

# HEAL's comments on public consultation addressing the interface between chemical, product and waste legislation



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**HEAL welcomes the opportunity to contribute to the European Commission's public consultation addressing the interface between chemical, product and waste legislation.** This consultation builds upon the Commission's analysis of the Interface in the Communication published on 16th January 2018 and has the objective of assessing the reaction of stakeholders to the different options and questions posed in regard to the four main issues described in the Communication and accompanying Staff Working Document.

## Insufficient information about substances of concern in products and waste

On 16 October 2018, environmental health researchers [released alarming evidence](#) that toxic brominated flame retardants, hazardous chemicals from electronic waste that are known to disrupt thyroid function and cause neurological and attention deficits in children, are contaminating recycled plastics in consumer products, including toys, across 19 European countries. The study is called "Toxic Loophole: Recycling Hazardous Waste into New Products" and was conducted by Arnika, HEAL and IPEN.

No one would knowingly give children toxic waste to play with. Introducing a compulsory information system in the Union that informs waste management and recover operators of the presence of substances of concern would enable the assessment of whether these materials are safe and fit for purpose in relation to their envisaged uses.

The EU should adopt a non-toxic environment strategy, as required by the 7<sup>th</sup> environment action plan. HEAL published its [vision](#) of what such strategy could be on 7 June 2018. More specifically, the EU should apply the "no data, no market" and "do no harm" principles to any good sold on the internal market, as part of its global trade policy. Same rules should apply to goods imported to the Union as to the ones produced in the Union. And materials containing substances that are banned or restricted in the EU should not be allowed for export: it is not only highly unethical to accept a lower level of health protection for people living in third countries, it would also prevent secondary raw material containing such materials entering the EU market as part of the recycling business model. The EU is a major global trade player, this comes with the responsibility to improve

planetary health by stopping any input of toxics into the global economy.

## Substances of concern in recycled materials

Substances of concern should not be found in products in the first place: this is the most efficient way to prevent their presence in waste. Transitioning out of the heritage of past insufficiently health protective products policies requires to set the values hierarchy right: health protection should always come first, that is the balance to strike. This means that unsafe waste should never become a resource. And as a reminder, in the waste hierarchy, recycling comes second, first is reuse. This is why the primary goal is to ensure long-term reusability of goods, recycling being only a second best.

Moreover, as outlined the ['Detoxing Carpets'](#) report published on 6 March 2018, hazardous substances found in products such as carpets (estimated recycling of carpets in the EU is only 3%) also pose additional obstacles to the recycling process, impacting the quality of the recycled end material and the cost-effectiveness of recycling.

Under no circumstances should recycled materials be allowed to contain chemicals that are no longer permitted in primary materials. This double-standard must be changed if the EU is serious about leading on the SDGs and a transition to a non-toxic and circular environment. Such health protective policy should apply to both products sold on the internal market and to materials that are exported to third countries. This would in turn not only boost consumer confidence and appreciation of EU health protective policies but would also bring significant health benefits in disease prevention and healthcare costs.

## Difficulties in the application of EU waste classification methodologies and impacts on the recyclability of materials (secondary raw materials)

Circular economy can be an opportunity for health enhancement, only if it is designed to reduce environmental impacts – hazardous substances should not survive in recycled products.

But if risks are not addressed in processes involving hazardous materials, a circular economy could also contribute to the chemical pollution and result in unintended adverse health effects.

[A new WHO report](#) called ‘Circular economy and health: opportunities and risks’ explores this topic in depth and helps informing this crucial debate on the transition towards a healthy and sustainable economy. Notably, WHO mentions occupational health risks from recycling exemptions for certain banned chemicals, such as the one on DEHP in recycled PVC, which poses a reproductive toxicity threat to exposed workers.

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The [Health and Environment Alliance \(HEAL\)](#) is the leading not-for-profit organisation addressing how the environment affects human health in the European Union (EU) and beyond. HEAL works to shape laws and policies that promote planetary and human health and protect those most affected by pollution, and raise awareness on the benefits of environmental action for health. HEAL's EU Transparency Register Number: 00723343929-96

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