

Health and Environment Alliance (HEAL)

Follow-up comment to CARACAL 48 discussion on CLP's 21st ATP – Lithium Salts entry

18th April 2023

The Health and Environment Alliance (HEAL) thanks the European Commission for the discussion regarding the 21st adaptation to technical progress (ATP) amending the CLP regulation, which took place at the CARACAL 48 meeting.

With these written comments, we would like to reiterate the concerns that we have raised during the meeting in relation to the European Commission's intended handling of the proposal to classify Lithium Salts as reprotoxicants category 1A.

During the meeting, the European Commission announced that the proposal regarding the hazard classification of Lithium compounds was taken off the draft 21st ATP. As per the Commission's presentation, the proposal will be submitted again to the ECHA Risk Assessment Committee (RAC) for re-assessment, following receipt of supposedly new evidence from industry stakeholders – the 2016 Boyle et al. study, which was presented at CARACAL 45 in July 2022¹.

We fail to understand the rationale and justification for the proposed way forward concerning this proposed hazard classification and would like to ask the European Commission to reconsider its decision.

In particular, we would like to stress the following points:

- The ECHA RAC agreed – by consensus – that the compounds meet the scientific criteria for a hazard classification as toxic to reproduction, category 1A. Such a consensus agreement is not anecdotal and should remain the main element of decision for the future of the classification proposal.
- Following CARACAL 45, similarly to comments filed by HEAL², several Member States have clearly indicated that the Boyle et al. study does not constitute 'new' evidence. In fact, it dates back from 2016 and was available during the public consultation period for the classification proposal. Most importantly, the study does not bring new elements that question the existing evidence base in support of the proposed classification. No less than six Member States filed written comments of continued support to the classification proposal during the summer (Germany, Sweden, the Netherlands, Denmark, Finland and Belgium) and several representatives orally reiterated their support during the CARACAL 48 meeting.
- We are very concerned about the delay that sending this proposal back to the RAC for reassessment will result in, especially since the Commission did not provide a detailed timeline for the process during the CARACAL 48 meeting. In practice, it means that exposed workers will remain uninformed about the harmful properties of compounds that are already well characterized and about which better information should be shared as soon as possible.
- Besides, this decision sends a poor signal to the public about the EU's management of already scarce resources (in time and personnel) within executive agencies, especially when RAC

¹ Health and Environment Alliance, Follow-up comments to CARACAL 45 discussions on the proposed hazard classification of Lithium Salts, July 2023, https://www.env-health.org/wp-content/uploads/2022/07/HEAL_FW_UP_Comments_CAR_45_Li_Compounds_Classification9.pdf

² Ibid.

already fulfilled its mission through the delivery of a consensus opinion on this hazard classification proposal.

For all the reasons mentioned above, we urge the European Commission to urgently support the existing RAC's proposal for hazard classification of Lithium salts by bringing them back into to the 21st CLP ATP as soon as possible.