AK EUROPA

Position Paper
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Transport & Environment

Strategy for chemicals

The AK's position

In the European Green Deal (COM(2019) 640 final) the European Commission has announced, among other items, a sustainability strategy for chemicals. Its intention is to help bring about a pollution-free environment. The aim is to contribute to improving the protection of citizens and the environment from hazardous chemicals and promote innovation in order to develop safe and sustainable alternatives.

In addition to better health and environmental protection, the objectives also include enhancing the competitiveness of European industry. To this end, the Commission envisages simplifying and strengthening the regulatory framework. It wants to examine how to improve cooperation between EU agencies and scientific bodies, make testing of chemicals more efficient and render decision-making on priorities for action more transparent. Furthermore, it wants to improve the legal situation in individual, specific problem areas, namely the risks posed by endocrine-disrupting chemicals, hazardous chemicals in products, the combination effects of different chemicals and very persistent chemicals.

The strategy is due to be presented in the autumn of 2020. The Commission has published a roadmap outlining the main elements of the strategy in preparation for this.

AK supports many of the specific programmes and initiatives named in the roadmap. However, these programmes and initiatives, taken together, do not yet form a consistent strategy. Several of the challenges identified in the roadmap can only be addressed if more general principles are incorporated into the future strategy.

1. Remarks on specific issues mentioned in the roadmap

1.1 Agreement

AK supports the principle "one substance – one assessment" and the initiative to better control hazardous substances in products.

> An essential element of the REACH Regulation is the principle "one substance, one registration". It appears that, for various reasons, this principle has not always been applied to date. This leads to disparities in the assessment of chemicals by different manufacturers, an unsatisfactory situation for the users of the chemicals. It is therefore necessary to check the registration dossiers for such disparities and subsequently ask the registrants to reconcile the differences.
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> With regard to hazardous substances in products, efforts are needed at various levels to reduce their presence. Despite the right to information that exists in the supply chain, and especially for consumers, the REACH regulations do not mean that substances of very high concern are no longer used in products. In order to achieve this, communication at the European level needs to be improved and, in international trade, more emphasis needs to be placed on the exchange of information and phase-out programmes for substances of very high concern.

AK supports the aim to better take into consideration combination effects; this, however, should not overshadow the need to better understand and control the adverse effects of individual substances in the first place.

> There are still numerous substances whose hazardous characteristics are not sufficiently understood, especially those placed on the market in small quantities. However, even in these cases a comprehensive assessment may be necessary

to better protect workers who handle such substances. Research into combination effects should be balanced against the improvement of knowledge on individual substances and should be as focused as possible in order to identify particularly problematic constellations. In this context it may be appropriate to investigate the combination effects of groups of chemicals rather than the combination effects of individual substances with each other in order to obtain results that can be applied as widely as possible.

The focus on very persistent substances is important. This should be integrated into a more comprehensive approach, in particular as regards substitution.

The REACH Regulation rightly considers persistent substances to be of particular concern and therefore subjects them to special regulations. The relevant International Convention on Persistent Organic Pollutants (POPs) is also an important instrument in reducing damage caused by these substances. All the substances in the POP Convention are halogenated chemicals, most of them chlorinated substances, especially plant protection products. The increasing replacement of persistent substances will therefore take a particularly critical look at halogenated chemicals and focus on alternatives to chemical crop protection.

The AK expressly welcomes the "zero-pollution ambition for a toxic-free environment", as already proposed in the European Green Deal. AK supports ambitious and effective efforts to reduce the use of pesticides and biocides.

Since many of the "sources of pollution" can best be avoided by not authorising them as substances in the first place, a cross-sectoral approach is needed to preventing pollution at its source. In particular, this requires greater coherence with other EU legal acts. Therefore, in order to achieve this "zero-pollution ambition", legislation in the field of agriculture (e.g. the Common Agricultural Policy) and in the field of chemicals (such as the Pesticides Regulation and the Biocides Regulation) must be adapted accordingly; the use of pesticides must be radically reduced. The corresponding objectives in the 'Farm to Fork' strategy and in the biodiversity strategy are also supported.

1.2 Agreement with extensions

The strategy's aim to reduce cancer is appreciated. AK encourages the Commission to specifically continue efforts to fight occupational cancer. This includes laying down further binding occupational exposure limit values (BOELV) for carcinogens in the legislation on occupational safety and health (OSH). A target of additional 25 BOELV for carcinogens until 2024 is proposed.

A study by the European Trade Union Institute (ETUI) reveals the extent of the problem: It is estimated that around 147,000 workers in the EU are diagnosed with cancer every year because they are exposed to carcinogenic chemicals (carcinogens) in the workplace. This makes the urgent need for action particularly clear. The aim of the strategy must be to ensure that no worker contracts cancer as a result of their work. This requires not only binding threshold values, but also improvements in enforcement, especially with regard to the obligation of employers to reduce the exposure of employees to pollutants as far as technically possible ("minimisation requirement").

It also supports the focus on endocrine disruptors. In this context, efforts should be directed towards establishing a unified legal framework. Not only substances known to cause adverse endocrine effects but also those presumed to do so should be included in this definition, in analogy to CMR substances.

Worldwide, the damage to health and development from disruptions of the hormone system caused by certain chemicals is increasing. For many substances there is insufficient data available to be able to assess whether they can cause such interferences ("endocrine disruptors" or "hormonally active agents"). This requires standard assessment criteria; an obligation must be imposed on substance manufacturers to identify these hazardous properties. The application of the precautionary principle requires that even substances which are presumed to cause endocrine disrupting effects are considered as such, not only those where this has been proved beyond all doubt.

AK supports improving the transparency in prioritising action to deal with chemicals. Linked to this is the choice of the appropriate legal instrument, the risk management option analysis (RMOA). This process, too, has to be made more transparent and open to the social dialogue. Principles guiding the RMOA have to be established.

A RMOA assesses which instrument is best suited to mitigate a hazard posed by a chemical substance. Possible options here include setting an occupational exposure limit, making a substance subject to approval or banning it in part or in full. These options entail different costs for manufacturers and also require different levels of involvement by the authorities. An objective, transparent and well-documented assessment system is needed to determine which option is the objectively best for a given hazard. This decision is a task for the relevant authorities, in which the social partners should be involved appropriately.

The notion of "green and sustainable manufacturing" or "green chemistry" is supported if understood in a narrow sense. In order to avoid "green-washing", guidelines and principles have to be developed with public participation, based on scientific criteria.

Time and again, substances or processes are described as "green"; however, when viewed comprehensively, they nevertheless pose a threat. Only if such "green-washing" is averted the term "green chemistry" will have meaning. Therefore, the principles to which "green and sustainable manufacturing" or "green chemistry" must adhere should be comprehensible and clearly defined. This means, for example, the systematic replacement of hazardous with non-hazardous substances or processes, the closing of cycles, the conservation of resources or the use of renewable raw materials.

1.3 Disagreement

The aim of "strategic autonomy" regarding chemicals should not be included in a chemicals strategy, as it does not contribute to a toxic-free environment.

The objective of "strategic autonomy" comes under the umbrella of the Union's external relations. The coordination of economic and industrial policy objectives with the aim of "strategic autonomy" is appropriate, but it must be a dynamic process. If strategic considerations are factored directly into chemicals policy, there is a danger that the protection of people and the environment will be eclipsed by these strategic objectives. Furthermore, the identification of certain substances as strategically important can lead to the omission of measures for innovation and substitution that would otherwise be possible. Therefore, the connection between "strategic autonomy" and chemicals policy should be only a loose one.

The notion of a "sustainable transformation of the chemical industry" should not be treated as one element of the chemicals strategy among others but has to be understood as an overarching guiding principle of the whole strategy.

Such a transformation of the chemical industry is one of the basic prerequisites for the success of the European Green Deal. It focuses on workers and also addresses the industries and sectors that could be negatively affected by an ambitious chemicals strategy.

2. Other specific topics

AK urges the Commission to propose legislation to put substances which are toxic for reproduction on equal footing as carcinogens and mutagens, in particular in the context of OSH.

The particular severity of the damage caused by reprotoxic substances justifies the argument that these chemicals are to be regulated as strictly as carcinogens and mutagens. In several Member States (including Austria), this has already been achieved. This means, for example, that the exposure of workers to these substances must be minimised as far as possible.

For substances exhibiting thresholds for adverse effects, limit values shall be based on these thresholds ("health-based limit values"). The control of substances exhibiting non-threshold-effects, in particular genotoxic carcinogens, necessitates the political consensus on a common risk level below which a substance is deemed controlled ("risk-based limit values"). AK urges the Commission to initiate this discussion under broad public participation, in particular in the social dialogue.

If, for a substance below a certain level of exposure, the risk to workers can be excluded with certainty, the level of this exposure must now be used as the occupational exposure limit ("health-based exposure limit"). However, there are substances where this is not possible. The most important group of such substances are genotoxic carcinogens, which have a carcinogenic effect by directly damaging the genetic material. In future, "risk-based limits" are to be established for such substances. Such risk-based limits are derived from two components: the exposure-risk relationship and a politically defined risk value. The exposure-risk relationship (ERR) is a result of a toxicological assessment of a given

substance and describes how high the risk of developing cancer is depending on exposure. The determination of the risk level is a political process that incorporates concepts of fundamental rights and justice; it is independent of individual substances. This discussion is overdue at the EU level. The public, and the social partners in particular, must be involved.

3. Strategic framework

Establishing a strategic framework means to go beyond the focus on individual substances and on the sectoral aspects discussed above. Among others, there is the need for a more coherent legal framework, for a broad view on substitution of hazardous substances, for a promotion of the precautionary principle, for an international perspective on protection from adverse effects of chemicals and an integration of Sustainable Development Goal (SDG) 12.

This also requires that targets to be achieved by the strategy be set at the appropriate levels. The objectives should be specific, measurable, accepted, realistic and time-bound (SMART); achievement of the objectives should be monitored continuously; if the objectives are not achieved, the measures should be adjusted accordingly.

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About us

The Austrian Federal Chamber of Labour (AK) is by law representing the interests of about 3.8 million employees and consumers in Austria. It acts for the interests of its members in fields of social-, educational-, economical-, and consumer issues both on the national and on the EU-level in Brussels. Furthermore the Austrian Federal Chamber of Labour is a part of the Austrian social partnership. The Austrian Federal Chamber of Labour is registered at the EU Transparency Register under the number 23869471911-54.

The main objectivs of the 1991 established AK EUROPA Office in Brussels are the representation of AK vis-à-vis the European Institutions and interest groups, the monitoring of EU policies and to transfer relevant Inforamtion from Brussels to Austria, as well as to lobby the in Austria developed expertise and positions of the Austrian Federal Chamber of Labour in Brussels.