

European Union Embarks on Far-Reaching New Chemicals Legislation to Protect Health Shifting Responsibility for Toxic Chemicals Management to Companies European Officials Visit U.S. to Discuss Implications for Europe and the Rest of the World

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WHAT:

By 2006, the European Union is expected to enact legislation called Registration, Evaluation, and Authorization of Chemicals (REACH) that will fundamentally change the way European companies are required to manage toxic chemicals. This legislation is likely to set new standards - and set off controversy - among chemical producers and users not only in Europe, but also in the United States and other countries. It is the most far-reaching piece of environmental legislation in Europe in the past 30 years, addressing major limitations in current regulatory programs for chemicals management that presume most chemicals on the market safe until proven harmful. Core elements of the legislation include:

- * Chemical producers will be required to provide authorities, the public, and customers along the supply chain with basic toxicity and exposure information. Absent such information, the chemical will not be allowed on the market.
- * Companies seeking to use the most dangerous chemicals (carcinogenic, mutagenic, toxic to reproduction, persistent or bioaccumulative), will be required to seek permission for their continued use, demonstrating that there are no alternatives; that they can be used safely; or that there is a compelling need for their use
- * Proposals for European-wide restrictions on chemicals

WHO:

A diverse group of high ranking European officials and the architects of this legislation and policies in the European Member States on which REACH builds, will tour four cities in the United States in late October to discuss the details of the proposed legislation and implications for U.S. companies. The visit is designed to allow interaction between U.S. and European experts on new chemicals policies and investigate opportunities these policies have for innovation in policies, technologies and products. The visit will consist of legislative briefings, agency briefings, media roundtables, and business and non-profit discussions. Participants will include:

- * Gian Marco Currado - Scientist, Division of Toxic Substances, UK Department for Environment, Food and Rural Affairs
- * Uwe Lahl - Deputy Minister, German Ministry of Environment
- * Robert Donkers - REACH program coordinator, Directorate General Environment - European Commission and First Counselor European Union Mission to the United States

- * Per Rosander - Director, NGO Chemicals Secretariate - Sweden
- * Gunnar Bengtsson - Former Director, Swedish National Chemicals Inspectorate and international chemicals experts
- * Estefania Blount - Director of Environment, Institute for Health, Work, and the Environment, Comisiones Obreras (trade confederation) - Spain
- * Axel Singhofen - Policy Analyst on Toxics, Greens/EFA, European Parliament
- * Finn Bro-Rasmussen - Retired Professor, Technical University of Denmark and former member of the European Union Scientific and Toxicology Committee
- * Michael Warhurst - Senior Toxics Advisor, World Wildlife Fund - Brussels
- * Jan Suurland - Counselor for Environment and Spatial Planning Royal Netherlands Embassy

WHEN:

Tour Schedule:

Washington DC October 20-21

San Francisco October 22-23

Chicago October 24-25

Boston October 27-28

WHY:

During the past 10 years several European countries and now the European Union have embarked on ambitious policy and legislative initiatives to address the hazards that chemicals pose to health and the environment. These initiatives are a response to several problems:

- * Lack of testing and public data on the vast majority of chemicals in commerce
- * The slow, resource intensive risk assessment process which places the burden on authorities to demonstrate harm before preventive action occurs
- * Concern about exposures from unregulated chemicals used in a wide range of consumer products
- * Impacts of chemicals on ecosystems and health and emerging concerns such as endocrine disruption, bioaccumulation and persistence.

BACKGROUND:

Through a slow, thoughtful education process and public debate among various stakeholders (industry, government, advocates, academics), the European Union and its Member States have been able to build sufficient interest and support to address these problems. In early 2001, The European Commission (the European Union's administrative body) issued its White Paper on a Future Chemicals Strategy, which outlines a new approach to chemicals regulation to address problems of the past. The White Paper proposed a sweeping new chemicals policy called Registration, Evaluation, and Authorization of Chemicals - REACH. The goal of the policy is to promote the flow of information on chemical hazards and substitution of chemicals of concern while moving towards ultimate elimination of emissions of dangerous

substances into the environment. The REACH proposal was issued by the European Commission for stakeholder comment in May of 2003 and a final proposal will be issued in late October 2003, with enactment following debate by the European Parliament and Council of Ministers likely by 2006

The REACH legislation as currently drafted a "duty of care" on all chemical manufacturers, importers, and users to study the hazards associated with their chemicals and institute risk management measures to ensure safe use. The proposal eliminates the distinction between new chemicals and existing chemicals (those grandfathered in when laws came into effect in the US and Europe in the 1970s and which represent some 99% of chemicals on the market today). The current regulations provide a disincentive to bringing newer, safer chemicals and processes to market. The REACH proposal says that all chemicals produced over 1 metric ton per year must have basic toxicity and exposure information throughout the supply chain within an 11-year period. The responsibility for providing this information rests with chemical producers and importers and those who use chemicals. For chemicals of the highest concern - those that are carcinogenic, mutagenic or toxic to reproduction or persist or bioaccumulate (or are of similar concern) - companies will be required to seek "authorization", in essence demonstrate that the substance can be used safely, that there are no safer alternatives or that there is socio-economic need before use can be continued. The proposal also puts in place time limited proposals for European-wide restrictions on chemicals.

The REACH proposal provides a unique opportunity to explore the strengths and limitations of chemicals policies in the United States. The legislation will inevitably affect manufacturers in the United States that want to sell their products in Europe. The U.S. chemical industry, which has large exports to European markets, will be forced to comply with the chemical testing, assessment and authorization aspects of the new legislation. Companies that produce and sell to Europe products using problem chemicals will also be required to seek authorization for problem chemicals. Indeed, many manufacturers in this country selling products to Europe, such as in the electronics and automotive industries, are already responding to increasing European demands for substitution of problem chemicals. It is in the best interests of forward-looking companies and governments to be at the forefront of the European chemicals regulatory changes by beginning to gather data on chemicals risks as well as to identify, analyze and implement substitutes to problem chemicals.

At the Member State level, countries such as Denmark, Sweden, and the Netherlands have actively promoted integrated chemicals policies through a variety of voluntary and mandatory policy tools - such as education, procurement, lists of chemicals of concern, ecolabeling, research and development on safer substances, and chemical phase-out requirements - to encourage companies using chemicals to reduce their reliance on harmful substances and to develop safer alternatives. The Northern European

approach presents a different and more holistic approach to chemicals management that may better fit the U.S. regulatory system and culture.

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For more information on the U.S. REACH tour and current chemical policy please visit www.chemicalspolicy.org