

CHEM Trust response to the CARACAL Document “Proposal for a Restrictions Roadmap under the Chemical Strategy for Sustainability”

1 Introduction

CHEM Trust welcomes this opportunity to input into the discussions on the Restrictions Roadmap. In our view this is an important process to accelerate much-needed action to control the use of hazardous chemicals.

It is vital that the Commission leads on the implementation of this roadmap and demonstrates how, within the current framework, it can accelerate action, using a group approach to deliver restrictions covering all relevant uses, including food contact materials. The current substance-by-substance approaches have been too slow. One case that CHEM Trust has examined is Decabrominated diphenyl ethane (DBDPE), where the substance evaluation process has not yet reached a conclusion, despite starting more than nine years ago¹.

Ensuring that this process yields tangible results for a toxics free environment will help to maintain the European Green Deal momentum while the wider legislative reform process is underway.

2 Comments on overarching aspects of the proposed roadmap

Integrated regulatory strategy

The document states that, as part of the integrated regulatory strategy:

For each group of substances, authorities consider whether there is a need to initiate further regulatory risk management activities for the whole group, for a subgroup or for individual substances within the group. The conclusions for each group are currently available in ACT for MSCAs and COM and will be made publicly available starting from late 2021.

It would be very useful if these conclusions were publicly available as soon as possible, given that they are likely to be a useful input to the Restrictions Roadmap.

The danger of “no data, no problem”

We continue to be concerned about the continued ability of **lack of data** to delay action. This creates a ‘no data, no problem’ approach which should not be part of a modern EU chemicals policy. Increased use of grouping and a precautionary approach to read across (of both hazards and uses) should be used to avoid this counter-productive approach.

¹ “The polluting chemical in our sofas – and polar bears – that shows that REACH controls are failing”, May 2021, CHEM Trust blog: <https://chemtrust.org/sofas-polluting-polar-bears/>

Clarity on Commission leadership

In order to ensure that the Restrictions Roadmap delivers results in a timely way it is vital that there is clarity on who will do what by when.

CHEM Trust's analysis is that accelerating progress will require Commission leadership. The Commission has the powers and with ECHA the world's leading expert resource to significantly accelerate the regulatory outcomes.

However, it is clearly also vital that member states resource this essential work, both developing restrictions (like the PFAS group restriction) and by adequately staffing the ECHA committees. This should be viewed as part of their national commitment to workers, public and environment, in their country, around the EU and beyond.

We would propose this specific target:

By the end of 2022 the Commission will ask ECHA to prepare Restriction Dossiers for the following groups:

- **Bisphenols**
- **Organophosphate flame retardants**
- **Alkylphenols (and Phthalates?)**
- **Brominated Flame Retardants**

The current Commission will then be able to take decisions on these restriction dossiers before the end of its term.

3 Comments on the substances listed

We recommend focusing on the new groups where the Commission and others commit to address them.

While a 'rolling list' is interesting public information, it does not fit the idea of a roadmap to bridge the time until a new REACH regime is put in place. However, we do see a value in updating the roadmap in the future to incorporate new priorities, for example upcoming new data from the EU wide human Biomonitoring project HBM4EU as well as from the new PARC project, and data from environmental monitoring.

We are supportive of the newly listed substances, however we consider that there is a need for more clarity in some of the groups mentioned, and there is a substantial gap in action on brominated flame retardants, despite the well-established problems caused by this group of chemicals, and ongoing regrettable substitution, including by DBDPE as mentioned above.

3.1 PFAS Group restriction

- We are very supportive of the planned group restriction on non-essential uses of PFAS substances, and hope to see this collaboration between Member States and ECHA generate good results and a wide-ranging restriction to prevent the continued use and emission of these polluting chemicals.

3.2 Ortho-phthalates

- We welcome a wide-ranging restriction on ortho-phthalates, extending beyond those that are already controlled.

3.3 Child care articles

- We are supportive of a wide restriction on the most hazardous chemicals in childcare articles, though we note with concern that there is currently no timeframe for this in the table.

3.4 Organophosphate flame retardants

- We welcome a proposed restriction on three organophosphate flame retardants, though we would suggest that other organophosphates could be added to this list, including those identified within the scoping document for the HBM4EU project² and in dietary intake research³.

3.5 Bisphenols

In March 2018 CHEM Trust published our “Toxic Soup” report⁴, examining how industry was moving from one problematic bisphenol to another, and concluding that there needed to be a group restriction on bisphenols. We therefore welcome the proposal to create a new group restriction on bisphenols, going beyond the proposed German group restriction based on environmental impacts.

We are however concerned at the suggestion that this process could be delayed in order to generate further data. In addition no-one is yet identified to prepare the restriction, nor is there any timeline. We would propose that the Commission asks ECHA to undertake this work as soon as possible, given that our exposure to these endocrine disrupters is ongoing.

3.6 Alkylphenols

In 1994, Michael Warhurst, now CHEM Trust’s Executive Director, wrote “*An Environmental Assessment of Alkylphenol Ethoxylates and Alkylphenols*”⁵ which reviewed the evidence on these chemicals, particularly examining their endocrine disrupting properties. The first recommendation of this report was:

“The production of all alkylphenols and their derivatives should be stopped as soon as possible. An immediate ban should not present a problem to most industries. Any industries which require time to modify their processes could be given a couple of years to comply”

The table in the proposed restrictions roadmap states that *“Discussions are ongoing on how to address the wider group of alkylphenols. The scope of a potential restriction needs to be further defined.”*

In CHEM Trust’s view this is a group of chemicals that have been known to be endocrine disrupting for over 26 years, and it is time this restriction was put in place.

² HBM4EU Scoping Document, Prioritised substance group: Flame retardants, 2017
<https://www.hbm4eu.eu/wp-content/uploads/2017/04/Scoping-document-on-flame-retardants.pdf>

³ Gbadamosi, M. R., Abdallah, M. A., & Harrad, S. (2021). A critical review of human exposure to organophosphate esters with a focus on dietary intake. *Sci Total Environ*, 771, 144752.
<https://pubmed.ncbi.nlm.nih.gov/33540161/>

⁴ <https://chemtrust.org/toxicsoup/>

⁵ <https://euenvironmentblog.files.wordpress.com/2021/02/aperpt.pdf>

3.7 A missing group: The brominated flame retardants

We were surprised to not see any mention of a group restriction on brominated flame retardants, which are a group of chemicals that has been a focus of regulatory action for decades.

Some brominated flame retardants are now designated as UNEP POPs, others are subject to Restrictions. However, many remain in extensive use, with DBDPE an example of one that REACH has so far been unable to deal with, despite widespread pollution and contamination and a substance evaluation process that started more than nine years ago.⁶

CHEM Trust's "No Brainer" report in 2017⁷ highlighted some of our concerns about the neurodevelopmental impacts of these chemicals, while contamination of wildlife and our homes is widespread. A large number of these chemicals are listed in the HBM4EU Flame Retardants document, see footnote 2 above.

Given that this group of substances has been discussed for decades yet pollution, exposure and continued regrettable substitution remains routine, in CHEM Trust's view there is an urgent need for the Commission to ask ECHA to develop a group restriction for brominated flame retardants. They should be phased out and replaced by safer alternative substances or techniques.

⁶ "The polluting chemical in our sofas – and polar bears – that shows that REACH controls are failing", May 2021, CHEM Trust blog: <https://chemtrust.org/sofas-polluting-polar-bears/>

⁷ <https://chemtrust.org/brain/>