

HEAL's comments on ECHA's draft strategic plan 2019 -2023



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The European Chemicals Agency (ECHA) published its draft Strategic Plan 2019-2023 in March 2018 (1). It is meant to guide the general and operational activities of the organisation. The Health and Environment Alliance (HEAL) collaborates with other public interest organisations in the European Chemicals Agency's committees and its flagship REACH fora, and works to promote coherence in the intersection of REACH with other relevant EU and international legislation. In this light, HEAL submitted a response to the public consultation on ECHA's draft Strategic Plan.

GENERAL COMMENTS

- The Health and Environment Alliance (HEAL) welcomes the general rationale and structure for the European Chemicals Agency (ECHA)'s draft Strategic Plan 2019-2023.
- We strongly agree that ECHA's first strategic priority should be on the identification and risk management of substances of concern.
- We welcome the multiple references to other European Union regulatory processes all throughout the document, for example references to ECHA's outlook - II 26-35 – REACH review, the non-REACH fitness check, the assessment of interface between chemicals/products/waste legislation, and the development of a non-toxic environment strategy. We also welcome the emphasis put on ensuring that ECHA both contributes to and builds on these processes to further improve the quality of its own work and deliver on its mission.
- We welcome ECHA's commitment to delivering a transition to a non-toxic environment – which is essential, overdue, and needs full ECHA's support to be successful. ECHA's strategic plan for 2019-2023 can be instrumental in contributing to and encouraging the European Commission to deliver on its legal commitment for a European Union's strategy for a non-toxic environment. This strategy would significantly boost Europe's contribution to the delivery of the World Summit on Sustainable Development 2020 goals (2).
- We welcome ECHA's acknowledgement that there might be conflicting challenges arising from the implementation of REACH on the one hand and the circular economy on the other hand (3) – this is why we agree that dealing with substances of concern is indeed a key priority for the agency. From a human health protection point of view, the success of a circular economy strongly depends on our ability to minimise exposure to substances of concern from onset, keeping them out of the economic loop in the first place.
- In relation to the previous comment, we regret that not more emphasis is placed on the agency's strategy for substitution towards safer alternatives.
- We welcome the acknowledgement of the need to intensify activities involving biocides and wonder to what extent the application of the new identification criteria for biocides endocrine disrupting chemicals (EDCs) - which will become applicable from 7 June 2018 onwards - are taken into account in the agency's plans for 2019-2023. For the period 2019-2024, it is expected that between 40-50 biocide discussions will take place at the EDC expert group each year, which amount up to roughly 300 biocide discussions by the end of this period (4). We would welcome additional details in this regard, including plans for additional resources for the agency to carry out its mission in this area.
- We welcome the acknowledgement made on the need for increased finance and capacities for the agency to be able to carry out its task and deliver on its mission. This is an essential question, which will become increasingly relevant from next year onwards. For example, with the EDC criteria for biocides becoming applicable, it is expected that the ED expert group

and the biocidal product committee will have an increase in work to assess substances. Yet it is hard to imagine how they will be able to deliver with the current resources available to them. This is also an issue for improving compliance checks, achieving faster identification of substances of very high concern (SVHC), or speeding up substitution, among other things. Therefore, we would welcome clearer indications about which specific posts ECHA foresees a need for increased resources and more details about plans to match the needs identified. Keeping the fundamental “Polluter Pays” principle, it would be interesting to have clarity on whether an increase in industry fees or other financial contributions is considered in order to deal with the tasks lying ahead. The language in the current plan is very vague when it comes to resources.

- We would welcome some clarification on the language used throughout the document whenever animal testing is mentioned. While we completely agree with the REACH objective to avoid unnecessary animal testing, it remains unavoidable in order to properly assess risks of chemicals for human health at the time of writing. This should be fully acknowledged when considering future strategies for the agency’s work and substance assessment. In practice we would welcome the document to avoid mentioning reduction of animal testing in general terms and rather specify that the aim is to reduce it to avoid unnecessary use when relevant. We would also welcome clarifications from the agency on relevant hints and plans to use ongoing animal testing in a more efficient way in the future.

SPECIFIC COMMENTS

Priority 1 – ‘Identification and risk management of substances of concern’

- (Table part IV II 1-3) We welcome the emphasis put on the need for faster SVHC identification – which we have long demanded – but wonder whether the current objective of identifying all substances of concern by 2025 is realistic, considering the current pace of work. A 2001 EU white paper listed 1,400 substances with hazardous properties giving rise to very high concern, which should therefore be progressively phased out and substituted with safer alternatives via authorisation, but the candidate list currently has only 181 entries. In the meantime, the SIN list that is used as a reference by the industry itself has 912 entries. This reveals a huge gap and calls for strong and clear commitments for ways to address it. While we welcome the measures that the agency intends to implement, we question whether these will be sufficient to speed up the pace sufficiently. Perhaps further clarifications on the exact measures to be taken in this regard would respond to this question.
- (Part V – II 21-23) We also welcome the emphasis put on the need for even improved risk management of substances of concern. In our view, major wins could be made by improving the use of the authorisation and restriction processes more efficiently and it is important that ECHA’s draft strategic plan provides indications on how this is going to be done. On the one hand, the fact that authorisations can still be granted when safer alternatives exist is undermining their purpose to encourage companies to move to safer substitutes, and risks making the process a right to pollute. On the other hand, too much burden is currently put on Member States to demonstrate the need for restrictions and the original scope often ends up narrower at the end of the committee reviews (derogations, changes in concentration limits or transitional periods). The textile restriction which was just approved at the REACH committee (25-26 April 2018) is a very good example of missed opportunity because of narrow scope: only some 30 substances are included in this restriction, when 300 substances would have been relevant for the restriction to be truly health protective.
- (Part V – II 1-25) We are surprised not to see more emphasis put on recycled materials in this section. Recycled materials are one of the current gaps in the aim to achieve a circular economy; they should not be exempt from risk management and will become an increasingly relevant focus for the work of the agency. The carpet sector, which we have highlighted in a recent HEAL briefing, is an excellent example of the efforts that need to take place in that regard (5).
- (Part V/ p.13 – II 23-25) Under enhanced mapping and prioritising of substances, we would welcome:
 - Some clarifications about:
 - What specific “regulatory strategies and assessment methods for specific (groups of) chemical or effects, such as nanomaterials and endocrine disruptors” the agency intends to develop, and by when? For endocrine disrupting chemicals, which implication of specific working groups such as the ED expert group does it foresee and how will it articulate with assessment of endocrine disruptors carried out in regulations outside of ECHA’s remit?
 - Clarifications about intentions in relation to the “development of alternative methods to animal testing”. While we share the intention to limit animal testing as much as possible, we insist that it remains unavoidable in order to properly assess risks for human health at the time of writing and should be fully

acknowledged when considering future strategies for the agency's work and substance assessment.

- References to practical ways and methods that the agency intends to use in order to make progress in: increasingly assessing chemicals by groups rather than individually, as is done presently; and assessing mixtures of chemicals, considering the reality of human exposure to a cocktail of chemicals and an important need to take it into account in the risk assessment process.

Priority 2 – 'safe and sustainable use of chemicals by industry'

- (Page 13 -14) In our view, Priority 2 should reference its strategy for substitution and promotion of safer alternatives even more explicitly in this section. It is not clear from the current wording that improved substitution is the actual prerequisite to reaching sustainability in the mid to long term.
- (Page 15 – II 4-16) Achieving Priority 2 also requires a significant effort from the agency to strengthen the process of analysis of safer alternatives, which is currently mostly carried by companies applying for authorisation. Recent analysis by Chemsec and ClientEarth has demonstrated that this results in authorisations being granted even when safer alternatives are available (6).

(1) https://echa.europa.eu/documents/10162/13609/echa_strategic_plan_2019_2023_draft_public_consultation.pdf

(2) <http://web.unep.org/chemicalsandwaste/2020-goal>

(3) REACH and CLP – II 26-27

(4) Based on the average of 0 to 3 discussions per substance at the expert group

(5) See Chemsec's recent 'Pick up the Pace' report: <http://chemsec.org/publication/reach,sin-list/pick-up-the-pace/>

(6) See the joint HEAL and EPHA briefing on Toxic Carpets : <http://env-health.org/IMG/pdf/cm-detoxing-carpet-pathways-towards-safe-and-recyclable-carpet-in-a-truly-circular-economy-layout-english-draft-08.pdf>

(7) <http://chemsec.org/publication/authorisation-process,reach/how-to-find-and-analyse-alternatives-in-the-authorisation-process/>

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