



To: Members of the REACH Committee

Brussels, 18 June 2021

Dear Sir/Madam,

We are writing to you regarding the REACH Committee meeting that will take place next week on 24-25 June. At this meeting, discussions with important consequences for the protection of the environment and health are planned in relation to the following elements:

- (1) Plastic planet review report for DEHP - for discussion
- (2) Identification of resorcinol as a substance of very high concern - for discussion
- (3) Annexes VI to X amendment on information requirements - for discussion

Please find below the NGO comments to the specific agenda points.

Agenda point 12: Plastic planet review report for DEHP-for discussion

The undersigned NGOs would like to call on Member States to firmly reject any proposal to grant Authorisation for continuing the use of DEHP to produce articles made of recycled PVC.

As highlighted in several [public consultations](#) on the issue and in other [letters](#) to the REACH Committee, we would like to highlight that **there are suitable alternative substances, materials and technologies for the uses applied for.**¹ From automated and manual technologies available in the market for segregation of PVC from other plastics²;

¹ https://ec.europa.eu/environment/aarhus/pdf/35/Annex_11_report_from_Lowell_Center.pdf

² X-Ray Sortation- XRT and XRF, Near Infrared Sortation (NIR), Manual sorting systems such as Polarized and UV light

to alternative materials such as PVC-free Recycled plastic³; to alternatives to recycled PVC articles such as construction materials, and products⁴, wires and cables⁵, for example.

There is an urgent need to stop polluting material cycles with legacy chemicals such as DEHP, in line with the Green Deal's goal to clean the circular economy. This year, Member States have largely supported "non-toxic material cycles and a cleaner circular economy" in Council Conclusions on the Chemicals Strategy for Sustainability.⁶

Finally, we would like to **remind the Commission of its obligation to align with the Lead Chromate Court case⁷ in the authorisations proposed and adopted**, in particular with regard to the availability of alternatives. The Court established that in case non-negligible uncertainties remain, authorisation shall not be granted. It logically follows that granting renewed authorisation to Plastic planet would go against the Court jurisprudence, after SEAC highlighted the presence of "*considerable uncertainties*" related to the availability of suitable alternatives.⁸

The EU's REACH system for regulating chemicals was adopted to significantly improve the protection of people and the environment from toxic chemicals. It is time for the EU to definitely phase out obsolete DEHP and stop promoting the toxic recycling of PVC.

Agenda point 13: Identification of Resorcinol as a substance of very high concern-for discussion

In June 2020, the ECHA's Member States Committee failed to gather consensus on the proposed identification of Resorcinol as a Substance of Very High Concern (SVHC) based on endocrine properties for human health (Article 57(f)), as proposed by the French authorities.

The Committee acknowledged that the substance meets the World Health Organization (WHO) definition of an endocrine disruptor, but did not reach consensus on the equivalent level of concern (ELoC) necessary to identify a SVHC according to REACH article 57(f).

³ <http://www.newplastics.com/>

⁴ <http://www.healthybuilding.net/pvc/alternatives.html>

⁵ http://www.greenchemistryandcommerce.org/documents/PilotProjectFullReportOct2-final_000.pdf

⁶ <https://www.consilium.europa.eu/media/48827/st06941-en21.pdf>

⁷ Case C-389/19 P

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=238162&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=15134879>

⁸ See [SEAC final Opinion](#) (Use 2)

Health and environmental civil society groups have regretted such outcome, pointing to the well-documented evidence that the substance meets the criteria of equivalent level of concern and requires SVHC listing in the best possible delays.⁹

The matter is now proposed for discussion in next week's REACH Committee. We welcome the European Commission's recognition that there is scientific evidence of probable serious effects to human health for Resorcinol, which are of similar severity as those of other substances, already identified as SVHCs under REACH article 57(f) and warrant such identification for this compound.

We urge the REACH committee members to support this EU Commission proposal for identification of Resorcinol as SVHC under REACH article 57(f).

Agenda point 16: Annexes VI to X amendment on information requirements-for discussion

The benefits of REACH for human health and the environment does and will continue to depend on the authorities' ability to identify and regulate harmful substances adequately.

The Commission Communication on the REACH review in 2018¹⁰ stated: "*Compliance with the information requirements by registrants is considered insufficient. This is related to two main causes: (i) the legal requirements to avoid animal testing may push registrants to use alternative methods to animal testing, even if not justified; and (ii) difference in the assessment of hazard between registrants and authorities*".

Next week, the REACH committee will discuss the amendments (action 2 items) of the REACH information requirements. It is necessary to **amend the existing information requirements in a way that clarifies the registrants' obligations and contributes to closing some of the existing knowledge gaps.**

In addition, in the context of the upcoming REACH revision, more work is needed to update information requirements on currently missing endpoints and ensure that the provided information is sufficient to allow a thorough hazard assessment. Hazard assessment is indispensable for companies to exercise their responsibility for safe use, for authorities to meet their obligations to protect people and the environment and for citizens to benefit from their right to access information on hazardous chemicals they may be exposed to and perform informed purchase and use decisions.

⁹ See for instance:

Health and Environment Alliance, <https://www.env-health.org/heal-regrets-echa-member-states-committee-failure-to-recognise-endocrine-disrupting-resorcinol-as-a-substance-of-very-high-concern/>

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0116&from=EN>

A previous analysis from regulators¹¹ found that "*REACH will hardly generate sufficient information for classification of substances as category 1B for mutagenicity and carcinogenicity. Therefore, indications of very severe hazards of substances are missed and health risks could occur.*"


We call on the REACH committee to **ensure the clarification of registrants' obligations in the REACH requirements in a way that information gaps will be closed and the regulation can better fulfill its objectives of health and environment protection.**

As is clear from the above, the discussions that you will hold during the upcoming REACH Committee meeting and the subsequent decisions you will take are of utmost concern for civil society groups striving for the reduction of people's exposure to these well-known toxic substances - in particular for vulnerable groups, such as babies in the womb, newborns and children, as well as for the protection of the environment.

We therefore ask you to:

- **Reject the authorisation for the use of DEHP to produce recycled PVC articles.**
- **Support the EU Commission proposal for identification of Resorcinol as SVHC under REACH article 57(f).**
- **Ensure that the Annexes VI to X amendments will clarify the REACH information requirements (action 2 items) in a way that current information gaps by registrants will be closed and to ensure the identification of hazardous chemicals.**

Yours faithfully,



Tatiana Santos

On behalf: CHEM Trust, ClientEarth, European Environmental Bureau (EEB) and Health and Environment Alliance (HEAL)

¹¹ Woutersen et al., Human and Ecological Risk Assessment 25(1):1-20, DOI: 10.1080/10807039.2018.1480351

Contacts:

Tatiana Santos, Chemicals policy manager, EEB (tatiana.santos@eeb.org)

Apolline Roger, Law and Policy Advisor, Chemicals Lead, ClientEarth (ARoger@clientearth.org)

Natacha Cingotti, Programme Lead, Health and Chemicals, HEAL (natacha@env-health.org)

Ninja Reineke, Head of Science at CHEM Trust (ninja.reineke@chemtrust.org)