

## **1<sup>st</sup> meeting of the HLR on the Chemicals Strategy for Sustainability**

### **ANEC contribution**

#### **1. ANEC answers to questions to the HLR members in Background document 1**

##### ***Role of the High Level Roundtable and state of the implementation of the Chemicals Strategy for Sustainability***

##### ***Given the mandate of the Roundtable, what are your main expectations?***

The chemicals strategy has an essential role to play in achieving a new European horizontal approach towards chemicals in products. ANEC wants consumers to have access to only safe products which is not the case today. Although our core mission is to represent the collective consumer interest in standardisation, our interest in legislation arises as a standard can only be as good as the law it supports. A good standard cannot correct a bad law.

The preventive approach foreseen in the strategy to ensure a high-level protection of human health and the environment is our key interest. We are especially interested in bringing our perspective to the table on how a toxic-free environment can be achieved, and especially the minimisation of exposure to hazardous chemicals in consumer products. We find it important to recall the role the strategy has to play in the circular economy, and the interface between chemicals, products and waste legislation.

The HLR should ensure implementation of the strategy is efficient and effective across (and in) the sectors it touches, including transparency on the presence of hazardous chemicals in products.

##### ***What are the topics that you would like to discuss?***

The objectives and actions of the chemicals strategy relevant to civil society are at the heart of our expertise and activities in the chemicals area. Our work at European and international level aims at the protection of all consumers from the most harmful chemicals, as well as the protection of the environment from chemical pollution. Hence we are very interested in debating *consumer protection from hazardous chemicals*, notably the following points which we believe are not yet addressed in the strategy provided by the Commission:

- the development of a consistent approach to address chemicals in all consumer products (and possibly products for professional users);
- the identification of gaps and failings in the present regulatory frameworks for products (e.g. food contact materials; toys; construction products; tobacco products including e-cigarettes; GPSD; medical devices; personal protective equipment);
- the identification of product areas where further regulatory measures need to be taken (e.g. products emitting Volatile Organic Compounds to indoor air; aircraft cabin air quality; furniture; playgrounds; childcare articles; clothing, other textile or leather products; e-liquids not containing nicotine; hygiene products, paper products, printed matter);

- the development of specific regulatory frameworks for chemicals in certain consumer products (e.g. the GPSD and the Construction Products Regulation do not seem suitable frameworks for restricting chemicals in products. Hence separate legislative frameworks are needed; or one single regulatory framework for products not covered elsewhere, with implementing measures used for specific products).
- identification of a complete set of chemical rules, including test protocols, for the product areas in question (e.g. a set of rules for childcare articles comparable to the provisions of the (enhanced) Toy Safety Directive);
- aiding transparency, by ensuring information on the chemicals in products is available throughout the supply chain. This is key if all actors are to avoid harmful substances. The transparency will also help accelerate substitution of harmful substances. The labelling of chemical content in certain products is a way forward;
- clarifying plans for empowerment of consumers and consumer organisations mentioned in action 62 of the strategy;
- the grouping of chemicals when setting limit values & bans; the cocktail effect (especially for EDCs) and low dose effects;
- online shopping from outside the EU, and tackling the challenge of importing goods that include banned or restricted chemicals.

Second, we propose to discuss the more questionable *approaches to assessing chemicals in products*, in particular, inadequate models used in the context of the Product Environmental Footprint (UseTox, particulate matter, etc.). These models have little to do with traditional toxicological risk assessment models and have a potential to mislead which may run counter to the intentions of the chemical strategy.

***How can the Roundtable members act best as group of ambassadors to promote the objectives of the Strategy in the society and economy?***

It will be important to agree common approaches to transparent and clear communication in our respective networks about the benefits foreseen from implementation of the strategy i.e. the protection of consumers' health and environmental protection; the ability of the industry to innovate and be more competitive through products offering greater protection.

The HLR should also reach outside the EU, since products imported into the EU may contain chemicals that are banned in the EU. We need to continue the dialogue at international level for chemicals legislation in countries exporting to the EU to live up to EU legislation.

**2. ANEC answers to questions to the HLR members in Background document 2**

***'The industrial transition to safe and sustainable chemicals'***

***What are the investment needs for the industrial transition to safe and sustainable chemicals?***

With a view to the crucial minimisation of exposure to hazardous chemicals foreseen in the strategy, investment should be made in the approach of safe and sustainable design

In the context of the transition to 'non-toxic material cycles and clean circular economy', we suggest investing in research to systematically collect information on chemicals used in the manufacture of products. This would allow materials and products to be specified that are safe not only during the use phase, but are also fit for reuse and recycling.

***Can you share examples of successful transition to safe and sustainable production and use of chemicals? How can these best practices be better promoted and become mainstream?***

A welcome precedent was set in the revision of the Drinking Water Directive ([Directive \(EU\) 2020/2184](#)). It introduces positive lists indicating which substances are authorised to come into contact with drinking water.

Useful too are hazard-based exclusions, such as the ban on CMRs in cosmetics and in toys (although the thresholds for CMRs in the latter are too high).

In other product areas, ANEC has examined national or international practices that could be used as departure points. For example:

- in **textiles** substance-specific provisions could be set using existing specifications (such as the OEKOTEX® Standard 100 or Ecolabel criteria);
- for **products releasing emissions to the indoor air**, national legislation such as the German AgBB scheme could set the example;
- **return systems**, such as those for bottles and cans. In Denmark, over 90% of bottles & cans for beverages are returned and turned into new bottles and cans, or food packaging materials. This secures a clean loop of materials. An EU-wide deposit scheme could save vast amounts of raw materials and ensure the loop contains billions of bottles and cans;
- the ChemSec [Marketplace](#)<sup>1</sup> initiative which offers **alternatives to harmful chemicals**.

All these examples can be promoted through a systematic approach to all consumer-relevant chemicals legislation.

***What are the main policy tools which can support the overall transition to safe and sustainable chemicals?***

We propose the development of a dedicated and consistent approach to address chemicals in products beyond REACH. This could start with assessment of product areas not sufficiently covered by existing legislation.

This should be accompanied by the elimination of Substances of Very High Concern (SVHCs) (and other substances of concern) from consumer products.

We further believe producers should be required to make a full declaration of all substances used in (consumer) products, including quantities in certain cases. This could start with, for example, materials in contact with food; toys and other products used by children and other vulnerable groups<sup>2</sup>.

Last but not least, the transitional periods during which industry can adapt its products to stricter legislation should be shortened. From the perspective of consumer protection, if a substance is banned or has its limits reduced, it is unacceptable to wait for more than a year before seeing a change in the market (in the case of the recently-adopted rules on allergenic fragrances in toys, the transitional period was about 18 months).

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<sup>1</sup> <https://chemsec.org/business-tool/marketplace/>

<sup>2</sup> Find more details in ANEC position paper on the interface between chemicals, products and waste legislation - "Keeping hazards in the circle?" (<https://tinyurl.com/ANECchemicalsinCE>)