

Translation / Original: German

VdMi position on the Chemicals Strategy for Sustainability

The Chemicals Strategy for Sustainability (CSS) published on 14 October 2020 by the European Commission is part of the European Green Deal and underlines the importance of protecting human health and the environment.¹

In the new CSS, the Commission has planned the implementation and integration of numerous legislative measures with the aim of improving the environment, health and safety and promoting innovations in the field of safe and sustainable chemicals. 54 measures have been declared and are to be implemented over the next four years. This will lead to a flood of regulatory changes, both in the chemical's regulation REACH, the CLP Regulation and in numerous other regulations in the areas of cosmetics, toys, food contact materials as well as environmental and occupational safety. VdMi supports the overall goals of the CSS but has serious doubts that the measures described in CSS serve the stated goals.

Our key messages and concerns:

- With the CLP and REACH Regulations, there have already been efficient, and the world's most extensive chemical regulations established in the EU
- CSS proposes a flood of regulatory changes with significant effects on chemicals and consumer legislation, the added value of which, however, is highly questionable
- VdMi is extremely concerned about the proposed measures, in particular:
 - Moving away from the proven, risk-based systems ignores the safe handling of chemicals in the last decades
 - Impending restrictions and loss of essential raw materials without benefit for consumer safety
 - Threat of unnecessary (planning) uncertainty, higher costs, and more bureaucracy, which constitute an obstacle to innovation and disadvantage for the EU industry

Focusing on hazard assessment should not replace the safe handling of chemicals

The new chemicals strategy fundamentally contradicts the precautionary principle by focusing exclusively on the hazardous properties of a substance and neglecting exposure and risk. The latter is the key to a proportionate and non-discriminatory package of measures, as in principle there may only be a risk when exposed to a hazardous substance.

The CSS does not take into account the fact that the chemical industry and its downstream users have built up considerable expertise over the last few decades, and that they have good expertise and knowledge on the safe handling of chemicals classified as dangerous.

Following the hazard-based approach, the EU Commission is planning further test requirements, usage restrictions, and comprehensive regulation for groups of substances with specific properties (e.g. persistence, mobility, endocrine disruptors). This would lead to a far-reaching tightening

¹ See also publication by the EU Commission ([link](#)).

of chemicals law and considerable restrictions for chemicals or entire groups of substances, for example in consumer goods. More precisely, this could lead to restrictions for whole groups of substances in consumer or consumer-oriented products – without prior risk assessment.

However, safe and sustainable chemicals do not rule out the use of hazardous substances. Therefore, the principles of the current evaluation of substances considering both hazard and exposure should also be applied in the future.

At the beginning of its strategy paper, the EU Commission itself states that the EU already has one of the most comprehensive and safest regulatory frameworks for chemicals in the world. Environmental and consumer protection are unique in this form and scope. Nevertheless, extensive packages of measures are proposed to further tighten chemicals regulation.

In general, it is therefore absolutely essential that the Commission, when implementing the CSS, assesses the various extensive measures under discussion thoroughly as a whole in compliance with the existing legal regulations. Given the complexity and scope of the measures, it is very doubtful that this will succeed without losing sight of the goal of better regulation.

Introduction of the new terms „safe and sustainable“ and „essential use“

Terms like “safe and sustainable chemicals” are introduced and brought into focus without being further specified. In addition, the strategy speaks of “significant uses”. This is a new concept that needs to be thoroughly evaluated before being incorporated into the legal framework. A clear description of these new requirements is essential but may depend on many factors which may also change. We therefore do not consider this approach to be feasible and reject it. The basis for the use of substances in various applications must remain the assessment based on the possible risk.

The most prominent use of pigments is in the area of coatings and paints. However, the benefits of pigments and fillers are often underestimated, as they themselves also fulfill important functions in terms of functionality and sustainability.

In the future, mixtures shall be assessed more critically with regard to potential combination effects of the contained substances by introducing a mixture assessment factor (MAF). It has to be avoided that simply adding of hazards leads to further tightening and restrictions. Such an approach contradicts the current system, which is based on scientifically sound data.

Introduction of additional CLP hazard classes contradicts GHS – loss of competitiveness

The CLP regulation is derived from the UN-GHS. Therefore, introducing new hazard classes contradicts the globally harmonized system. This is counterproductive in terms of global competitiveness and global communication of hazards. The detailed position of the VdMi on the revision of the CLP regulation is described in a separate position paper.²

Link to other initiatives of the Green Deal – Circular Economy Action Plan, Farm-to-Fork Strategy

One of the goals of CSS is to strengthen the investment and innovation capacities for the manufacture and use of chemicals that are safe and sustainable throughout their entire life cycle. In this context, there is a close connection in particular with the Circular Economy Action Plan (CEAP), another component of the Green Deal. The entire life cycle of the chemicals should be considered, terms such as “safe and sustainable by design” are used both in the CSS and the CEAP. A separate position paper was prepared on the CEAP with further information.³

The Farm-to-Fork strategy includes various measures aimed at a healthy food system and thus looking at the entire food chain. This also provides various measures for food additives and food contact materials. Especially in this area, it has to be feared that there will be further tightening leading to an unjustified loss of raw materials.

² See also VdMi position on the revision of the CLP Regulation ([download](#) available).

³ See also VdMi position on the CEAP ([download](#) available).

Due to the interaction of the various Initiatives of the Green Deal and the associated complexity, the actual scope of certain measures is currently very difficult to assess.

Conclusion

With the Chemicals Strategy for Sustainability (CSS) as set out by the EU Commission, there will be a flood of changes and tightening in chemicals, environmental, and consumer law. The introduction of new terms and the departure from the tried and tested precautionary principle would mean a change the paradigm in the entire chemical assessment for which neither a need nor a justification is seen. The current EU chemicals legislation already offers a high level of environmental and consumer protection, which should be maintained and strengthened.

The CLH classification alone should not be decisive for whether a substance / a group of substances can be used in products: the risk assessment should continue to be decisive. With the proposed package of measures, however, there is a risk of loss of important raw materials that have been used safely by the industry for years.

The VdMi is very concerned that the implementation and design of these measures by the EU Commission will not be practicable for the companies. Due to the complexity and the tight planned timeframe, there is a risk that the actual scope and the consequences for the industry will not be fully recorded. In addition, the VdMi has serious doubts that the announced measures serve the stated goal of sustainability.

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The Verband der Mineralfarbenindustrie e. V. represents German manufacturers of inorganic (e. g. titanium dioxide, iron oxides), organic and metallic pigments, fillers (e. g. silica), carbon black, ceramic and glass colours, food colorants, artists' and school paints, masterbatches and products for applied photocatalysis.