



To: Members of the REACH Committee

Brussels, 16 June 2022

Dear Sir/Madam,

We are writing to you regarding the REACH Committee meeting that will take place next week on 21-22 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) Restriction of microplastics - update
- (2) Restriction of lead in PVC - presentation by COM and first discussion
- (3) Identification of resorcinol as a SVHC - for discussion

**All three processes are suffering from several years of delay that contribute to unnecessary exposure of humans and the environment to highly concerning chemicals. The EU's failure to act not only undermines protection objectives and**

**ignores the real-life costs of inaction, but also the public credibility of EU institutions and the Chemicals Strategy for Sustainability and the European Green Deal as a whole.**

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

### **Agenda point 3: Update pending Restrictions: Microplastics intentionally added**

The Commission's proposal for a REACH Restriction of intentionally added microplastics was due in May 2021, after ECHA submitted its opinion to the Commission.

This delay is not acceptable since it compromises the pollution reduction objectives of this restriction: each year of inaction [represents](#) more than **42,000 tonnes of microplastics emitted to the environment**. To deliver on a restriction of some of the most preventable sources of microplastic pollution, NGOs call on the Commission to swiftly make an ambitious proposal to restrict microplastics and be transparent on the reasons for delay so far. The restriction [should not include](#) unjustified derogations or transition periods.

### **Agenda point 5: Draft Commission Regulation (EU) amending Annex XVII to the REACH Regulation (EC) No 1907/2006 as regards lead in PVC**

The REACH Restriction of lead in PVC is another example of unjustified delay to present a regulatory proposal. The European Commission put this restriction proposal on hold since February 2020, after the European Parliament [objected](#) to it, opposing notably the derogation for recycled PVC and the misleading labelling provision proposed by the Commission, in line with NGO concerns.

After more than two years, the Commission is finally following-up with a proposal to member state representatives.

The undersigned NGOs welcome the Commission's proposal to delete the derogation for recovered flexible PVC. However, we regret the remaining derogation for recovered rigid PVC and the allowed concentration of 1,5% by weight. **Any waste with more than 0,3% of lead must be treated as hazardous waste and should not be recycled**. Hence, the Commission's justification to derogate in order to "achieve an appropriate balance between the overall long-term benefits from the circular use of those materials and the overall long-term health concerns relating to that recovered material" is not valid. Also, closed loops are not feasible because the materials are being dismantled after demolition, for example in the case of water pipes.

Another issue of concern is the transitional period proposed by the Commission, despite it having been reduced from 15 to 10 years. Taking into account that lead in PVC should

have been banned already 20 years ago<sup>1</sup>, another decade of contamination of the circular economy with legacy lead is not acceptable.

**Agenda point 19: Commission Implementing Decision on the identification of resorcinol as a substance of very high concern according to Article 57(f) of the REACH Regulation (EC) No 1907/2006**

The proposed identification of resorcinol as a substance of very high concern (SVHC) due to endocrine disrupting properties for health under the REACH regulation (article 57(f)) has been awaiting a decision for the past two years.

In June 2020, the ECHA Member State Committee failed to muster consensus<sup>2</sup> and the REACH Committee discussions on the matter have so far been inconclusive.

Civil society groups representing health and environmental protection have already called on you to support this identification, as proposed by the European Commission, on numerous occasions<sup>3</sup>. With this letter, we would like to respectfully repeat this call and stress the urgency to proceed based on the available scientific evidence. Despite Member States' agreement that the substance meets the World Health Organisation (WHO) definition of an endocrine disruptor, **the unfortunate delay in agreeing on its SVHC identification has allowed continued and unnecessary human exposure to it<sup>4</sup>, without even adequate information requirements being put in place.** This is not acceptable in the context of the shared Commission and Member States' commitments to increase protection against endocrine disrupting compounds. We are strongly concerned that the continued failure to identify resorcinol as an SVHC due to its endocrine disrupting properties seriously risks undermining the public credibility of the EU institutions in their delivery of some of the central promises of the Chemicals Strategy.

**We therefore ask you to:**

- **Swiftly make an ambitious proposal to restrict intentional microplastics, without unjustified derogations or transition periods;**
- **Urgently restrict all forms of lead contained in PVC by setting equal-stringent**

---

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A128110>

<sup>2</sup> <https://www.env-health.org/heal-regs-echa-member-states-committee-failure-to-recognise-endocrine-disrupting-resorcinol-as-a-substance-of-very-high-concern/>

<sup>3</sup> See for example:

[https://www.env-health.org/wp-content/uploads/2021/06/NGO-letter-REACH-Committee\\_DEHP\\_resorcinol\\_info-requirements.pdf](https://www.env-health.org/wp-content/uploads/2021/06/NGO-letter-REACH-Committee_DEHP_resorcinol_info-requirements.pdf)

<https://www.env-health.org/letter-health-and-environment-groups-call-on-eu-governments-to-identify-resorcinol-as-a-substance-of-very-high-concern/>

[https://www.env-health.org/wp-content/uploads/2021/12/NGO-Letter-REACH-Committee-Dec-2021\\_resorcinol\\_Lead-chromates\\_lead-in-PVC.pdf](https://www.env-health.org/wp-content/uploads/2021/12/NGO-Letter-REACH-Committee-Dec-2021_resorcinol_Lead-chromates_lead-in-PVC.pdf)

<sup>4</sup> Resorcinol is a high-volume compound (registered at 1,000-10,000 tons/annum) used in a variety of industrial and consumer applications.

**thresholds for lead in virgin and recycled PVC. Avoid derogations and minimise and restrict transitional periods as much as possible (no longer than six months);**

- **Urgently agree the SVHC identification of resorcinol according to REACH article 57(f).**

Yours faithfully,



Tatiana Santos, EEB



Natacha Cingotti, HEAL



Apolline Roger, ClientEarth

On behalf of:

Arnika-Czech Republic

BUND-Friends of the Earth Germany

Center for International Environmental Law (CIEL)

ChemSec

ClientEarth

ECOCITY-Greece

Ecologistas en Acción-Spain

Environmental Coalition on Standards (ECOS)

European Environmental Bureau

Green Transition Denmark

Health and Environment Alliance (HEAL)

Health and Environment Justice Support

Minderoo Foundation

Plastic Soup Foundation

Women Engage for a Common Future

ZERO - Association for the Sustainability of the Earth System

Zero Waste Europe

*In view of the public interest in this matter, we intend to make this letter publicly available.*