

5 aspects that the Chemical Strategy must include

The Green Deal from the EU Commission and its upcoming chemical strategy are long-awaited good news. The last couple of years, report after report¹ have highlighted the importance of tackling the problem of hazardous chemicals and stressed the fact that it is an urgent matter. “Business as usual” is no longer an option, the issue of hazardous chemicals needs to be dealt with now.

The EU Commission needs to assure that substances of concern are phased out from products and our society in order to protect human health and the environment – as well as to pave the way for a toxic-free circular economy. This will require major changes in industry that will not happen without powerful political measures. As a first step towards change, an ambitious chemical strategy is extremely important. ChemSec therefore calls on the Commission to present clear ambitions for real change. The strategy must include clear commitments, deadlines and deliverables as well as a more ambitious chemicals legislation.

Here are five important aspects that need to be included in the upcoming Chemical Strategy for Sustainability.

1. Support EU industry frontrunners

Much of European industry is at the forefront when it comes to ambitious chemicals management with many companies working hard to reduce their use of hazardous chemicals in products and processes. Meanwhile, innovation flourishes with both start-ups and well-established businesses developing better and safer alternatives. EU policy must facilitate and support these developments.

The adaptation to a more sustainable industry will be beneficial for EU industry as a whole. Although there will be a majority of winners – there will also be some losers. Decision makers in the EU must accept that not all companies will survive the necessary changes, but need to assure that the frontrunners do. Clear signals to industry to ramp up its efforts in phasing out substances of concern and developing and producing safer alternatives are important to achieve the transition to a toxic-free environment.

In the upcoming Chemical Strategy for Sustainability, the EU Commission should therefore:

- Put incentives in place for companies to phase out substances of concern.
- Secure the market for businesses producing safer chemicals.
- Minimise exposure, production and use of chemicals of concern by efficient regulation and enforcement.
- Include derogations to restrictions only for essential use, and ensure that “essential use” means “necessary for health, safety or the functioning of society”, as stated in the Montreal Protocol, and not essential for the profits of a specific company or continued use of any kind of product in our society.

¹ [The second Global Chemicals Outlook](#), UNEP 2019

[The European environment – state and outlook 2020](#), European Environment Agency 2020

[REACH Review 2018](#), European Commission

[7th Environment Action Programme \(EAP\)](#)

2. Speed up the regulatory processes and avoid "paralysis by analysis"

European chemicals regulation includes many good elements but has gone adrift in a kind of “paralysis by analysis”. Many chemicals of high concern are on the radar and in the “system”, but instead of regulating them based on available data, they are put on hold based on not-yet available data. This way chemicals are kept in the system, while still being produced and used, for many, many years. With the burden of proof being on industry, companies have no incentives to help move the process forward, rather the opposite.

The precautionary principle should be one of the pillars on which the EU’s chemicals legislations rest. It can be used to take decisions even when not all possible data is at hand – which it, in practice, never is. REACH REFIT however, interestingly, concluded that the precautionary principle has almost never been applied.

In the upcoming Chemical Strategy for Sustainability, the EU Commission should therefore:

- Set clear political targets and timeframes to speed up the process of identifying and phasing out substances of concern.
- Use the precautionary principle to avoid paralysis by analysis and regulate chemicals of concern more efficiently.
- Ensure effective substitution of all Substances of Very High Concern (as identified under REACH).
- Regulate groups of substances instead of regulating substance by substance.
- Strengthen the no-data no-market principle by giving clear incentives to companies to provide comprehensive and relevant information for chemicals that they produce.

3. Strengthen the balance between generic and specific risk assessments in all EU chemicals regulations

Generic risk assessment, also called the hazard-based approach, targets chemicals for regulatory action based on intrinsic hazard properties only - regardless of where and how they will be used. Doing so is an efficient way to assure that the chemical will not pose any risk.

Specific risk assessment, also called the risk-based approach, requires both hazard identification and exposure assessment. Exposure assessments should estimate all possible exposures to a chemical throughout its lifecycle – from workers involved in production of products and users exposed to the product during its lifetime, all the way through to the waste and recycling phase.

An accurate specific risk assessment requires a lot of data and resources and will inevitably include uncertainties. Still, a big part of industry favours specific risk assessment as the basis for regulatory action. Even though it claims to be the more scientific approach, it provides an efficient way to introduce uncertainties, leading to time-consuming evaluations and also risks adding to the problem of paralysis by analysis.

There are cases when specific risk assessments are very useful, but for identification of chemicals for regulatory action, the generic risk assessment approach is the most efficient approach.

In the upcoming Chemical Strategy for Sustainability, the EU Commission should therefore:

- Extend the use of generic risk assessment to ensure that the balance between generic and specific risk assessments in all EU chemicals regulations is coherent.

4. Transparency and traceability are important for a circular economy

An outspoken goal of the EU Commission is to implement a toxic-free circular economy. This has implications on EU's chemicals regulation, which must be stricter in order to avoid hazardous chemicals in products right from the start.

In order to create clean material streams and a toxic-free circular economy, recyclers need to ensure toxic-free recycling. Traceability and full transparency on chemicals are key to achieve this and to be able to sell recycled material with known chemical content and not contribute to toxic recycling. Research is needed to develop technologies that can reveal chemical content and enable sharing of information throughout the entire life cycle of products.

Transparency is key also for the value of recycled materials. Today, claiming that a product is made from recycled material is a selling argument, but progressive companies with stringent chemicals management are not willing to buy recycled content without knowing what chemicals it contains. If the EU allows for hazardous chemicals in recycled materials (to a higher extent than in virgin material), it will eventually make both companies and consumers doubt the safety of products made from recycled materials.

We already see examples of toys made from [recycled plastic containing brominated flame retardants](#). If these types of findings become regular, consumers will become suspicious of recycled products, which could erode the whole idea of a circular economy.

In the upcoming Chemical Strategy for Sustainability, the EU Commission should therefore:

- Include commitments to move towards full chemical transparency in supply chains and towards consumers so that, in the future, a toxic-free circular economy can be achieved.
- Apply equivalent chemical requirements for recycled and virgin materials to facilitate for a toxic-free circular economy.

5. Close existing legislative gaps

There are a number of gaps in EU chemicals regulation that need to be closed in order to protect EU citizens and the environment from harmful chemicals, and to pave the way for a toxic-free circular economy. In the upcoming Chemical Strategy for Sustainability, the EU Commission should therefore:

Imported articles

- Apply the same regulation to imported articles and products produced within the EU to protect human health and the environment and to facilitate for a toxic-free circular economy.

Endocrine-disrupting chemicals (EDCs)

- Identify and minimise exposure of EDCs. Include a consistent level of protection for vulnerable groups by the use of generic risk assessment to make sure that all EU citizens are protected from, for example, EDCs and CMRs.

Mixtures

- Develop an [“allocation factor”/ “mixture assessment factor”](#) to be used in all specific risk assessments to consider the fact that we are exposed to multiple hazardous chemicals (the so-called cocktail effect).

Persistent chemicals (including PFAS)

- Regulate very persistent chemicals (including PFAS) in REACH, cosmetics, biocides, pesticides, food contact materials etc. Many [companies support a stricter PFAS regulation](#).

Enforcement

- Support and push Member States to have effective enforcement systems for chemicals in place in each country to make sure that the EU chemicals regulations are not undermined by weak enforcement.

Read more:

Circular economy

[The Missing Piece](#) – ChemSec's report on chemicals in circular economy

[Quotes from companies](#) on the importance of a circular economy free from hazardous substances

Innovation principle

[ChemSec's view on innovation principle vs. precautionary principle](#)

Chemical recycling

[ChemSec's view on chemical recycling](#)

Generic and specific risk assessment

[ChemSec's view on hazard vs. risk](#)

PFAS

[ChemSec's Corporate PFAS Movement](#)

[If PFAS are so bad, why aren't they regulated?](#) – ChemSec op-ed on PFAS

Socioeconomic analysis

[Lost at SEA*](#) – ChemSec's view on socioeconomic analysis