



EU Monitoring Report 25 June – 2 July 2020

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EUROPEAN CHEMICALS AGENCY

REACH

- **EU inspectors to check consumer products for hazardous substances**

Source: European Chemicals Agency

The Enforcement Forum agreed that its major enforcement project planned for 2022 (REF-10) will focus on integrated checks of products that control several duties from different pieces of legislation – mostly related to articles, but also to mixtures. Most of the products are expected to be consumer products.

Inspectors will check that the products comply with restrictions for selected hazardous substances under REACH. The controls will also check whether products comply with restrictions for the presence of persistent organic pollutants defined under the POPs Regulation. Specific substances to be covered by these checks will be decided in 2021 and could potentially include for example phthalates or PFOS.

Enforcers will also check REACH duties for substances in articles requiring that information on substances of very high concern in products is being communicated in the supply chain.

These duties under REACH and POPs will be checked for specific types of material such as rubber, plastic or textiles. In this way each product can be controlled for several REACH or POPs requirements which will broaden the scope of controls and strengthening the protection of EU citizens and the environment. This enforcement project will be prepared in 2021, with inspections conducted in 2022 and the report expected at the end of 2023.

The Forum also set timelines for the pilot project on the classification of mixtures, which will focus on classification of detergents and cleaning products. The preparation for this project will start at the end of 2020, with inspections taking place in 2021 and 2022 and the report expected in 2023.

Ms Katja vom Hofe (Germany) was re-elected as the Forum's Chair and Ms Sinead McMickan (Ireland) as the Vice Chair. Mr Henrik Hedlund (Sweden) was also elected as the Forum's Vice Chair.

The Forum for Exchange of Information on Enforcement met virtually on 22-25 June 2020.

Forum's Biocidal Products Regulation Subgroup (BPRS)

The BPRS re-assessed Member States' ongoing enforcement activities to address non-compliant (hand) disinfectants, which have appeared on the market during the ongoing COVID-19 pandemic and concluded that current intensified enforcement actions at the national level are sufficient to address these cases. The BPRS also agreed to work with the Commission to address any questions related to the borderline between the BPR and the Cosmetics Regulation. *Mr Eugen Anwander* (Austria) was re-elected as the BPRS Chair and *Ms Jenny Karlsson* (Sweden) was elected as the Subgroup's Vice Chair. The BPRS met virtually on 26 June 2020.

More information:

<https://echa.europa.eu/-/eu-inspectors-to-check-consumer-products-for-hazardous-substances>

- **RAC meeting in September – agenda available**

Source: European Chemicals Agency

The agenda of the upcoming meetings of the Committee for Risk Assessment (RAC) is online. RAC will meet virtually on **8-9 September** and from **14 to 17 September 2020**. The Committee agenda includes discussions regarding an opinion development on perfluoro-hexanoic acid (9.1 Restriction Annex XV dossiers).

More information:

https://echa.europa.eu/documents/10162/29022590/RAC-54_ProvisionalDraftAgenda.pdf/

EUROPEAN PARLIAMENT

SUSTAINABILITY

- **MEPs call on EU Commission to step up action against dangerous chemicals**

Source: European Parliament

The upcoming new EU chemicals strategy for sustainability must better protect our health and the environment, says Environment, Public Health and Food Safety Committee.

On Monday, the *Environment, Public Health and Food Safety Committee* adopted a resolution by 65 votes to 1 and 14 abstentions, calling on the Commission to come up with a new chemicals strategy for sustainability that effectively ensures a high level of protection of health and the environment, minimising exposure to hazardous chemicals. It also says that further regulatory measures are needed to adequately protect vulnerable groups such as children, pregnant and breastfeeding women and the elderly.

The new chemicals strategy must fully reflect the precautionary principle and the polluter-pays principle, as well as being more transparent during the approval process. It should also encourage safe and sustainable alternatives to be developed in a competitive way, including through a clear commitment to securing funds for research.

MEPs believe there is a need to support the ‘one substance – one hazard assessment’ principle, to allow substances to be reviewed by only one EU agency to speed up and make chemicals regulation more consistent.

More to be done on endocrine disruptors and pesticides

The resolution calls for a comprehensive EU framework on [endocrine disruptors](#) (EDCs) to effectively minimise the extent to which humans and the environment are exposed to EDCs, and insert specific provisions into legislation on toys, food contact materials and cosmetics to treat EDCs like substances that are carcinogenic, mutagenic or toxic for reproduction.

It also calls on the Commission to heed the various [calls of the European Parliament](#) to improve the EU’s authorisation procedure for pesticides and accelerate the transition towards low-risk pesticides.

Encourage green innovation and end toxic recycling

MEPs call on the Commission to develop EU criteria for Sustainable Chemicals to provide incentives for sustainable chemistry, materials and technologies, especially non-chemical alternatives that are safe.

MEPs also underline that there are harmful chemicals in recycled products and therefore call for the same rules that apply to new products to apply to recycled materials. The EU must also minimise and progressively replace animal testing through expanded use of new approach methodologies and intelligent testing strategies.

Next steps

The resolution, which still has to be adopted by Plenary, is Parliament's input to the upcoming [EU chemicals strategy for sustainability](#) foreseen to be presented by the Commission this autumn. A draft [roadmap](#) was open for feedback until 20 June. It is part of the [European Green Deal](#).

An [oral question to the Commission](#) has also been adopted, asking what measures the Commission is intending to take under the chemicals strategy for sustainability and in particular, how the Commission intends to improve the functioning of [REACH](#) to close the regulatory gaps in EU legislation.

More information:

<https://www.europarl.europa.eu/news/en/press-room/20200622IPR81708/meps-call-on-eu-commission-to-step-up-action-against-dangerous-chemicals>

STAKEHOLDERS

SUSTAINABILITY

- **Chemicals Strategy For Sustainability Must Harnesses The Enormous Potential Of Europe's Chemical Industry Towards Delivering European Green Deal Objectives**

Source: The European Chemical Industry Council

Chemicals are key components of materials used in wind turbines, solar panels, electric batteries and building insulation in addition to playing a vital

role in everyday needs of society, from medicines to clothes. The COVID19 pandemic has also shown a key role our industry plays in producing essential supplies during this unprecedented public health crisis. Chemical processes and products are present in every imaginable industrial ecosystem in Europe today, which makes us an important player in the post-COVID19 economic recovery.

“This is why we see this strategy as an opportunity for European and member state authorities dealing with climate, circular economy, innovation, trade, enforcement and digital policies to work more closely with the chemical industry to deliver on the European Green Deal objectives, accelerate the post-COVID19 Green Recovery and strengthen EU’s strategic value chains” – Sylvie Lemoine, Cefic’s Executive Director Product Stewardship

This holistic strategic approach would also help maintain a high level of protection for people and environment and support the industry’s investments into developing safer and more sustainable substances on European soil.

“The upcoming strategy should be based on three pillars – improvement, innovation and enforcement – to make this vision a reality” says Sylvie Lemoine, Cefic’s Executive Director Product Stewardship

It should be based on further improving the implementation of REACH, which is already the most sophisticated regulatory framework on chemicals in the world providing one of the highest level of protection in the world. A more effective implementation of REACH will bring more consistency in application of already more than 40 pieces of legislation, governing production and use of chemicals. Moving towards the principle of ‘one substance-one assessment’ for substances should result in greater predictability for industry and improve people’s trust in regulatory opinions issued by EU agencies.

Developing a new EU ‘Safe-and-Sustainable-by-Design’ standard and increasing funding for new predictive toxicology tools would accelerate development of innovative and safer alternatives to hazardous substances. Finally, stricter enforcement of all EU chemical and environmental laws for imports would ensure no chemicals enter Europe that do not comply with its rules.

More information:

<https://cefic.org/media-corner/newsroom/chemicals-strategy-for-sustainability-a-unique-opportunity-to-harnesses-the-enormous-potential-of-europes-chemical-industry-towards-delivering-european-green-deal-objectives/>

- **Chemical companies say ChemScore doesn't present 'full picture'**

Source: Chemical Watch

Some chemical companies ranked in NGO ChemSec's recently launched [ChemScore](#), have said there are "shortcomings" in the assessments and that they do not present the "full picture" of a company's safe management of chemicals.

ChemScore – launched on 16 June – ranks chemical companies against four criteria, largely looking into their efforts to reduce the production of hazardous chemicals and increase investments in "safer, greener alternatives".

Chemical Watch contacted all 35 companies to ask for responses to their individual rankings and the criteria to assess them. Nine companies responded by the time of publishing.

Most argued the hazard assessment of a company's product portfolio did not provide a full picture because other sustainability factors – and how the risks of hazardous chemicals are managed – were not considered.

Covestro, which received 18 of a possible 48 points, said that while it "recognises the hazards of chemicals, we consider it only one aspect of a comprehensive risk management". And Ecolab, which received 14 points, said the rankings "do not reflect a total impact view or how the chemistries are consumed or what the societal benefits are".

However, Chemsec's Sonja Haider said carbon disclosure as well as water, waste and emissions are now often included in sustainability reporting and so "we didn't want to duplicate existing rankings and evaluations ... and focused solely on chemical practices".

She added that risk management is expensive and "can be very complex and is by no means foolproof". "When products are used in unintended ways or without the required protection, these predictions fail to fulfil their purpose, which is to protect human health and the environment," she said.

Evonik, which received 13 points, said there are "shortcomings" in how companies were scored, highlighting, for example, the "double negative scoring" for substances on ChemSec's Substitute It Now (SIN) list and the EU REACH candidate list.

"If a given chemical is on the SIN list, on the SVHC list and on the authorisation list as well, it gets triple the number of negative points, even though it is one and the same chemical," it said.

Ms Haider said all chemicals accounted for in ChemScore are "very hazardous and have extremely problematic properties". However, from an investor's point of view, some are worse than others, she added.

For persistent chemicals, the risk of "huge future liabilities is a very probable scenario", said Ms Haider, while for others, regulation is approaching (REACH Candidate List) or imminent (REACH Authorisation List) and so certain substances are weighted more heavily (counted twice) when calculating the total hazard score for each company.

BASF, which scored 14 points, declined to comment, while Bayer did not comment on its score or report card. The remaining 26 companies did not respond to a request for comment by the time of publishing.

Global production

In calculating company scores, ChemSec said it was necessary to balance different companies' global production patterns – in the EU or US, where data is publicly available versus the rest of the world – to achieve a fair ranking.

The higher the share of production of chemicals within the EU and US, the higher the company score.

In response, Evonik, which received five out of 12 points for the transparency category, said that to provide an accurate view of a company's production, and therefore apply a suitable score, a company would have to continuously update its data because "the portfolio in any given country is in constant flux".

A company's portfolio changes as acquisitions and divestments take place, or manufacturing stops or re-starts according to customer demand, the company said. Ms Haider said that for future rankings ChemSec plans to take production patterns into account, such as acquisitions and divestments. Of those who responded, Evonik was one of two companies to provide the total number of substances and products it produces globally – 4,000.

The other firm, Indorama Ventures, a Thailand-based company who came in second place after DSM with 27 points, told Chemical Watch it produces 17

chemicals outside of the EU and US, in India and Australia. The company has around 120 manufacturing sites in 33 countries around the world.

AkzoNobel, holding third place with 24 points, said it provides "all necessary data on the substances we use in our products to other regional or national organisations outside of the EU and the US in order to support the manufacture and use of our products in those countries", such as Japan, China and South Korea. It added that it does this through its material safety data sheets (MSDSs).

However, Ms Haider said that going through all MSDSs for all products to identify the SVHCs or SIN substances is "cumbersome". "As I'm aware not all the ingredients need to be shown in a MSDS and so this is still incomplete in our eyes," she said.

Investors

ChemScore rankings will be published annually and aim to drive investors towards the "chemical industry frontrunners and divest from laggards".

ChemSec says it is hoping the five big socially responsible investment (SRI) rating agencies will take note of, and incorporate, ChemScore into their rating methodologies. These are Sustainalytics, Vigeo-EIRIS, ISS-ESG (including oekom, GES) MSCI and RobecoSAM, which feeds into the Dow Jones Sustainability Index (DJSI). Indorama said it is "very aware" that investors are increasingly looking at sustainability.

"We also know that lenders, suppliers and customers are tracking our efforts; therefore having a good and improving [ChemScore] grade is clearly beneficial to our reputation and our cost of capital over the long term."

Evonik did not comment on whether the rankings would directly impact investor decisions about the companies, but it did acknowledge that investors use a "huge variety of existing criteria and rankings to evaluate target companies for investment, including responsibility aspects". And AkzoNobel said there is "no doubt" that investors consider sustainable practices, including the management of chemicals, when deciding where to invest.

More information (subscription needed):

<https://chemicalwatch.com/129355/chemical-companies-say-chemscore-doesnt-present-full-picture>