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Europe



## REACH 2<sup>nd</sup> reading

### Key priorities of Environmental, Health, Consumer and Women's NGOs

Will REACH be a wasted opportunity for making chemicals safe in the EU or will it be a first step towards the protection of human health and the environment from the most hazardous chemicals? This is the political choice European legislators have to make in the coming months. NGOs think that there is little left from the already weak original proposal and call for the following four points to be safeguarded in the REACH legislation to deliver a minimum level of protection to citizens and the environment.

#### **1. PLAY IT SAFE: Replace hazardous chemicals with safer alternatives whenever they exist.**

The REACH system needs to systematically promote safer alternatives, which are suitable to replace chemicals which cause cancer, affect DNA, or the reproductive system or those that build up in our bodies and the environment or interfere with the hormone system. The continued use (Authorisation) of the most hazardous chemicals should:

- Only be granted if no safer alternatives are available and the use is essential to society (*as proposed by the European Parliament*).
- Be time-limited to a maximum of five years in order to foster innovation and the development of safer alternatives (*as proposed by the European Parliament*).
- take into account the analysis of alternatives and a concrete substitution plan to be submitted by the applicant as well as substitution information provided by third parties (*as proposed by the European Parliament*).

#### **2. INFORMATION improves trust: Provide sufficient safety information to identify dangerous chemicals and safer alternatives.**

Transparent safety and use (exposure) information via the Registration process is essential to enable companies and the authorities to take informed decisions on the safe management of chemicals and identify safer alternatives. Under REACH, companies should:

- Provide information on long-term effects, including reproductive toxicity, at higher tonnage bands (>10tpa) (*as proposed by the Council*).
- Provide good quality use and exposure information (scenarios) (*as proposed by the Council*)
- Define risk management measures as required in the Chemical Safety Report from 1 tpa onwards (*as proposed by the European Parliament*), otherwise the safety information will not result in any practical improvements.

#### **3. A LEGAL GUARANTEE: Ensure the chemical industry's responsibility for the safety of their products (Duty of Care).**

Chemical manufacturers, importers and users must be responsible for the safety of their products (*as proposed by the European Parliament*). They should guarantee that these products do not negatively affect human health or the environment. Clear legal provisions must apply for all chemicals, regardless of production volume, which would simply codify existing voluntary commitments by industry.

#### **4. TRANSPARENCY for consumer products: Establish a right to know for citizens.**

Sufficient information to allow chemical users and consumers to make informed choices must be publicly available. Information must be handed down the supply chain to enable retailers and consumers to find out about hazardous chemicals in products.

- Citizens must have the right to ask about substances present in EU-made and imported products they buy; all articles which contain chemicals of very high concern need to be labelled (*as proposed by the European Parliament*).
- The list of non-confidential information in REACH needs to be extended to all information relevant for the environment and human health, in line with the *Aarhus Convention*.
- Industry should always be obliged to give transparent justifications when applying for information to be kept confidential.



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### **Background:**

Five years ago civil society organisations called REACH a once-in-a-lifetime opportunity to reform Europe's chemicals policy. Today, following huge concessions to industry, little of that opportunity remains:

- Basic health and safety information will not be provided for the majority of low volume chemicals (two thirds of the substances covered by REACH, or 17,500 substances).
- The same holds for higher volume chemicals, which may be registered without proper assessment of their toxicological effects, such as developmental and reproductive toxicity.
- As a result chemical producers will carry little responsibility for the safety of their products.
- Many important decisions have been delegated to technical bodies or comitology procedure, which excludes democratic oversight by the European Parliament.
- The Chemicals Agency bureaucracy has been increased without an assessment of whether it will be able to properly fulfil its tasks.

On the positive side, a consistent authorisation procedure now applies at least to bioaccumulative and persistent chemicals, which should reduce the use of such chemicals in everyday products and encourage innovation towards safer alternatives. However, this is too little progress for a law that will replace some 40 pieces of legislation, at a time when the health threats of chemicals are increasingly being uncovered. Therefore, we call on all decision-makers to improve the text in key areas and make sure REACH will protect humans and the environment.

### **NGOs' 4 key demands:**

- 1. PLAY IT SAFE: Replace hazardous chemicals with safer alternatives whenever they exist.**
- 2. INFORMATION improves trust: Provide sufficient safety data to identify dangerous chemicals and safer alternatives.**
- 3. A LEGAL GUARANTEE: Ensure that the chemical industry has the responsibility for the safety of their products (Duty of Care).**
- 4. TRANSPARENCY for consumer products: Establish a right to know for citizens.**

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