

EU CHEMICALS STRATEGY FOR SUSTAINABILITY

A.I.S.E. comments to Roadmap

19 June 2020

A.I.S.E. wishes to thank the European Commission for the opportunity to provide input to its Roadmap on the Chemicals Strategy for Sustainability (hereafter 'CSS'). As the voice of the detergents, cleaning and maintenance products industry in Europe, A.I.S.E. welcomes an EU strategy for chemicals with a policy environment which protects human health and the environment while also recognising the need for a healthy and competitive chemicals industry in Europe, with innovation at its centre.

For the industry to operate, the framework of the strategy should be balanced, fair and pragmatic and set as an objective to secure safe chemicals and chemical products on the market. The concept for this should be reflected in appropriate language – for example it is valid to seek to minimise sources of anthropogenic pollution, but setting an objective of a 'toxic-free environment' is unrealistic since there are many natural toxins to be found among flora and fauna.

A.I.S.E. wishes to raise the following key points to achieve a sound Chemical Strategy for Sustainability which allows for a Green Recovery:

- The strategy should **foster innovation** to allow the sector to continue providing solutions for society, be it on aspects of health and hygiene (disinfectants) or on sustainability;
- A **proportionate, coherent and science-based regulatory framework**, based on risk, which is implemented and enforced in a harmonised way across the EU;
- A **faster and more agile assessment and approval process for biocidal products** to ensure rapid availability of important products on the market in sanitary crises;
- **Clear and consistent communication about the classification** of a product and **leveraging the digital agenda** for information about hazard and safe use.

A valuable and innovative sector in Europe

The European household care and professional cleaning and hygiene industry provides public benefits in terms of health and well-being, which extend far beyond the economic gains of business activity. The products of this sector form an **essential** part of the lives of every European, and it is important that any chemicals strategy recognises the solutions for society that these products provide, besides their contribution to European prosperity.

A.I.S.E. and its member companies have a long track record of investment in innovation to offer most efficient products that are **safe and sustainable** in use. Examples include the advances in low-temperature washing, controlled and unit dosing and [compaction](#) of household laundry detergents. A.I.S.E.'s flagship initiative, the [Charter for Sustainable Cleaning](#), has shown how

voluntary industry programmes can facilitate continual improvements in sustainability in both the production and end use of cleaning and maintenance products. Furthermore A.I.S.E.'s product stewardship programmes on air fresheners and on liquid laundry detergent capsules have established best practices for product safety beyond or in advance of legislative measures. In addition, A.I.S.E. member companies have a long history in minimising persistence of chemicals in the environment through innovation in **biodegradability of ingredients**.

A secure future for Biocidal products

The importance of this sector has been especially placed in the spotlight by the Covid-19 public health crisis, which has seen unprecedented demand for disinfectants and other cleaning products. It is expected that the demand will remain high or increase as confinement measures are being lifted. In this and any future crisis, it is essential to maintain uninterrupted access to efficacious products in both consumer and professional settings.

The Commission Report on the sustainable use of biocides COM(2016)151¹ highlights that *“Sustainable use can be defined for biocidal products as the objective of reducing the risks and impacts of the use of biocidal products on human health, animal health and the environment and of promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to biocidal products”*.

While it should be noted that biocidal products placed on the market are fully compliant with safety requirements, and therefore safe to use, A.I.S.E. has also noted a number of ‘gold-plating’ measures placed on the EU BPR by Member States leading to increased difficulty to make those products available.

In addition, the industry has also seen pressure on available Active Substances increase in recent years due to a diminishing number of options available for the manufacture of liquid detergents containing preservatives.

- A.I.S.E. calls for the EU Biocidal Products Regulation (BPR, Regulation (EU) 528/2012) to form an explicit part of the CSS and the future of chemicals policy in the EU, by helping to smooth existing issues related to the implementation of the regulation, and by ensuring availability of in-can preservatives (Product Type 6).
- A.I.S.E. calls for faster and more agile processes for assessment and approval of **biocides** across the EU.

The future strategy must support and foster future innovation, for example by maintaining/extending exemptions on product- and process-orientated research and avoiding disproportionate regulatory burden on low-volume substances, on polymers or on the many millions of mixtures formulated by A.I.S.E. members. All regulatory proposals should naturally be subject to robust **impact assessment**, conducted in conjunction with the relevant stakeholders; this should apply equally to harmonised hazard classifications, since classification and labelling is not merely a tool for communication of hazard properties but can have automatic and far-reaching consequences on downstream users and other legal instruments, including restrictions and legislation on waste and circularity.

The CSS can also better support industry through greater **predictability and consistency** of regulation, avoiding surprises and urgent changes which impact severely on business planning

¹ pursuant to Article 18 of Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products

(and on sustainability, where wastage occurs in unsaleable chemical products and/or unusable packaging). At present there is no obligation to conduct a **Risk Management Options Analysis** before proposing a regulatory measure, nor to complete a substance evaluation under REACH prior to proposing a new harmonised classification. Introducing such conditionality of steps would help industry to plan better for the future and to innovate without the fear of significant wasted resources and cost.

A proportionate, science-based regulatory framework

The already established regulatory framework in the EU is of high value, and therefore the first priority is to **consolidate and to improve the basis of existing legislation** by building on the recent findings of the reviews and Fitness Checks. A.I.S.E. is calling for **consistency and coherence** between the different pieces of legislation and equally for **proper enforcement and harmonised implementation**, before moving forward to develop new legislation.

The work of A.I.S.E. is firmly rooted in science, and A.I.S.E. is a signatory or supporter of numerous research activities on human health and environmental aspects, such as the [ERASM](#) partnership on surfactants and the [European Partnership on Alternative Approaches to Animal Testing, EPAA](#). A.I.S.E. calls for all EU **chemicals regulation to be based on sound science, and particularly on the assessment of risk**: the uses of and exposures to chemicals must always be taken into account in establishing safe use. This is the basis of REACH (Regulation (EC) No 1907/2006) – a framework which has been shown in two regulatory reviews to be fundamentally fit for purpose and requiring only improvements in implementation, not new or stricter measures. A.I.S.E. has been, and intends to remain, a significant contributor to the successful implementation of REACH as a downstream user sector, both through its own activities (use map package, Safe Use of Mixtures Information documents etc.) and as part of the Downstream User sectors' platform DUCC.

Regulating chemicals on the basis of their hazard alone is excessively simplistic and risks stigmatising and removing from the market chemicals with important societal and economic benefits, as illustrated above. **Any regulation should properly “reflect scientific evidence on the risk posed”** and any hazard classification should reflect the actual adverse effect manifested (if any), for example toxicity to reproduction (effects on fertility, development of offspring and/or lactation) – all already adequately represented in the existing GHS/CLP system of classification and labelling. Such hazard classifications would then form a starting point for the appropriate assessment of risk, taking into account all relevant evidence.

In this context, policy decisions that are unduly generic or precautionary should be avoided. Addressing combination effects (unintended mixtures) of chemicals should use, promote and extend existing scientific research into the actual combinations and interactions in practice and the adverse effects that result. The application of a generic Mixture Assessment Factor, adding yet further safety margins into the derived values for substances, is a blunt instrument which could render many valuable chemicals unusable in practice, and even discourage/disincentivise further scientific research.

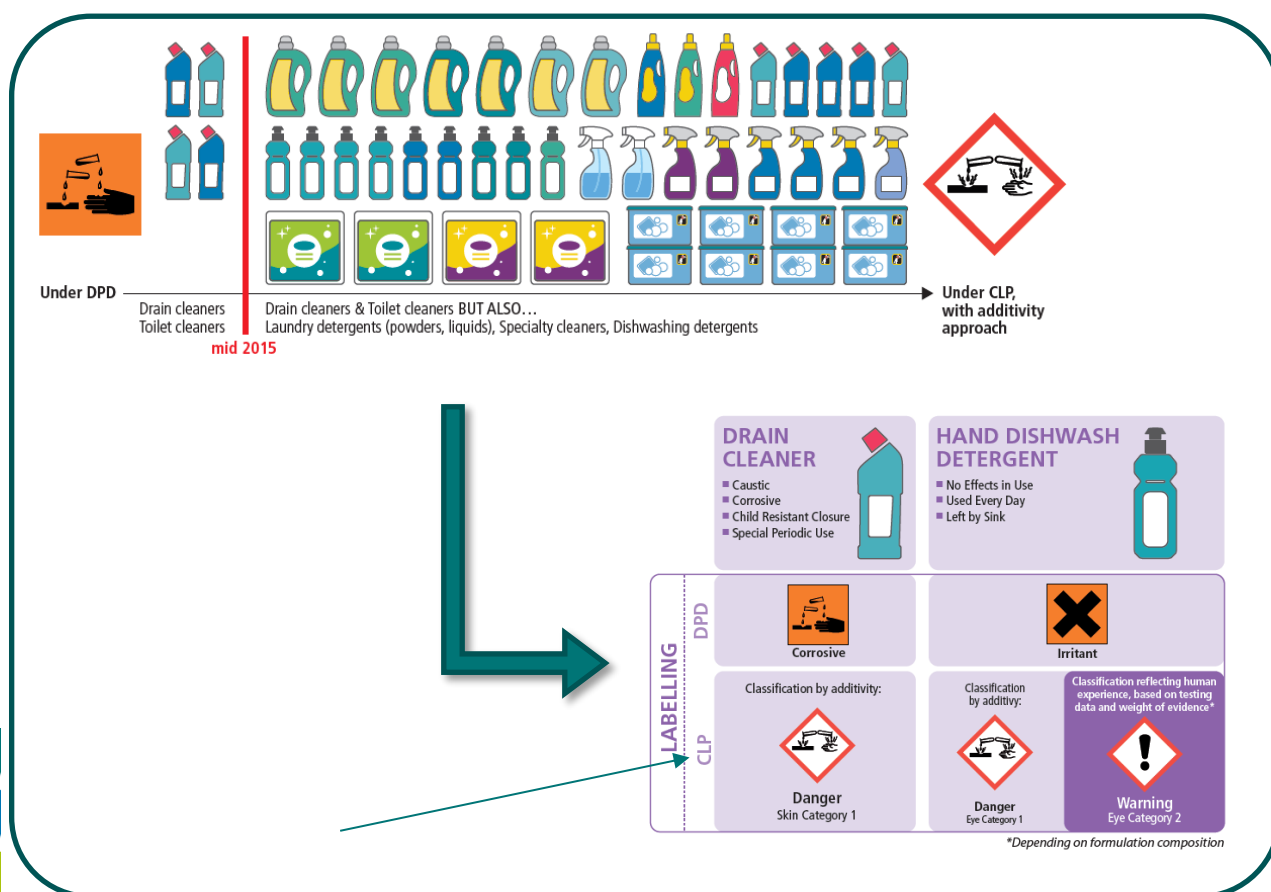
The approach of “one substance, one assessment” should be more clearly differentiated as a single hazard assessment for a substance. Risk assessments however should remain tailored to their different purposes and legislation, taking into account the use and the exposure to the substance. Cooperation and coordination between agencies are nonetheless important to maximise consistency.

Clarity and communication

As the objective of the strategy is to secure safe chemicals and chemical products on the market, it should be a clear goal to build on the achievements made through existing legislation e.g. REACH and CLP. The **reference cited in the roadmap is misleading**, stating that in 2018, “chemicals with properties hazardous for human health still represented 74% of the total chemical production in Europe, a percentage overall unchanged since 2004”. This may imply, erroneously, a failure by industry to substitute existing toxic chemicals with less hazardous ones: in reality it overlooks the fact that the definition of a hazardous chemical has changed with the move from the former Dangerous Substances/Dangerous Preparations Directives to GHS/CLP, which expanded the scope of classification as ‘hazardous’ compared to the former definitions of ‘dangerous’. It also neglects the fact that testing of substances to comply with the provisions of REACH has generated much more information on the properties of substances, leading to greater identification of hazards than in the past.

A.I.S.E. calls on the Commission to ensure that **any hazard classification schemes will remain within the principles of the Globally Harmonised System (GHS)**. Any new approach would increase divergence with the GHS, creating problems in global supply chains and an unlevel playing field for European business versus the rest of the world. If scientific evidence should indicate a gap in the GHS structure of hazard classes and categories, a proposal should always be made to the UN Sub-Committee of Experts for inclusion of the new definition in the ‘Purple Book’ to enable its harmonised application all around the world.

A lack of discrimination will eventually result if everything is classified. A.I.S.E. has for many years been highlighting the problem for consumers to differentiate visually between products which can cause eye damage (such as hand dishwashing liquid) and severe corrosives such as drain cleaners.



The graphic above illustrates how the pictogram on product labels changed from the pre-2015 rules (Dangerous Preparations Directive, DPD) to the current CLP system, and how the use of additional evidence (e.g. through A.I.S.E.'s DetNet database) can enable more differentiated and appropriate labelling.

Last but by no means least, the Commission should take advantage of the CSS also to leverage its priority of a **digital agenda** by enabling greater use of digital means for communication of information on the hazards and safe use of chemicals. Currently the label for consumers on detergent products is complicated, with duplications and inconsistencies, and therefore not conveying relevant messages to the consumer about the product and its safe and sustainable use. The internet technology in Europe opens up opportunities to **simplify labels for consumers** whilst increasing the range and tailoring of related information that can be found online. See the illustration below.

