

CONSUMERS, WORKERS AND ENVIRONMENTAL ORGANISATIONS' PRIORITIES

Brief summary of main points made during our meeting on 10 June 2020

1. The CSS should focus on how to detoxify the planet and reduce the exposure of citizens and environment to toxic chemicals

Health and environmental protection and the green oath - 'do no harm' - should be the center of the strategy.

The same way that circular economy targets waste prevention, sustainable resource use and recyclability aspects or that climate policies prioritise decarbonisation efforts, the chemicals strategy should focus on safety and detoxification; indeed, a strong EU chemicals policy is a perfect complement to - and in many cases a prerequisite for - the other ambitious policies announced under the European Green Deal (EGD), such as zero pollution, biodiversity, climate, circular economy, farm to fork, Beating cancer plan or plastics.

In our view there is an urgent need to prevent exposure to harmful chemicals in the first place. This demands swift identification of and action against chemical substances and plastics of concern across all sectors.

Our main demands:

European citizens should not be exposed to carcinogens, developmental toxicants or endocrine disruptors, whether in the workplace, at home, through consumer products or the environment.

- **The EU has a duty of care and should urgently phase out substances of very high concern (SVHC) across all EU chemical legislations.** The existing exemption for export of such substances to third countries should be eliminated, while the same strict requirements for SVHCs in articles must apply equally to products produced in the EEA and abroad;
- The EU also needs to become a global frontrunner in phasing out the most health- and environment-damaging and least recyclable of all plastic, namely PVC and **commit to PVC-free Europe by 2030.**
- **Adopt by the end 2024 Binding Occupational Exposure Limit Values (BOELs) for 25 extra priority carcinogens under the Carcinogens and Mutagens Directive (CMD);**
- **Account for and regulate low-dose effects and the cumulative impact of chemicals from multiple sources (mixture effects) well before 2030.**

- Many consumer products are not regulated at EU level. The strategy should **develop an action plan to extend and enhance the safeguards for chemicals of concern in all consumer goods, starting with products consumers come in close and frequent contact with** such as textiles, childcare articles or those that have a high circular economy potential, e.g. again textiles or furniture.

2. Ensure coherence and synergies between the different EU legislations on chemicals

The strategy should guarantee coherence and integration across all different EU policies relevant to chemicals (occupational, consumers, health, environment, industry, research, etc.)

Both implementation and enforcement of the EU chemicals framework must urgently be improved to guarantee that our legislation translates into real protection of health and the environment.

Our main demands:

- In all legislations like REACH, Pesticides, Biocides, Cosmetics regulations, carcinogens, mutagens and reprotoxic chemicals (CMRs) are treated in the same basket. In the Carcinogens & Mutagen Directive (CMD- a workers' protection legislation) only carcinogens and mutagens are covered. For coherency & synergies with the market legislations **the scope of CMD should be extended to reprotoxic substances**.
- One of the main aims of the Waste legislation is to promote recycling. The main aim of REACH is health and environmental protection and substitution of hazardous chemicals with safer alternatives. To ensure policy coherence, **derogations or authorisations should not be granted under REACH if they allow recycling of toxic chemicals** (as for example the derogation of lead in recycled PVC or the DEHP in recycled PVC authorisation) as this will result in the toxification of the circular economy and hamper the European Green Deal's goal of cleaning up material loops.
- The Strategy should **enhance the safeguards for chemicals in all consumer products, including imports**: this should be done through broad scope REACH restrictions and in product legislation, including through new laws for products which consumers come in close, frequent contact with, such as textiles, childcare articles, or absorbent hygiene products. For example, the Toy Safety Directive (TSD) bans all CMR substances: a similar ban does not apply for childcare articles even though the exposure is similar. Another example: because the EU does not regulate (ban) all CMRs in textiles, a child may be better protected against CMRs in a doll (or any textile part of a toy) than against CMRs in the clothes they wear.

- The EU also needs to **strengthen the legal framework to better protect children, the elderly and other vulnerable groups**. For example, of 500 children's products [tested by the Danish Consumer Council](#) between 2015 and 2019, 21 percent contained one or more chemicals of concern, such as suspected endocrine disruptors or carcinogens. Better protection of vulnerable groups should be achieved no later than **2024** by **updating existing laws** (e.g. on cosmetics, food packaging, water, OSH) **to set stricter exposure limits**. For example, the Toy Safety Directive relies on the generic CLP limits to regulate CMRs; these limits are however established for industrial uses, without taking the particular vulnerabilities of children into account. **New safeguards are likewise needed to protect children and other vulnerable groups against chemicals of concern not covered today by harmonized EU legislation** (e.g. child-care products, absorbent hygiene products or textiles).

3. Boost substitution and responsible innovation

The CSS represents a unique opportunity to boost the use of safer alternative chemicals, products and processes.

In our view, market-forces alone will not deliver this boost; the EU needs to adopt an interventionist approach based on pull- (enabling substitution) and push-forces (regulatory signals, legal pressures, consumer demands through transparency). And make the polluters pay for it.

Our main demands:

- **Set clear regulatory signals to incentivise substitution:** harmful subsidies and products must be eliminated without delay; stricter regulatory requirements will also stimulate innovation towards sustainability, providing first mover competitive advantages to proactive companies; frontrunners must be encouraged and supported. Therefore, disallow continued use of toxic chemicals (incumbents) for which alternatives are available, e.g. REACH authorisations but also CMRs in cosmetics when alternatives are available.
- In parallel, the EU needs to **establish safeguards against 'regrettable substitutions'** e.g. through systematic use of grouping approaches across the legislative framework: BPA, BPS, BPF is an obvious example.
- **Greater transparency about chemicals in products** will allow consumer demands to act as a driver of substitution - the pending review of REACH article 33 is an opportunity to achieve this.

- **Use economic instruments to apply the polluter pays principle** e.g. reward/incentivise sustainable substitution (e.g. VAT reduction; promote taxation of hazardous substances among Member States or through an own-resource proposal in MFF; enhance government green procurement programmes).
- Create an enabling environment: **use EU innovation policy as a complement to chemicals policy**, both under Horizon Europe (the Health cluster) and through a new EU programme specifically addressing the development of new, non-/less toxic substances. This programme should seek to encourage substitution by providing direct technical assistance to enterprises, with priority attention to SMEs and downstream users; facilitating supply chain dialogues, partnerships, and market access; and advancing the development and adoption of safe-by-design innovations.
- ECHA is already piloting **supply chain dialogues** but it **should be institutionalized in an EU wide program with sufficient resources** (based on toxics use fees imposed on industry).
- **Develop criteria for safety by design and clarify how to incorporate safety by design principles and the Precautionary Principle into the chemicals and products legislation**