CHEM Trust is an environmental NGO that aims to protect humans and wildlife from harmful chemicals.  https://chemtrust.org

We welcome the Annex 15 restriction dossier prepared by HSE assessing the risks to humans from substances in tattoo ink and permanent make up (PMU).

We note the adverse effects on human health associated with exposure to chemicals in tattoo inks as included in the Compiled RAC and SEAC opinion (and minority positions) report: ‘non-infectious inflammatory (e.g., plaque-like, papulo-nodular, ulcerating, hyperkeratotic, photosensitivity, etc.), systemic, malignant, reproductive and developmental effects’.¹ In this same Final Opinion report, the SEAC opinion was that ‘the proposed restriction would result in benefits to society in terms of avoided cases of mild discomforts (mild swelling, itching, erythema) and non-infectious inflammatory reactions’.² On the ECHA website, it stated the broader opinion that ‘more serious effects such as cancer, harm to our DNA or the reproductive system potentially originating from chemicals used in the inks could also decrease³ as a result of the restriction. We welcome a restriction that reduces the above health impacts on society.

Our view is that there is no reason why the UK should not adopt the same restriction as the EU. People in the UK should benefit from the same level of protection from hazardous substances as our European neighbours. There are no grounds for having a less protective UK restriction. Not least, UK businesses will have had more time to comply with the new rules and can benefit from work happening in the EU to develop safer inks.

For example, we see no need for HSE’s Restriction option (RO3) to retain the derogation proposed for Pigment Blue 15:3 and Pigment Green 7. The legislative decision, even for both of these colourants, for which information received during the EU consultation indicated that safer and technically adequate alternatives were currently unavailable, was to grant a time limited derogation.⁴ The UK should be taking a precautionary approach, as the EU has, to these two substances based on their potential health hazards.

The final legislation on Pigment Blue 15:3 and Pigment Green 7:

⁴. By way of derogation, paragraph 1 shall not apply to the following substances until 4 January 2023:
(a) Pigment Blue 15:3 (CI 74160, EC No 205-685-1, CAS No 147-14-8);
(b) Pigment Green 7 (CI 74260, EC No 215-524-7, CAS No 1328-53-6).⁵

¹ https://echa.europa.eu/documents/10162/dc3d6ea4-df3f-f53d-eff0-540ff3a5b1a0, B.3.3.2.1., p. 96
² https://echa.europa.eu/documents/10162/dc3d6ea4-df3f-f53d-eff0-540ff3a5b1a0, B.3.3.2.2., p. 96
³ https://echa.europa.eu/hot-topics/tattoo-inks
Paragraph 1: Shall not be placed on the market in mixtures for use for tattooing purposes, and mixtures containing any such substances shall not be used for tattooing purposes, after 4 January 2022 if the substance or substances in question is or are present in the following circumstances'.

We believe HSE should adopt the EU’s restriction in full and not go ahead with derogations such as these that the EU decided not to take forwards.

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