

Consultation Chemicals strategy for sustainability

Our NGOs¹ welcome the opportunity to contribute to the public consultation launched by the European Commission on the roadmap regarding the Chemical strategy for sustainability. We support the desire to better protect citizens and the environment from hazardous chemicals and to encourage innovation to develop safe and sustainable alternatives. In order to achieve the target of “Zero Pollution” for a toxic-free environment, as announced in the European Green Deal, we agree about the need to identify gaps in the regulatory framework on chemicals and to reflect scientific evidence on the risk posed by endocrine disruptors (EDs), hazardous chemicals in products including imported products, combination effects of different chemicals even at low doses, and effects of various classes of chemicals such as (very) persistent ones, and newly identified persistent, mobile and toxic (PMT) chemicals².

Nonetheless, this roadmap is disappointing because it only enounces generalities and does not propose much concrete action. Reading the alarming findings recalled in Chapter A regarding the proportion of chemicals hazardous to health produced in Europe (74%) and the increasing number of these substances, including some very persistent, found in human blood, body tissues and ecosystems, we expect stronger, more concrete, and also more binding commitments for industry and chemical stakeholders all along the supply chain. We understand the need to relocate some productions (pharmaceuticals and disinfectants) in order to regain autonomy and competitiveness in the current context of the Covid-19 crisis, but this recovery effort must not make easier the production and marketing of chemicals that are dangerous to health and/or the environment.

We believe it is urgent to mobilize the resources needed to achieve the objectives set out in the European Green Deal, by:

- **banning hazardous chemicals from consumer products and food:** action must be taken to remove from the market all substances of very high concern (SVHC), known, presumed and suspected EDs, all carcinogenic, mutagen, reproductive toxic substances (CMR) including nanomaterials proven or suspected to have hazardous properties, as well as products harmful for neurodevelopment, immune system,... ;
- **targeting vulnerable groups:** the roadmap does not specify which populations must be protected in priority. It is essential to protect pregnant women and the unborn child, young children and teenagers, workers in the chemical or agricultural industry, and other sectors

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² <https://link.springer.com/article/10.1186/s12302-019-0286-x>

particularly exposed to chemicals (nail care and beauty professionals, nurses...); as well as local residents;

- **strengthening the regulatory framework on chemicals:** specifically, for EDs, we would like to remind France's position, as formulated in the second National Strategy on Endocrine Disruptors (SNPE2), to have an horizontal approach and common definition for all European regulations on chemicals. The new definition must be integrated in all relevant sectoral regulations (cosmetics, food packaging, toys...). And, as SNPE2 points out, "*for better clarity in chemical regulations, the EDs classification should be harmonized with CMR substances and their three categories classification. In practice, this allows to enforce the precautionary principle, one of the main principles of the EU's general environmental policy.*" Taking into account the three criteria (known, presumed and suspected) is an absolute necessity;
- **improving the assessment of substances:** the proposal put forward in the roadmap to think about setting up an evaluation process based on the principle of "*one substance, one evaluation*" needs to be clarified. This is all the more surprising that ECHA recently announced in the course of "mapping the chemical universe", having "*moved from a substance-by-substance approach to addressing structurally similar chemicals in groups.*"³ Every evaluation agency works its own way and does not have the same human, financial and material resources. In addition, we do not have any information on the type and number of substances that could be evaluated on a specific schedule. We underline the need to develop adequate test methods, with priority on the EDs and on the nanomaterials, by independent laboratories and researchers. Their work should focus on identifying sources of contamination (food packaging and containers, cosmetics, textiles, toys, baby and childcare articles, medicines and medical devices), modes of exposure and modes of action (mixtures, cumulative and transgenerational effects) on human beings and on wildlife and ecosystems. These tests must be mentioned in the registration files of substances. The assessment, particularly of pesticides in Europe, must take into account all available scientific data and the entire academic literature published in the ten years preceding the application (as stipulated in Regulation 1107/2009). Finally, practices such as the agreement of administrative extensions in the context of examinations or re-examinations of active pesticide substances, when cases are delayed, should be prohibited. It is not acceptable for substances to remain on the market for one to several years beyond their authorisation period;
- **ensuring greater transparency:** we require that all the results and data of all tests and evaluations carried out on pesticides, biocides, plastics, nanomaterials, and those relating to EDs exposure, to be published on the internet in a searchable and understandable format. We recommend that the consumers right to know be strengthened with labeling on substances with potential health hazards contained in foodstuffs, everyday products and manufactured items;
- **developing substitution efforts as advocated by the strategy:** although it is necessary to engage industry towards the use of safer alternatives, it would be necessary that industry bears a significant burden of research and development costs of substitution, not to let

³ <https://echa.europa.eu/fr/-/grouping-of-chemicals-speeds-up-regulatory-action>

public money alone make the necessary investments. It is the industry which develops these alternatives, which will, at the end, gain benefits. The roadmap speaks about "*encouraging innovation*" to develop safe alternatives, but a substitution approach should not only be based on voluntary participation. As well a clear definition of "innovation" should be given since the terminology should also encompass broader concepts and approaches as the solely chemical alternatives to existing chemicals. A system of sanctions should be implemented for industries which refused the substitution, with the introduction of a "bonus/malus" system. This system would allow to get funding available to support substitution, and avoid to delay once more the research and development of safer alternatives, as it has been the case so far: a compulsory contribution for those who refuse to move from hazardous chemicals would also reflect a positive implementation of the polluter pays principle. Finally, the promotion of non-chemical alternatives that already exist but which are not supported by chemical industry, such as raw wood, glass instead of plastic... would also achieve the target mentioned by the Green Deal.

We support and encourage the ambitions published in the roadmap for the Chemicals strategy for sustainability. But the post-COVID-19 recovery and the desire to stimulate economic growth, to create jobs and to promote the EU's strategic autonomy for chemicals essential to society, must not be achieved at the expense of health and environmental protection. The example of the single-use plastics letter sent to the Commission by the European Plastics Confederation (EuPC) on April 8th, asking for "postponing the implementation of the SUP directive at national level by at least one year and to lift all bans" confirms our fears. The Covid-19 crisis should not give industries the opportunity to weaken regulations. It must encourage all actors to change their practices. Rather than trying to make "greener" the chemical industry, this strategy must be an opportunity for a complete overhaul of the sector and to put an end to the massive and uncontrolled exposure of populations and environment to substances known to be dangerous or potentially dangerous.