



Leuven, 17.07.2020

Chemicals Strategy for Sustainability

Dear Dr. Pettinelli,
Dear Dr. Flüh,

In the name of the European Committee for Surface Treatment (CETS), we are writing to you concerning the planned Chemicals Strategy for Sustainability.

CETS is an international federation of national associations engaged in the supply of technology, chemicals, and paint products to the surface treatment industry. Across Europe, the surface plating industry is made up mainly of small and medium-sized businesses that account for about 440,000 jobs. CETS represents several hundred SMEs in the European Union. Our work particularly focuses on European chemicals policy with a view to (i) internal market issues, (ii) occupational health and safety, and (iii) environmental protection and sustainability.

As you know, some initial details of the planned Chemicals Strategy for Sustainability have been the subject of reports in the Brussels media landscape. As the planned policies will have an impact on our industry, we should hereby like to make some comments with regard to the draft strategy, as reported, from an SME view point.

- Page 2, *Introduction*
 - The draft strategy points out that the choices of chemical used are an essential part towards a healthy, sustainable and resilient society. In our view, this can be achieved not just by making a choice between chemicals, but rather by ensuring their safe handling. This is notably true for chemicals used only in production processes, which do not reach the final consumer.
- Pages 3-4, *The vision for 2030*
 - The aim to ensure an ever more safe use of chemicals is commendable. Our industry supports this goal and continues to invest in innovative production methods. Nonetheless, it is important to take into account, the progress already achieved to date. Quantitative figures prove that the life-expectancy of European citizens has increased and the infant mortality rate has also gone down. We therefore question the “urgency” laid out in the strategy. We advocate chemical regulation based on scientifically sound data and risk management measures, instead of the blanket demonization of hazardous chemicals.
 - We take note of the extraordinary aspiration to attain a “toxic-free environment” with view to the “zero pollution ambition”. In this regard, the pareto principle should be kept in mind, whereby achieving the last 20% of the goal will require 80% of the efforts. Companies today already struggle under the burdensome and restrictive REACH regulation as well as other European and national laws. Adding further regulation with the aim of attaining a small improvement, will require efforts that many industry players will not be able to sustain. As a result, companies will relocate to third countries or stop their production.
 - Overall, this section gives a negative connotation to chemicals, without sufficiently acknowledging the successful management of chemicals and derived products in Europe. The safe use of hazardous

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chemicals has for many decades contributed to growth of the European economy and will remain a central pillar also for the future.

- Page 6, *Protecting from the combination effects of chemicals*
 - According to the draft strategy, the Commission will introduce a mixture assessment factor in Annex I of REACH. We question whether such a factor will lead to scientifically reliable data. The toxicity of many substances is based on inferences and extrapolations of data, instead of on epistemological findings. Therefore, adding a mixture assessment factor will accentuate the inaccuracies and lead to unreliable conclusions.
- Pages 7-8, *Promoting safe and sustainable-by-design chemicals, materials and products*
 - We highly welcome this approach along with the proposed measures to establish common criteria, provide financial support, while ensuring a regular exchange with relevant stakeholders via a support network. We consider this approach to stimulating innovation as more efficient and constructive than restrictive regulations.
- Page 12, *A zero tolerance approach to non-compliance with chemicals legislation*
 - The draft strategy outlines that 90% of products flagged due to risks stemming from chemicals come from outside the EU. We therefore consider it would produce more effective results to strengthen the rules and controls on imports from third countries than necessarily to tighten further the already strict internal European chemicals policy.
- Page 13/14, *One substance, one assessment.*
 - We welcome the Commission's aim to reduce the complexity of the legal framework in chemicals regulation. However, we remain critical of the idea of the "one substance – one assessment" principle. The assessment only seeks to establish the level of risk the chemical poses in general. However, in order to obtain a full understanding of the substance's impact, the impact of each use of that substance would need to be analysed. The issue is not the toxicity of a substance itself but rather the concentration at which it is being used and under what precautionary measures.
 - Furthermore, the one substance, one assessment approach stands in contrast to addressing risks for "specific population groups" mentioned in the draft strategy, as for each group another assessment would need to be made. Taking a vulnerable group as the main reference for the entire population is not a viable solution either, as it would have far-reaching implications on the economy without any health benefit for the vast majority of the population.
 - A move from a substance-by-substance approach towards the group assessment of chemicals may seem plausible on the surface. However, when going into the details it becomes clear that such an approach does not meet the requirements of scientific reliability. In particular, to assess groups (for example, homologs in organic chemistry), they are broken down into just a few individual elements. Therefore, it is questionable whether the attempt to force a substance into a group is not more complex and risky than an individual assessment of the substance. Even assuming group approaches could be useful, they would hardly be possible without the assessment of individual substances that are part of the group in question. CETS therefore considers that resources should not be spent on such a group approach. Instead these resources could be used to carry out thorough scientific studies on assumed risks.
 - We welcome the planned set-up of a working group of Commission Services and Agencies to strengthen coordination across different policy fields. In order to ensure a balanced and realistic picture of the regulatory context, regular exchanges with affected stakeholders from industry should take place. CETS is willing to contribute to this forum with its long-standing and in-depth expertise in European chemical policy, which draws from the wealth of experience in SMEs across the continent.
- Page 15-16, *Improved access and sharing of chemical data for citizens, authorities and industries*
 - We believe that one of the underlying purposes of the current digital transformation is to remove excessive red tape and make regulatory/administrative and bureaucratic processes simpler and

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faster. However, we are alarmed by the policy trend towards developing ever more complex databases with only limited use to the public, industry and policy-makers alike. The requirements imposed by such databases are highly burdensome and take up, disproportionately, the limited resources of SMEs. The SCIP database, for instance, already significantly increases the burden for affected companies. We therefore call on the Commission to refrain from establishing any further online reporting requirements.

- Page 17, *A strengthened chemical science-policy interface*
 - We commend the commitment to improve the scientific understanding of the impacts of chemicals. We encourage basing chemical policy on epidemiological findings.
- Page 19, *Promoting the highest safety and sustainability standards outside the EU*
 - According to the draft strategy, chemical production is expected to double globally by 2030, whilst the EU chemicals industry is expected to shrink to 10,7%. These opposing trends can also partly be explained by the fact that the use of chemicals continues to be restricted in the EU, triggering the relocation of production lines to third countries. It is therefore of the utmost importance to continue to maintain a strong chemicals industry in Europe, whilst ensuring the necessary precautions (e.g. risk management measures) are being implemented - as has been done in Europe for many years.

In addition, the findings of the REACH Review 2018 clearly indicate that some of the Regulation's goals have not yet been achieved. It is expected that this will only be the case within the next decade. The [report](#) states: “*The evaluation has identified a number of shortcomings and key issues that hamper the achievement of REACH objectives*” (page 4). We fully agree with this conclusion. We therefore call for further analyses to establish whether the REACH Regulation achieves its goals on the basis of quantitative(!) data. Such quantitative evidence could, in turn, be the used as the basis for possible regulation. The general demonization of chemicals as a whole – even if they pose no known threat to consumers, as is the case of chromium trioxide in surface treatment – will not increase the level of protection for the environment or workers dealing with the substances. Instead, it will slowly but steadily shrink our European market and strengthen non-EU competitors.

We believe that we all share a common goal in striving for an effective regulation of dangerous substances in order to protect the environment and European citizens. Having said this, we believe that solid policy initiatives should be driven by scientific rigour. Any regulation should be made on an accountable basis, in which the benefits of the policy can be proven by means of quantitative data. We believe that some of the proposed initiatives in the draft strategy still lack these aspects. We therefore kindly ask you to consider the above points in the ongoing drafting of the Chemicals Strategy for Sustainability.

We remain at your disposal for any questions you may have and we would welcome the opportunity to discuss this with you in greater detail during a call or personal meeting.

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We have taken the liberty to also send a similar letter to the responsible Directorate B “Circular Economy and Green Growth” at DG Environment.

Yours sincerely,

Dave Elliott, President
European Committee of Surface Treatment (CETS aisbl)

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