources including IUCLID5. In this way missing test data and potential read across structures can be identified. The toolbox works well for basic chemicals but did not give a satisfactory response for dyes, because of a lack of data for these structures in the system. It was agreed that in order to obtain an adequate response data needs to be added initially for a few similar structures. RAC agreed to continue the work. If data were to be added for a few similar structures then using group, set or sub-set definitions the system could identify additional structures leading to read-across data possibilities. This would be of advantage for REACH projects.

### **Globally Harmonised System (GHS)**

RAC has continued to inform member companies of the timetables and deadlines issued by various countries regarding the introduction of GHS. Experiences were exchanged on the conversion of existing EU classifications to GHS including the strengths and weaknesses of electronic conversion tools.

### **Commercial product register briefs**

These describe the requirements for the registration of commercial products in countries having a commercial chemical product register. The format for presentation is standardised. The briefs, originally started by RAC, are also used by CEFIC. Work was started to consolidate new information and commence a general re-work in coordination with CEFIC.



# Japanese Operating Committee (JOC)

**The Japanese Operating Committee (JOC) consists of representatives from six ETAD member companies (three Japanese dye manufacturers and three European subsidiaries in Japan). During 2009 the JOC has focused mainly on the Chemical Substances Control Law but it has also cooperated with the Pigments Operating Committee.**

## **Bill to amend the Chemical Substances Control Law**

The members of JOC made their contributions to improve the protocol of Japanese Chemical Substances Control Law by directly discussing with Japanese authorities several times through 2009. The risk management aspect has been added to the concept to be in conformity with global compliance.

The amendment to the Chemical Substances Control Law was published in May. Companies that have manufactured or imported any chemical substance, including existing ones in amounts exceeding a specified amount will be obliged to notify the quantity annually. In addition, a list of "Priority Assessment Chemical Substances" will be introduced in place of the existing Type II and III monitoring lists.

The following details were emphasised:

1. The exemption rule for small quantities is 1t/y in total.
2. Timetable for implementation:
  - April 1<sup>st</sup> 2010: start of record keeping of quantities of chemical imports and applications.
  - March 2011: official notification of Priority Assessment Chemicals (current Type II & Type III)
  - Mid 2011: start of reporting of Priority Assessment Chemicals (current Type II and III)
  - 2011: start of detailed risk assessments of Priority Assessment Chemicals (from the current Type II and III)
  - Summer 2012: designation of the Priority Assessment Chemicals on the list of the "General Chemicals" including quantities and use statistics reported the previous year
  - Winter 2012: start of the detailed risk assessment of the Priority Assessment Chemicals.

The authorities plan to complete all necessary risk assessment for hazardous chemicals by 2020.

## **Hexachlorobenzene (HCB)**

1. The standard upper limits for HCB content values published by the Japanese Government are:
  - TCPA: 200 ppm
  - For dyes and pigments derived from TCPA (except Pigment Yellow 138): 10 ppm
  - C.I. Pigment Green 36: 10 ppm
  - These values will not affect so much most Japanese manufacturers and importers, because they have already settled their self-regulation limits equal or lower than the standard value.
2. For C.I. Pigment Green 7 and other pigments, self-regulation limits are continued, but the Japanese government continues to press industry to lower them. Many Japanese manufacturers and importers have already reduced their self-regulation limits to 30 ppm, which was the proposed value by HCB BAT Committee in 2007.
3. The obligation of a monthly report was eliminated for the substances, for which standard values have been settled, i.e. TCPA, C.I. Pigment Green 36 and dyes and pigments derived from TCPA. For C.I. Pigment Green 7 and other pigments the obligation of reporting was reduced from monthly to quarterly.



# ETAD North America (ETAD NA)

ETAD continued to maintain a presence in North America through its Washington, DC office. The North American member companies focused on core activities to minimize costs and emphasized networking and information exchange relating to regulatory issues and other environmental, health and safety related initiatives that impacted the dyes industry in the United States and Canada.

## Regulatory developments in the United States

The North American member companies of ETAD monitored the following regulatory issues in the U.S. and responded as necessary:

- Expectation of increased emphasis on inspection and enforcement by the Obama administration.
- Finalization by EPA of Clean Air Act area source category emissions standards rule.
- Escalation of a legislative debate on possible TSCA reform measures.
- Discontinuation of EPA's Chemical Assessment and Management Program (ChAMP) in favor of a new chemical management plan which targets a more aggressive risk management effort on high visibility chemicals.
- Intention of EPA to initiate chemical action plans on groups of priority substances including benzidine and benzidine congener dyes.
- Implementation of the Globally Harmonized System for classification and labeling under a proposed rule by the Occupational Safety and Health Administration (OSHA) to modify the Hazard Communication Standard.
- Issuance of guidance by the Consumer Product Safety Commission for implementation of the Consumer Product Safety Improvement Act.

## Regulatory developments in Canada

Under Canada's Chemicals Management Plan, the authorities have now published 12 priority batch lists of highest priority substances identified in the categorization and screening of its chemical inventory, the Domestic Substances List (DSL). For each batch of chemicals, manufacturers and importers have six months to submit hazard assessment and exposure information which would be pertinent to subsequent screening risk assessments leading to recommended management and control steps. ETAD has submitted additional information, including experimental data and modelling for aquatic toxicity and environmental effects, on a number of the dyes included in the DSL priority batches.

Environment Canada announced plans to update the DSL with a preliminary data call-in (called "Quick Start") in 2010 to address approximately 6,000 substances whose 2009 production/import volumes are at or greater than a trigger level of 100 kg/year.

During the last quarter of 2009, Environment Canada announced a socioeconomic, human health, and environmental impact study on the Canadian synthetic dyes and pigments industries. Using the services of an independent contractor, the government approached industry to gather the desired information. ETAD has already supplied much of the data being sought in previous submissions to Environment Canada so is in discussions now with the authorities on what further information is necessary.

# The North American member companies focused on core activities to minimize costs and emphasized networking and information exchange

## ANSI Voluntary sustainable textiles standard

ETAD continued its participation along with other stakeholders in a voluntary effort to develop a standard for sustainable manufacturing of textiles. Under auspices of the American National Standards Institute (ANSI), ETAD has joined in the process with textile manufacturers, fiber manufacturers, retailers, other trade associations, NGOs, government officials and others. Final voting has been postponed until 2010 because of continued discussion about scoring criteria and further pilot testing.

## National Textile Association collaboration

ETAD's collaborative effort with the National Textile Association has continued in revising and updating a Voluntary Product Environmental Profile (VPEP). U.S based textile companies require a VPEP for each product from their suppliers to provide a complete environmental, toxicological, and regulatory profile. In 2009 the joint NTA/ETAD working group completed work on developing the paper form (available in PDF) along with instructions for filling out the form. The next step, which is under consideration now, would be to develop an electronic version of the form linked to customer and supplier databases.

## Chemical testing

The Washington office continued to monitor developments in various testing programs that could impact the North American member companies of ETAD. This included REACH where information containing various updates was disseminated to members about new issues, status of registrations and deadlines, availability of tools and resources, media reports, government announcements and so forth. The U.S. High Production Volume (HPV) program continued to be a focus in anticipation of a second and third test rule to cover unsponsored chemicals from the original HPV Challenge. Although a second test rule had been proposed in 2008, including the dye Sulphur Black 1, EPA has not yet issued a second final test rule nor even proposed a third test rule.

EPA initiated its long-awaited endocrine disruptor screening program with the issuance of test orders on about 70 initial candidates consisting of pesticide active ingredients and HPV pesticide inert ingredients. No dyes are included in the first tier.

The U.S. Centers for Disease Control (CDC) published its 4<sup>th</sup> national biomonitoring report in 2009. No dyes were reported.

## Residual dyes in containers

ETAD continued efforts to develop baseline data on the residual levels of dyes remaining in empty drums. During 2009, a few textile companies agreed to cooperate in performing field studies. Some preliminary data have been gathered so far from one customer.

# Brazilian Operating Committee (BROC)

## Pigments

The business results obtained in the first quarter of 2009 were a direct reflection of the uncertainties at the end of 2008. However, throughout 2009 we could see the gradual recovery of the industrial activity and market growth, especially from the second half of the year. The pigment market followed the same trend, with marked recovery the last months of 2009. Despite the good performance of the last quarter of 2009, it is believed that the pigment market in Brazil for the coatings segment dropped about 10% and for the plastics and polymers segment dropped around 5%, compared to 2008.

In the construction sector the sales of new properties, in general, grew starting from the second semester, stimulating the gradual reduction of the existent stock. The consequent demand for paints helped to increase the sales of this sector. In the automotive industry, from a global perspective Brazil achieved the second best results in the first semester, just behind those of China. The country maintained the sixth position among the largest producers, after China, Germany, United States, Japan and South Korea. In the industrial segment the production stopped falling starting from the second semester, but the growth was still far away from recovering, a consequence of the sharp fall from September of last year. Overall it is believed that the industry segment in Brazil dropped about 8%.

In the plastics and polymers segment, the graphics industries worked with high capacity during the second semester enabling it to recover from part of the fall in the first semester. In the Off Set segment, the fall was very marked and the sales did not recover during the second semester of 2009, that means, for this segment we believed there was a drop around 7%.

## Use of heavy metals in coatings

Brazilian law practically banishes heavy metals use in architectural paints. The lead content legislation for paints in Brazil (Law 11762/2008) came into operation on August 2009 and limits the maximum lead amount allowed in architectural paints, child/school goods, varnishes and similar materials of surface coatings. It is forbidden the production, commercialization, distribution and import of the products mentioned in the 1<sup>st</sup> article of this law with more than or equal to 0.06% of lead in weight, expressed as metallic lead, determined on the total non volatile content. This is equal to a maximum concentration of 600 ppm lead. There are some discussions that this is a too high limit, already used in the USA in the 70s. Nowadays they have a maximum of 90 ppm.





## Indian Operating Committee (IOC)

IOC organised its first seminar for the Indian colorant industry during the month of March 2009. This event was titled “Ecological and Toxicological Aspects of Colorants and Impact on Downstream Industries”.

# ETAD activities in India should also have a special focus on environment and waste management related issues



**ETAD-IOC Seminar, Mumbai, March 2009.**

From left to right: Dr. H.R. Uebersax (lawyer of ETAD), Dr. Ulrich Ott (Clariant), Dr. Walther Hoffherr (ETAD); Dr. Davor Bedekovic (Huntsman); Mr. Ravi Kapoor (Heubach India)

IOC organised its first seminar for the Indian colorant industry during the month of March 2009. This event was titled "Ecological and Toxicological Aspects of Colorants and Impact on Downstream Industries". The ETAD international board was invited and represented by Dr. Davor Bedekovic, Dr. Ulrich Ott, Dr. Hans-Rudolf Uebachs and Dr. Walther Hofherr. The full day seminar was a success with more than 100 participants going across the gamut of color industry. Various presentations were made including an introduction of ETAD and its activities by Dr. Davor Bedekovic and Dr. Walther Hofherr. Mr. Ravi Kapoor made a presentation on IOC India, its potentiality and the activities which were to be carried out in the future. Later presentations were given by experts from the paint industry, plastic industry and the ink industry. It was unanimously agreed among the delegates on the need of an organization like ETAD to contribute specifically and in general to clarifying several crucial issues with regard to the colorant industry and its downstream users. ETAD IOC's role was clearly recognized as an essential one for the future, as the country currently lags behind as regards toxicology and environmental issues.

As already remarked while deciding the goals of IOC, it was felt that ETAD activities in India should also have a special focus on environment and waste management related issues. As part of this commitment a meeting of the IOC members Dr. Nabar, Mr. Dutt and Mr. Kapoor with Mr. Shah, Member Secretary of the Gujarat Pollution Control Board (GPCB) took place in August 2009. Dr. Nabar and Mr. Kapoor gave a joint presentation which was well received by the member secretary, who also agreed to work closely with ETAD as well as contribute with presentations to the India Chem 2009 forum.

Since eco-tox regulations in India are still not complete or need updating (and in certain areas are even less developed), IOC saw the necessity of establishing a bridge with the Government agency responsible for these regulations. Therefore initial dialogues were started with Dr. Vijaya Mallik, who is responsible for standardization of products at the Bureau of Indian Standards (BIS).

The biggest reward for IOC in 2009 was the recognition of ETAD by the concerned and relevant authorities. This was manifested in the invitation from the Government of Gujarat and Government of India who jointly organized India Chem, where ETAD was asked to participate and make a presentation. IOC organized a stall at the exhibition hall highlighting the activities of ETAD, and ETAD Executive Director Dr. Hofherr held two presentations during the half day seminar titled "Global Trends of Product Safety

in Pigments and Dyes-REACH & Upcoming Legislation". This was followed by presentations from Professor Kanetkar from the academia. Finally, Dr. Nabar and Dr. Patkar spoke about the Dye and Pigment scenario in India, and Mr. Vyas from the Gujarat Pollution Control Board discussed about the existing environmental control activities.

During the second IOC meeting more awareness programs among end users and regulatory agencies were decided to be held in future, and the need for participative inputs from members on regulatory issues was identified as an important key to the success of the committee activities. Mr. Anand Kane was introduced as future secretary for IOC as soon as a functioning secretariat will be established. In this respect, in November 2009 IOC was finally able to register itself as a "Public Trust", under the Mumbai Public Trust Act 1950. The secretariat should start functioning in full swing from 2010 onwards.

It was also heartening to note that one of India's leading pigments manufacturer, M/s. Sudarshan Chemical Industries Ltd., applied for ETAD membership which was duly granted, making Sudarshan the fourth Indian company to become a member.





# Information and External Activities

## Position Papers and Comments

ETAD Position Paper on the Trade Union Priority List for REACH Authorisation (May 2009)

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EUPIA List and DOL (June 2009)

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ETAD Position Paper on Nanomaterials (October 2009)

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ETAD Position on Aniline in Textiles (November 2009)

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Comments on Proposed Rule for National Emissions Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (Submitted to EPA by ETAD NA, January 2009)

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Comments on the Study of the Socioeconomic, Public Health, and Environmental Impact of the Synthetic Dyes and Pigments Industries in Canada (Submitted to Environment Canada by ETAD NA, November 2009)

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Comments on Proposed Rule for Hazard Communication Standard, Globally Harmonized System of Classification and Labelling (Submitted to OSHA by ETAD NA, December 2009)

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## Presentations

"Organic Pigments and Nano Regulations" presented to the Swiss and Danish authorities (September 2009)

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"Schwarze Listen und Grüne Labels: Kommunikation mit Retailern und Brands" (presented at the Technische Jahrestagung VCI, October 2009)

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"ETAD's Objectives and Activities" (presented at the Cefic Affiliates Meeting, November 2009)

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"Global Trends of Product Safety in Pigments and Dyes – REACH and upcoming Legislation" (presented to the Symposium on Future of Pigments and Dyes, India Chem 2009, Ahmedabad, India, December 2009)

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## External activities

During 2009, ETAD played an active role in different projects with external groups and associations. The most relevant collaborations included:

- the PEST Group (Plastics Exposure Scenario Team) in order to assess pigments used in plastics;
- the CEN Technical Committee 52 / Working Group 5, working on the revision of Toys Standard EN 71-7, where ETAD is providing input on finger paints, heavy metal limits and analytical methods;
- the Textile Group coordinated by TEGEWA, where a general set of REACH descriptors specific for the European textile industry was developed by national and international interested parties;
- national authorities as well as national / international industry associations involved in the definition, regulation and characterization of nanomaterials;
- the European association Euronickel, which ETAD assisted in determining the contribution of nickel sources for nickel-based colorants to the total volume of nickel-containing substances used by European manufacturers;
- Environment Canada, to which ETAD NA submitted additional Information on C. I. Disperse Orange 29 in the framework of the Chemicals Management Plan Priority Batch 6.

More detailed information about all activities can be found in the single committees reports.



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\* These lists give membership as in March 2010

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ETAD Legal Counsel

# Code of Ethics

## Preamble

The aim of ETAD is to minimize possible negative effects on health and the environment arising from manufacture and use of synthetic organic colorants and to ensure information on the best practicable protection is provided to the purchasers of these products.

To achieve this goal and to promote the image of a responsible and safety minded manufacturing industry, it is necessary that in all aspects related to human and environmental safety, members be encouraged to adhere worldwide to a high ethical standard.

Therefore, at the proposal of the Board, the General Assembly of ETAD approves this Code of Ethics as a key policy of the Association. All ETAD member companies are obliged to comply with this Code of Ethics.

## 1 Principles of responsible care

ETAD members are committed to support a continuing effort to improve the industry's responsible management of synthetic organic colorants. Members shall develop, produce and distribute products in a responsible manner which protects human health and the environment from unacceptable risks during manufacture, transport, use and disposal. Specifically, members shall implement a responsible care program in which the member undertakes to manage its business in accordance with the following principles:

- To recognize and respond to any community concerns about synthetic organic colorants and its manufacturing operations;
- To produce only synthetic organic colorants that can be manufactured, transported, used and disposed of safely;
- To make health, safety, employee training, quality assurance and environmental considerations a priority in planning for all products and processes;

- To provide employees, distributors and customers information on the health or environmental effects of synthetic organic colorants and recommend appropriate protective measures to ensure their safe use, transportation and disposal;
- To operate all facilities in a manner that protects the environment and the health and safety of employees and the public;
- To promote research on the health, safety and environmental effects of its products, processes and waste materials;
- To cooperate with public authorities in establishing well-founded environmental, safety and health regulations; and
- To promote these principles of responsible care to others who produce, handle, use, transport or dispose of synthetic organic colorants.

The responsible care program shall fulfil, but not be limited to, the specific obligations described under paragraphs 2-5 below.

## 2 Product safety policy

It is the policy of ETAD members to take all reasonably practicable steps in order to ensure human and environmental safety in the use of the dyestuffs and organic pigments (synthetic organic colorants), manufactured or distributed by them. Members shall comply worldwide with all applicable laws and regulatory requirements dealing with the safety and the environmental impact of synthetic organic colorants.

ETAD recognizes that the legal requirements for hazard communication differ considerably in various regions where organic colorants are marketed. A primary objective of this Code of Ethics is to ensure that such differences do not deprive customers in countries with less stringent requirements of hazard information which is made available to their counterparts in countries with more comprehensive regulations. To achieve a common high standard of hazard communication ETAD members shall

- fully inform all customers about all known significant hazards;
- adopt policies to assure an equivalent level of hazard communication
- worldwide concerning their product.

## 3 Products safety information

### 3.1. Safety data sheets

Member companies shall ensure that for each of the synthetic organic colorants on their selling range, there is a safety data sheet with an appropriate information content and that it is supplied to all customers.

### 3.2. Labelling

The EU regulations provide an appropriate basis for classification and labelling of organic colorants.

Where the laws of the country the products are sold to, require more stringent or mandate different labelling, the members shall adhere to such required or mandated labelling. In countries with less stringent requirements the labelling shall be in accordance with the EU system or an equivalent consistent with the policy of achieving a uniformly high standard of hazard communication.

### 3.3. Education and awareness programs

ETAD members shall endeavour to inform customers of the safe handling procedures best suited to the products involved.

## 4 Cessation of manufacture and sale of certain hazardous colorants

The manufacture and sale of certain dyes identified as hazardous by regulation or classification by expert bodies is incompatible with ETAD membership. These dyes are referred to in Annexes A and B.

## 5 Compliance

Member companies shall comply with the Code of Ethics and shall make every effort to ensure that their subsidiaries do so.

### Annex A

Azo dyes or preparations of azo dyes used in consumer applications, which contain, or release by reductive cleavage of azo bonds to any of the specified amines\*.

### Annex B

Individual Dyestuffs\*.

\* The corresponding amines and dyes are listed with the applicable limit values in "Guidance to ETAD Member Companies on the Implementation of the Code of Ethics" which is regularly updated to the current state of scientific knowledge.



# Benefits of ETAD Membership

## Recognition

Recognised by regulatory authorities, customers, and the public as the authoritative source of information on health, safety, and environmental issues relating to organic colorants.

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## Representation

Represents interests of members and customers to government authorities, the media, other industries, public interest groups, organised labour, academia, and research/testing/consulting organisations.

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## Harmonisation

Advocates, where regulations are necessary, a harmonisation of the requirements, so that compliance costs are reduced.

## Code of Ethics

Encourages members to adhere worldwide to a high ethical standard and promotes image of a responsible and safety-minded manufacturing industry.

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## Guidance

Provides guidance to ETAD member companies on interpretation of new regulatory requirements and recommends specific measures to implement the ETAD Code of Ethics.

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## Education and training

Develops and publishes education and training materials pertaining to organic colorants, e.g. for safe handling practices, product stewardship, and pollution prevention.

## Research and testing

Cost-sharing of research and testing programs aimed at a better understanding of the health and environmental aspects of dyes and organic pigments.

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## Information

Responds to inquiries about the colorants' industry, provides information on topical issues and disseminates comments and position papers.

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## Database

Maintains and makes available to members a computerised database of literature pertaining to the health and environmental aspects of dyes.



## ETAD Member Companies

**Albion Colours Ltd.**  
England

**ATUL Limited**  
India

**BASF SE**  
Germany

**BEZEMA AG**  
Switzerland

**Cappelle Pigments n.v.**  
Belgium

**Ciba Inc., part of BASF**  
Switzerland

**Clariant International**  
Switzerland

**Colourtex Industries Ltd.**  
India

**Dainichiseika Color & Chemicals Mfg. Co., Ltd.**  
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**DIC Corporation**  
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**DyStar Textilfarben GmbH & Co. Deutschland KG**  
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**Farbchemie Braun KG**  
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**Heubach GmbH**  
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**Huntsman, Materials & Effects**  
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**Jay Chemical Industries Ltd.**  
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**Synthesia, a.s.**  
Czech Republic

**Tennants Textile Colours Ltd.**  
Northern Ireland

**TFL Ledertechnik GmbH & Co. KG**  
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**Toyo Ink Europe Specialty Chemicals**  
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