What we need from REACH

Views on the proposal for a new chemical legislation within the EU

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The International Chemical Secretariat, January 2005

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According to the 2002 Eurobarometer survey, 93 per cent of Europeans believe that chemicals have a negative impact on health. In other words, a large majority of consumers in the European market have a negative attitude towards chemicals. These are figures that cannot be ignored by any company that has direct contact with consumers.

Chemicals are not just found in drums in industry or in bottles in the cleaning cupboard at home. They are used in the manufacturing processes for almost every product, and as ingredients in the articles themselves. But we know almost nothing about what harm these chemicals do to the environment and our health. Companies that want to avoid "toxic scares" and gain the long-term confidence of their customers are at present unable to obtain or demand the information they need.

We believe it is unfair that the companies and businesses that could ultimately suffer the financial consequences of inadequate information about chemicals have so far received little attention in the debate over the EU Commission's proposal for new chemicals legislation (REACH).

Companies that are dependent on chemicals for their articles are convinced that they cannot afford not to have such information. It is they who have the closest contact with consumers in the market place, and it is they who will take the blame and pick up the bill when something goes wrong. In this publication the International Chemical Secretariat have given several companies and stakeholder organizations the opportunity to describe their motives for demanding stronger chemicals legislation.

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After years of investigations, expert meetings and political discussions, a new set of EU legislation is taking shape. It is a long-awaited reform, as the current system has failed so clearly to protect people's health and the environment. The EU's existing patchwork quilt of forty or so different chemicals laws will be replaced by one single piece of framework legislation, under the name of REACH.

The original proposal was generally considered to constitute a serious attempt to maintain overall control, and make sure that hazardous substances on a broad front are replaced by more environment-friendly alternatives. Many companies also praised the reform, which they believed would make their work easier. For example, REACH would make it easier for companies to demand information from chemicals suppliers and reduce the risk of future costs of decontamination and compensation. The new rules would also reward companies for enterprise and innovation. New markets, new consumer groups, greater confidence and reduced future risks were some of the opportunities created by the reform in the law.

Unfortunately, the original proposal has in a number of points been watered down due to intensive lobbying from the chemical producers. However, chemical policy is not just a concern for the producers of chemicals.

In this publication companies and other stakeholders express their concern that REACH might not deliver what is needed.

Summary of viewpoints

H&M

The lack of toxicological data for most substances on the market is a serious problem. An efficient REACH system in place would fill data gaps and create a more equal playing field, with the same obligations and privileges for all actors on the European market.

H&M bears a large financial burden of controlling and supervising the chemicals used "upstream", during manufacture. We consider it to be a cost-effective approach for producers to be given a more clear responsibility for what they produce. This responsibility should include obtaining knowledge about the substances and products they handle.

The most cost-effective and the only adequate control measure should be substitution – not to continue to use hazardous chemicals.

Boots and Marks & Spencer

Without a trusted regulatory system, retailers have to 'self-regulate' their use of chemicals. Hundreds of retailers that take their own, potentially conflicting, views on the many thousands of different uses a particular chemical could be put to.

ETUC

The lack of a robust, integrated regulatory system for the management of chemicals may result in the current deep societal dissatisfaction with chemicals becoming a much more troubling consumer concern.

Existing legislation is failing to protect workers exposed to dangerous substances. Without data, risks cannot be properly assessed in order to implement the surveillance and prevention measures required by the worker protection laws.

EUREAU

Control substances at the source – or as Eureau put it "working upstream". Eliminating hazardous substances at the source to protect our water sheds, to make recycling possible and to reduce the need for end-of-pipe treatment.

NCC

A legislation that means that the suppliers have the greatest responsibility to eliminate "substances of very high concern" so that we as users can be sure that the products and materials that are delivered to us are relatively harmless, as well as making it easy for us to get full information about the contents of both chemical products and materials, would mean that we save a lot of money and that we can deliver better products.

EURO COOP

Believes that REACH must aim to close today's knowledge gap, maintain and enhance the competitiveness of European industry, protect animals, and ensure open access to key information for anyone who uses chemicals in one way or another. It should not be possible for industry to use chemicals in products where the effects to human health and the environment are not known.

We believe that consumers will accept to pay the price of a strong REACH.

Electrolux

Sustainable use of chemicals requires that health and environmental effects can be properly evaluated. As unacceptable properties are identified for any substance, we must quickly adopt substitutes without the negative impacts. There is often insufficient data on substances, preparations and articles.

Electrolux sees REACH as an important tool in accomplishing our objectives regarding safe products, safe production and environmental protection.

Business benefits for H&M within REACH

by H&M

H&M sells clothes and cosmetics through our more than 1000 stores in twenty countries, employing more than 40,000 people. With Germany still our biggest market, H&M continues to expand to new markets and has opened 140 new stores during 2004. In 2005 Ireland and Hungary will we be added as the 21st and 22nd selling markets. The turnover in 2003 exceeded six billion euros.

In REACH terms, H&M is a 'downstream user' and 'importer of articles'. We do not own or run manufacturing plants ourselves, but are a major purchasing power, continuously working with as many as 750 suppliers worldwide. Around 40% of our sales volume is manufactured in Europe, the remaining 60% predominantly in Asia.

GETTING HAZARDOUS SUBSTANCES OUT OF TEXTILE PRODUCTION

Numerous steps are involved in the making of a garment, from fibre production to tailoring via, spinning, knitting, washing, bleaching, dyeing, etc. Some of the chemicals used are pesticides, preservatives, spinning oils, complexing agents, detergents, fabric softeners, carriers, printing pastes, and dyes. The textile industry is one of the largest in the world, widespread both geographically and in plant diversity. Production is to a large extent located to Asia, Eastern Europe and South-America, and can overall be described as chemical intensive.

"A strong REACH will benefit H&M's business by minimising our business risks"

Naturally, health and environmental concerns are often addressed by consumers, NGO's, authorities, and media. H&M is endeavouring to ensure that chemicals that may be harmful are not used in the production of our goods. We put a lot of energy into ensuring and improving the quality of the goods. Our quality concept requires the garments to be manufactured without the use of environmentally hazardous chemicals or harmful substances and to be produced under good working conditions.

Lead by the precautionary principle, we strive to phase out substances that may conceivably be harmful to man or the environment at an early stage. One central part of this effort is our actions based on H&M's Chemical Restrictions. This is a list of chemicals that we deem unacceptable and therefore has decided to ban or severely restrict from all our purchasing. The list is a living document which is frequently updated by adding new substances.

OUR VIEWS ON REACH

H&M already applies the principles of REACH, as presented in Commission's White Paper from 2001; we actively seek to substitute hazardous substances with better alternatives. We request our suppliers to sign a commitment guaranteeing that the products they sell to H&M do not contain any of the restricted substances. We therefore consider access to information throughout the supply chain a very important tool to enable the reduction of hazardous chemicals in textile production.

But in this work, we also face large challenges. The lack of toxicological data for most substances on the market is a serious problem. We believe that, with an efficient REACH system in place, data gaps would more efficiently and rapidly be filled. REACH also has the potential to create a more equal playing field, with the same obligations and privileges for all actors working on the European market.

Ideally, REACH will boost H&M's work to eliminate chemical risks, by establishing clear criteria for identifying unacceptable substances; it will improve the abilities for our suppliers to retrieve information from their chemical suppliers. As a consequence, REACH would both reduce occupational hazards in textile industry and lead to much better consumer protection.

It is important for H&M that REACH will support these objectives.

DUTY OF CARE
– Need for clearer producer responsibility

Our suppliers use substantial quantities of chemical products during their manufacturing process. Significant amounts can stay on in the garment and could cause exposure to our consumers. And eventually, all chemicals used in the process ends up in our common biosphere. H&M is expected to take the full responsibility for the fate of these chemicals.

At present, H&M bears a large financial burden of controlling and supervising the chemicals used "upstream", during manufacture. We consider it to be a cost-effective approach for producers to be given a more clear responsibility for what they produce. This responsibility should include obtaining knowledge about the substances and products they handle. A well defined "Duty of Care" requirement for producers should therefore be included in REACH. It should include an obligation to ensure that the necessary knowledge is generated and necessary measures are taken.

REGISTRATION
– A systematic approach is essential.

The very basis for risk management is to know which chemicals are present (in e.g. a textile) and which effects they might have on workers and consumers exposed to them. In essence, H&M's work to reduce hazardous chemicals is dependent on the amount and quality of data we can retrieve from suppliers and the public domain. Today, two obstacles are monumental:

– The lack of information on the chemical composition of articles, as well as process related chemicals used under the manufacture.

– The lack of toxicological data indicating if a substance might cause adverse health effects, e g respiratory problems or dermal sensitivity. Often combined with an almost complete lack of ecotoxicological data.

The limitations of data means we can only make requirements from our partial knowledge, and without a systematic approach. As a consequence, we cannot know with certainty if we have succeeded to phase out the worst chemicals.

This is not only an unsustainable situation from environmental point of view, but also risky for our business. The customer's trust in our brand may disappear the very day somebody discover a new hormone disrupter or carcinogenic substance. In order to prevent such situations, we require a much more credible and transparent set of base data for all chemicals. If we can not rely on the supplier's information, we must do the job ourselves.

AUTHORISATION
– Substitution is not a question of costs, only clear guidelines.

H&M strives to meet the expectations from our customers, employers and other interest groups by avoiding hazardous substances. We have already phased out brominated flame retardants, organotin compounds, phthalates and PVC from our clothing lines in favour of substitutes.

This has been possible more or less without compromising fashion or quality. Costs may have increased temporarily but as soon as mass production has begun, the prices have returned to previous levels. We have found that almost anything is possible as long as you set clear guidelines on what is not acceptable.

REACH will lead to internationally harmonised and authorized criteria for Substances of Very High Concern (SVHC). This will obviously assist us in selecting substances for substitution, very much the same way as our "chemical restriction list" process. We encourage a rapid development of such criteria and supporting guidelines. We expect REACH to require substitution to better alternatives, as the main rule. H&M have adopted the precautionary principle, and that means we have to be proactive and solve the problems upstream. The most cost-effective and the only adequate control measure should be substitution – not to continue to use hazardous chemicals. Therefore we feel that very toxic chemicals should preferable not be allowed for use even if they are "adequately controlled".

CONCLUSION

A strong REACH will benefit H&M's business by minimising our business risks and by reducing our costs for ensuring that all products we offer our customers are free from substances that are, or could potentially be, harmful for health and environment.

Retailers for tougher REACH

– An opportunity to re-build confidence in chemicals

by Boots and Marks & Spencer

Boots and Marks and Spencer are two of the biggest and oldest names associated with British retailing. Between the two organisations we have over 270 years of retailing experience and are seen by our customers as two of the most trusted names on the British high street.

We both contribute greatly to the overall UK retail sector where over the last 5 years employment has grown by 260,000 to over 3 million people. This accounts to 1 in 10 of total UK workforce. UK retail sales in 2003 were approximately £235.8 billion and over a third of UK consumer spending goes through retail outlets.

So why are UK retailer's interested in the new chemicals policy?

Chemicals are present in virtually every product sold by the retail sector and are therefore of great importance to it. They have contributed significantly to the delivery of better products, at better prices. However, we are concerned that the lack of a robust, integrated regulatory system for the management of chemicals may result in the current deep societal dissatisfaction with chemicals becoming a much more troubling consumer concern.

As we have seen in the last decade in the UK, consumer scares (mad cow, foot and mouth, genetically modified food etc) demand a very pre-cautionary response, one where hazard, rather than risk becomes the dominant theme. We are concerned that a further erosion of trust in chemicals in consumer products would result in us having to take a very much more pre-cautionary approach to their use with significant implications for complex, fast moving and innovative global supply chains.

”We are concerned that the lack of a robust, integrated regulatory system for the management of chemicals

SO ONTO REACH

Why retailers need REACH to work

We have therefore been supportive of REACH from its inception. Without a trusted regulatory system, retailers and their suppliers will increasingly have to ‘self-regulate’ their use of chemicals. We believe it is far more efficient and effective to regulate a single chemical in a consistent way rather than expect hundreds of different retailers to take their own, potentially conflicting, views on the many thousands of different uses a particular chemical could be put to.

However, we are also clear that we can never return to a situation whereby we assumed the regulatory authorities and chemical industry would manage this issue for us. Retailers must play a role in better chemical management. The purpose of this article is to explore how this can be done most effectively and efficiently.

To cut through the detail we have split the topic into 3 areas:

- Problems that retailers see with REACH,
- Challenges that will need to be addressed
- Opportunities that should be embraced.

PROBLEMS THAT RETAILERS SEE WITH THE CURRENT PROPOSAL

Articles (Consumer Products)

Retailers agree that articles need to be addressed in some way but question whether REACH (Article 6 of the legislation) has appropriately dealt with the issue of chemicals in articles. It is virtually impossible to determine when it is relevant and when it is not based on the current threshold of 1 tonne intentional release a year. There is a lack of recognised methods for determining intentional release and a clear lack of clarity and confusion over the definitions of an article.

Retailers would like to see the issue of articles addressed by means of clear concise guidance produced by the Chemical Agency. We believe that this can not be done within the structure of the current proposal and urge the EU to take a much closer look at how articles are managed. If the EU is not careful the whole premise of REACH (re-building trust in chemicals) may be undermined by confusion and uncertainty about chemicals in articles. We propose that a separate group comprising of industry representatives, NGOs and regulators be set up to look at the most efficient way of managing chemicals in consumer articles.

Imports into the EU

In addition, to the confusion about how to regulate consumer articles, REACH appears to be unable to deal with imports into the EU. A significant volume of what the retail sector sells come from outside the EU. Because REACH does not address imports, theoretically it will be possible for retailers to be selling articles to consumers that contain chemicals that have been banned or restricted in the EU. Consumer confidence in chemicals will continue to decrease, whilst the EU chemical industry will have to bear heavier regulatory costs than its other global competitors.

Loss of materials but not because of safety concerns

The potential loss of substances because of unsupported uses is a significant concern for the retail sector. There is a real concern that many chemical and process suppliers will streamline their business to eliminate low profit margin chemicals thus many speciality chemicals could become unsupported because of the large cost of registering the materials. This could lead to loss of materials not because there are safety concerns but because the suppliers can not justify the cost of registration.

may result in the current deep societal dissatisfaction with chemicals becoming a much more troubling consumer concern”

THE CHALLENGES THAT WE MUST RISE TO

Substitution

Substitution is one of the most important and complex areas of REACH. To be credible in the eyes of a sceptical society and potentially alarmed consumer base, REACH needs to be seen to be ‘tough’ on the chemicals of very highest concern. We have been minded to call for an automatic legal requirement that all authorised substances be substituted. Such an approach provides certainty for all, even if that certainty is painful. It could also contribute substantially to creating a culture of innovation in the chemical industry, forcing it to look for new chemicals, better environmentally, socially and economically. Without such a culture, the European chemical industry will face ferocious competition from producers else-where in the world, without a significant point of difference.

We recognise that in certain cases in the past, substitution has been a case of ‘frying pan to fire’. However, the lessons learnt from such past experience should help us minimise the number of such situations in the future.

Despite this we still believe that substitution is best achieved by market forces. Firstly by ensuring that the authorisation process is rigorous and demanding. A hurdle worth attempting only by those chemical producers who believe that they have a strong case for continued production. Secondly, and even more importantly information on authorised substances should be freely and easily available to all downstream users, including consumers. This includes indicating their presence on safety data sheets even at very low concentrations (we have had problems with high priority chemicals not being reported on SDSs because they are present at a level below a threshold).

We believe retailers should be required under REACH to provide information on any article they put on the market that contains an authorised substance, wherever that article originates from. This will result in a marketplace led desire for substitution, rather than a supply base led approach that would arise

"We believe that REACH is a great opportunity to re-build confidence in chemicals, those who make them and those who use them"

from an automatic requirement for all authorised substances to be substituted. We would also like the Chemical Agency to work with downstream users such as retailers to understand how consumers can be most effectively and efficiently informed about the presence of authorised chemicals in the articles they buy.

We believe additional safeguards should be built into the authorisation process by putting a time limit on each authorisation, although in certain cases these may be many years, after which a review of the authorisation should take place. We also believe that the Chemical Agency should have the power at the time of the first review to legally mandate substitution where voluntary initiatives are not working.

Better use of existing data and data sharing

There is undoubtedly a lot of data in existence that could be utilised for assessing chemicals. The challenge here is to bring this data to the public domain and ensure it is utilised across the whole of the supply chain. This will ensure duplication of testing is avoided and all players in the supply chain can work from the same data set.

Regulators should also have a stronger role to play in accepting data that is not absolute but if a number of tests all provide the same indicative data then regulators should be able to accept this and implement appropriate restrictions.

Retailers can help by providing more information to the chemical industry and regulatory authorities on potential exposure scenarios associated with the use and disposal of consumer articles.

Expertise needed for process

Specific expertise is needed for the carrying out the proposed REACH process which retailers currently won't possess. While we accept we need to become more engaged with the detail of the process we need guidance from the chemical industry on how we can engage better on these highly technical issues. We would commend the work currently been undertaken by the joint British Retail Consortium (BRC)/Chemical Industries Association (CIA) Supply Chain Leadership Group (SCLG), of which we are both members, to better understand how knowledge about chemicals can be shared up and down supply chains.

THE OPPORTUNITIES THAT CAN'T BE MISSED

A trusted regulatory framework

We operate in a marketplace where trust is an increasingly precious commodity. We believe that REACH is a great opportunity to re-build confidence in chemicals, those who make them and those who use them.

We believe, in particular, that a challenging, trusted regulatory framework for the authorisation of chemicals is key to re-building confidence in chemicals.

Better supply chain linkages

We believe that REACH can improve the linkages between the chemical industry and the consumer marketplace to the benefit of all. Improved knowledge will bring more trust, swifter response and better prioritisation of new issues, more opportunity to innovate and greater understanding of marketplace trends.

Better information for the consumer

Chemical management is a complex issue but we believe consumers have a right to more knowledge on what chemicals are present in the articles they buy. We believe the Chemical Agency should work with regulators and others to identify the optimum way of providing consumers with information in a useful and accessible manner.

CONCLUSION

REACH gives the European Union an excellent opportunity to re-build confidence in chemicals. And on behalf of Boots and Marks & Spencer we believe that many of the principles described in REACH follow the principles that our companies have followed over the years

A commitment to innovate in a trusted manner

A commitment to the right for consumer knowledge and

Encouragement of sustainable principles.

We hope REACH leaves a legacy of trust in the EU marketplace and underpins a strong culture of innovation and differentiation for the EU chemical industry within a challenging global economy.

Boots

- Leading retailer in healthcare, cosmetic and toiletry products.
- 1600 retail stores across UK and Ireland
- 150 years in retailing
- Average turn over of £5.3 Billion

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Marks & Spencer

- Leading retailer in clothing and food products
- 400 retail stores in the UK and Ireland
- 140 franchise stores around the world
- Turnover in 2003-4 was £8.3 billion

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EUROPEAN TRADE UNION CONFEDERATION

Protect workers and foster innovation

– A significant contribution to sustainable development

by Joël Decaillon, Confederal Secretary, ETUC

The European Trade Union Confederation (ETUC) represents 60 million workers across Europe. Its membership includes 77 national trade union confederations in 35 countries, plus 11 European industry federations covering all industry segments. The ETUC is therefore particularly concerned by and engaged with the ongoing debate on the reform of European chemicals policy (REACH).

CHEMICAL HAZARDS: A SERIOUS CAUSE OF WORKERS DEATH IN EUROPE

Countless European workers are exposed to chemicals every day, not just in the chemicals manufacturing industry but also in downstream user industries like building, woodworking, car making, textiles, farming, environmental and health services, computing, etc.

Exposure to hazardous products is a cause of many occupational diseases (cancers, respiratory and skin allergies, nervous system disorders, etc.) and many deaths. Thirty-two million European workers are estimated to be exposed to occupational carcinogens at levels that can be considered beyond safety, and there are between 35,000 and 45,000 work-related cancer deaths a year[1].

Chemical hazards are a serious cause of working condition-related deaths in industrial countries today.

1. Kogevinas et al: Estimation of the burden of occupational cancer in Europe - Study funded by Europe against cancer (contract SOC 96-200742 05F02), 1998.

EXISTING LEGISLATION IS FAILING TO PROTECT WORKERS EXPOSED TO DANGEROUS SUBSTANCES

And yet, there is European legislation to protect workers exposed to dangerous substances at work: the 1990 Carcinogens Directive[2] and the 1998 Chemicals Directive[3]. Both require employers to carry out a risk assessment, and to take the necessary preventive and protective measures (elimination, replacement with less dangerous substances, reducing exposure levels, not exceeding occupational exposure limits, etc.).

Surveys have revealed, however, that implementation of this legislation in the workplace remains a problem, and that most of the time, they are going largely unapplied, especially in small and medium-sized firms.

One obvious big reason is the lack of data on the inherent properties and safety of chemicals. Without that data, the risks cannot be properly assessed in order to implement the surveillance and prevention measures required by the worker protection laws.

MARKET RULES ARE KEY IN OCCUPATIONAL HEALTH AND SAFETY

These data are directly dependent on the legislation governing trade in chemicals, because chemicals manufacturers and suppliers must state whether the products they are marketing are dangerous, and if so, supply certain information: labeling, risk phrase, pictogram and safety data sheet for professional users.

A recent study, however, points to considerable failings in the hazard identification of dangerous chemical substances. Labelling of about a third of preparations currently on the market as well as 40% of safety data sheets do not comply with the regulations[4]. A further survey across different European countries found that many SMEs were unaware that such sheets existed[5]. So, there are not just failings in the information itself, but also in the way it is fed through the production chain. These are some of the reasons why a reform of the system is necessary.

THE ETUC SUPPORTS THE REACH PROPOSAL

The debate on the reform proposals is very fraught, and the ramifications that REACH may have for jobs are grounds for legitimate concern. But the ETUC cannot take a position on this far-reaching reform on cost and job issues alone. The potential benefits for industry, workers, the general public and the environment must come into the equation. In the Declaration adopted on 17 March 2004 by its Executive Committee[6], the ETUC comes down very firmly in favour of REACH, which it believes makes a significant contribution to sustainable development in keeping with the commitments made by the EU Member States.

The ETUC argues that REACH should foster innovation, which is vital for the chemical industry, by enabling it to come up with modern solutions for its future based on criteria of environmental friendliness and social responsibility.

Above all, REACH should considerably improve the existing legislation designed to protect workers exposed to hazardous substances in the various sectors concerned, by:

- *providing missing information on their properties;*
- *making chemical safety data publicly available on a right-to-know basis;*
- *enforcing the efficient distribution of information to downstream users and their personnel in a bid to counteract the risks of occupational diseases;*
- *encouraging the replacement of the most harmful substances by less hazardous substances, via restrictive and authorisation procedures, with a view to minimising risks.*

EUROPEAN UNIONS STEP INTO THE REACH DEBATE

European trade unions are agreed that prevention and the precautionary principle must be central to improving production systems. They call on the EU to deliver on the 2002 Johannesburg Declaration by actively working to get recognition for the REACH principles at world level to ensure fairness in world competition.

They also want to engage fully with the debate on REACH, and have set up an internal working group to consider some elements of the proposed reform in greater depht with a view to improving its content. The elements identified are :

1. Duty of Care

The manufacturer and the importer must be responsible for documenting and communicating in an appropriate way all relevant safety information to the downstream users and the consumers.

Such a general principle defining the responsibility of the manufactures and importers should be reintroduced into the REACH system for all chemicals produced or imported.

2. Registration

The chemical safety report must be required to ensure that substances subject to registration and preparations are managed safely during manufacture, import and uses down the supply chain.

This is particularly important for substances classified as dangerous since their safety data sheets will be enriched with relevant information on how to control exposures of humans and the environment for all identified uses.

For substances produced in the 1-10 ton range per year more basic information should be required such as acute toxicity and biodegradability tests to improve their classification and the risk assessment situation compared to current legislation.

3. Evaluation

To safeguard the quality of the information provided by manufacturers or importers, provisions should be foreseen for discouraging submission of poor quality dossier. Member State authorities should be requested to check the compliance of a minimum number of registration dossiers selected at random.

2. Council Directive 90/394/EC on the protection of workers exposed to carcinogens. See also the recently codified version of this directive: Directive 2004/37/EC.
3. Council Directive 98/24/EC on the protection of workers exposed to chemical agents.
4. ECLIPS Project (European Classification and Labelling Inspections of Preparations, including Safety Data Sheets)„ final report; June 2004
5. Assessment of the usefulness of material safety data sheets (MSDS) for SMEs: Geyer et al, Linz: PPM, Research + Consulting 1999.
6. http://tutb.etuc.org/uk/dossiers/files/reach-ces-en.pdf.

4. Authorisation

The aim of the authorisation procedure should be to promote the effective substitution of the most hazardous chemicals as European legislation on carcinogens provides[7].

Therefore, an authorisation should only be granted if it can be demonstrated that adequate alternative substances do not exist, if the socio-economic advantages outweigh the risks to human and the environment and if the substance is adequately controlled. The authorisation should be time-limited in order to promote substitution plans.

The authorisation procedures should also be extended to other substances of very high concern that show serious or irreversible effects.

5. Links between REACH and legislation governing workers protection

Particular attention should be paid to ensuring that the obligations laid down in the REACH system are consistent with those of the occupational safety and health directives.

A dialogue should be held on this issue between the social partners. This could be done in the framework of the tripartite Advisory Committee of Luxemburg on Health and Safety at work. The outcome of the London workshop[8] is a good starting point. Similarly, this should be the subject of social dialogue at sectorial level.

Also, to avoid contradictions and increase synergies between both pieces of legislation, worker representatives should be consulted in the elaboration of practical guidelines to help industries comply with the REACH regulation[9].

6. Downstream users and SMEs

Downstream users and SMEs should be aided by their representatives in existing member associations and European industry federations. This should prevent extra costs in setting up new administrative bodies and/or programme.

7. Impact on employment, health and environment

Both the costs and the benefits should be considered in all three dimensions – the social, the environment and the economic – in order to assess the efectiveness of the new system and the impact on employment and health.

There is clearly a need to better understand the likely effects (positive and negative) REACH might have on employment in the different sectors concerned throughout its implementation period.

This has prompted the ETUC to take the following initiatives:

• To strengthen cooperation with its European industry federations, in particular about the REACH impact assessments.

• ETUC is actively involved in the Commission-UNICE/CEFIC Working Group to undertake further work concerning the Impact Assessment of REACH on business throughout the supply chain, innovation and the new Member States.

• ETUC has launched a first study to evaluate the impact of REACH on occupational diseases of the skin and respiratory system.

• ETUC has launched a second study which aims are:

– To identify and suggest actions in order to facilitate the implementation of the REACH system, especially for SME's and downstream users.

– To analyse the other European Policies that might have some influence on the achievement of the REACH reform objectives (eg: Research, Training...) and suggest possible middle and long-term direction changes of those policies in order to help the REACH system achieve its aims.

The outcomes of these studies as well as the internal working group's reading on them will be presented to the REACH conference being organized by the ETUC in March 2005, which the European trade unions intend will help inform the debate.

Useful link to more reading:

http://tutb.etuc.org/

7. Directive 2004/37/EC

8. London workshop final report (http://tutb.etuc.org)

9. REACH implementation project RIP 3.2

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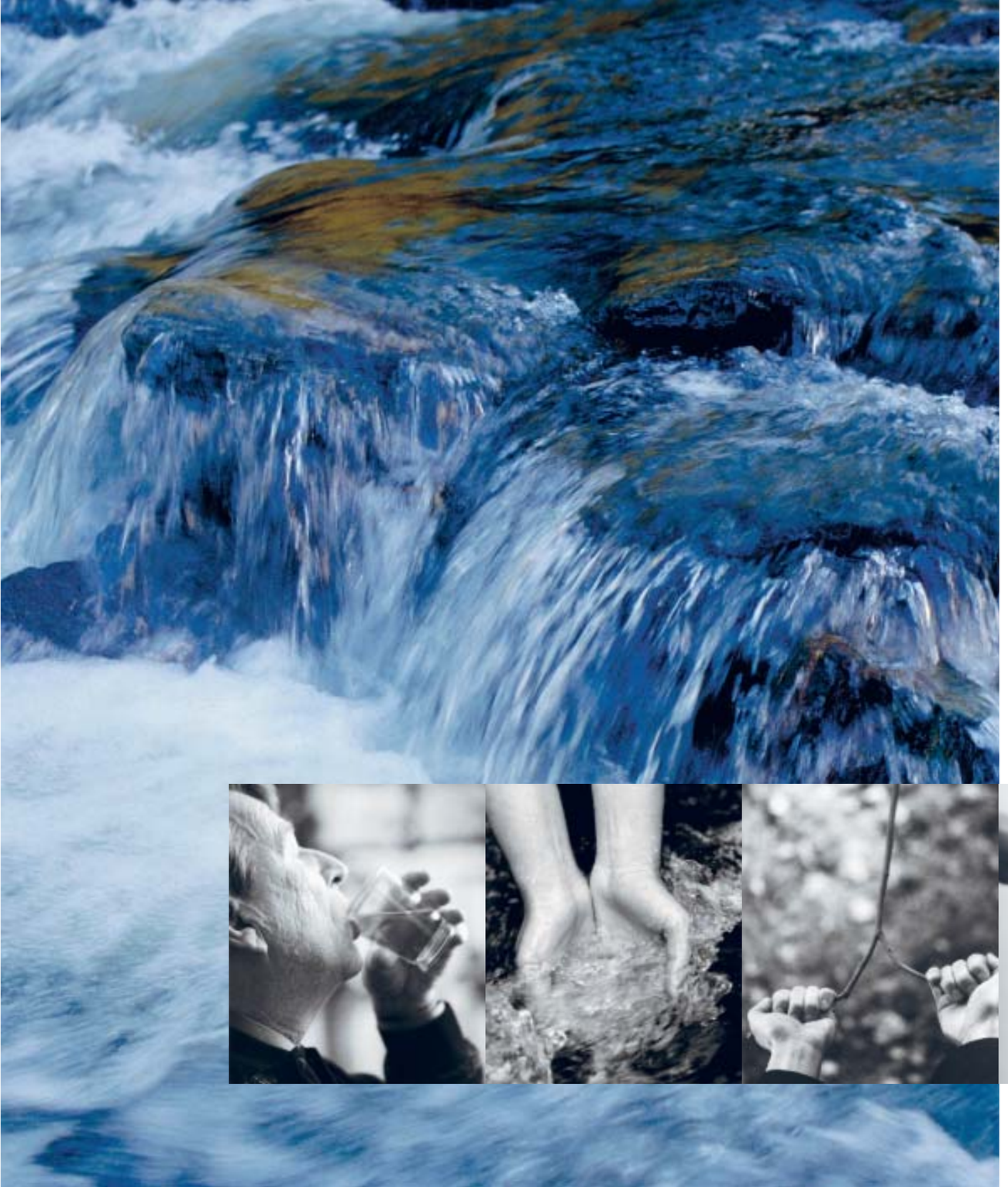

Working upstream

– The role of REACH for the water and wastewater sector

by EUREAU, European Union of National Associations of Water Suppliers and Waste Water Services

EUREAU is the voice of Europe's drinking and waste water industry. The members of EUREAU collectively provide vital and daily water services to 400 million European citizens. We are committed to sustainability in all aspects of our business operations particularly in the provision of water supply and sewerage services. EUREAU therefore strongly supports the vision of sustainability reflected in REACH and the new EU Water Framework Directive.

The water sector has already made a significant contribution to enhancing the sustainability of European water resources, and we recognise that we have a major part to play in helping to meet the new requirements of the Water Framework Directive, the Incineration Directive and potential revisions to the Sludge Directive. Many other players also have clear responsibilities to contribute to the delivery of a sustainable environment. This is particularly true for diffuse pollution which will have to be addressed for the successful implementation of these and other Directives. It is an area where action predominantly rests with those responsible for controlling runoff from both agricultural and urban land.

There is a clear need to control substances at source – both when discussing trade and industry discharges arising from its processes, services and products sold to service industries or households. There is a need to change the view of the waste water treatment plant as an end-of-pipe treatment for all kinds of urban and industrial activities. The wastewater sector will now focus even more on "upstream measures" and on controlling pollutants able to enter the sewer system.

The substances can enter the sewer system from domestic sources, industrial discharges, or simply urban runoff. To be able to work for a sustainable water environment in respect of urban wastewater treatment, Eureau would like to stress the importance of the following principles:

- Protection of the wastewater treatment plants and Drinking Water Plants
- Multi-barrier safety approach
- Polluters pays principle
- Overall cost efficiency

The objectives for Eureau on controlling chemicals in water environment are:

– Industry and the urban society shall deliver a waste water to the treatment plants which makes it affordable for the Society and possible for the treatment plants operator to fulfil relevant Directives.

– It should in the long term be possible to abstract drinking water from surface water without complex treatment.

"To minimise priority substances in the society and therefore also in the water cycle, it is necessary to use the product substitution principle"

To minimise priority substances in the society and therefore also in the water cycle, it is necessary to use the product substitution principle. The EU Commission's proposed REACH chemicals strategy certainly plays a key role in the implementation of a principle of substitution.

PRINCIPLES FOR OUR "UPSTREAM APPROACH"

– Protection of the wastewater treatment plants

In order to protect the public health and the environment, there is a need for a developed discussion on what can be accepted in an urban waste water treatment plant without jeopardizing the efficiency of the plant or the health of the workers at the plant.

Waste water treatment plants are sensitive to some chemicals and need to be protected by preventing entry of these substances. Failure of a treatment plant can have the potential for long-term pollution to a receiving water because the biological processes at the plant take significant periods of time to recover.

To make it possible for the waste water treatment plant to maintain and improve the quality of treated wastewater and sludge, companies emitting chemicals that will be discharged to sewer – directly or indirectly via products sold to households – should have an obligation to provide information on the fate and behaviour of substances during treatment. And even more important – the products should to the largest possible extent contain substances that are readily aerobically and anaerobically degradable.

– Multi-barrier safety approach

The waste water treatment plant should be seen as the last point of control rather than the first point. There is a need to change the view of the waste water treatment plant as an end-of-pipe treatment for all kinds of urban and industrial activities. In order to ensure protection of the water environment it is necessary to have a multi-barrier approach with the waste water treatment plant being the last barrier. It is also necessary to increase awareness among industry and the public about the need to protect the treatment plant from non-treatable and not easily treatable pollutants entering the sewer system from the urban society.

– Polluter pays principle

The polluter pays principle should, whenever it is possible, be reflected in the price paid by customers discharging to sewer. The polluter will have to consider whether it is economical feasible to pay and discharge, to substitute substances or treat the waste water locally.

– Overall Cost Efficiency

Waste water treatment plants are designed to remove biologically degradable organic matter, nitrogen, phosphorus and suspended solids but are not designed to remove a broad range of other substances. Removing compounds that are low in concentration is therefore often very difficult and even if possible, can be a very expensive and energy consuming option.

Present and future demands in EU:s water framework directive, aiming for good chemical and ecological status in receiving waters, will put pressure on upstream measures since waste water treatment plants will not be able to treat many of the priority substances discharged by the urban society.

SPECIFIC ASPECTS OF REACH

Duty of Care

Eureau supports the principle of Duty of Care. To be able to work for a sustainable water environment in respect of drinking water abstraction and urban wastewater treatment, it will in the long run be necessary to have a sustainable use of chemical substances discharged to the waters within the urban water shed. A sustainable use of chemical substances, at industries, services and households. A general principle of Duty of Care will need REACH-instruments discussed in the following chapters as e.g. exchange of information, access to data and the substitution principle.

Registration & Evaluation

To make it possible for plant operators to maintain and improve the quality of treated wastewater and sludge, and drinking water companies to produce drinking water without complex treatment, companies emitting chemicals that will be discharged to sewer – directly or indirectly via products sold to households – should have an obligation to provide information on the fate and behaviour of substances during treatment.

There is need for an exchange of existing knowledge and open access to data on the degradability of substances between industry on the one side and wastewater and drinking water operators on the other side. There is also a need to developed knowledge of the efficiency of waste water treatment and the fate of the substance in the treatment plants.

Substances and products which may be discharged, by an industry or by households, to waters used for abstraction of drinking water or to an urban treatment plants, should to the largest possible extent, contain substances that are readily aerobically and anaerobically degradable.

From the perspective of the drinking water and waste water treatment plants operator, the following aspects on information on a substance or an article are important:

- Risk assessment of chemicals should correlate to the waste water treatment efficiency in real conditions and removal efficiency under simple treatment in the process of drinking water production
- There is a need to test the final biodegradability – both under aerobic and anaerobic conditions
- Efforts have to be made between standardisation body, industry, drinking and waste water operators to monitor the pollutant with the same analytical tools.

Substances in Articles

Eureau represents both drinking water operators and the most downstream operator in the urban water shed, the treatment plants. As operators in the urban water shed, it is of minor importance if a priority substance in water to be treated, originates from a single substance or from a more complex article.

Articles which contains complex "cocktail" mixtures of different substances, may need special attention, due to the sensitivity to "cocktail" mixtures among the treatment plants micro organisms. It is therefore important for Eureau that the REACH system clearly takes on board not only substances, but also Substances in Articles e.g. substances in Articles which are CMR, vPvB and PBT.

Authorisation

To minimise the use of priority substances in the society and therefore also in the water cycle, it is necessary to use several instruments. One of them is the product substitution principle. The White Paper on Chemicals Strategy with its REACH system will certainly play a key role in the implementation of such a principle.

However, to make the REACH system more supporting in the process of developing less harmful substances – and the substitution of priority substances – two areas should be clearer pointed out in the authorisation process:

- The need for a possibility to give a time limited authorisation for a substance
- It should be clearly stated that where a safer alternative exists no, or time limited only, authorisation will be given

Restrictions

There is still a need to clarify many important links between the restriction procedure in REACH and:

- ELV/EQS in the IPPC/Water Framework Directive (WFD).
- WFD Article 7.3 on making it possible to reduce level of drinking water treatment
- Urban Waste Water Treatment Directive article 11, annex 1 C on e.g. protection of treatment plants

Conclusions

To be able to work for a sustainable water environment in respect of drinking water abstraction and urban wastewater treatment, it will in the long run be necessary to have a sustainable use of chemical substances discharged to the waters within the urban water shed. It is necessary to increase awareness among industry and the public about the need to protect the waste water treatment plant from non-treatable and not easily treatable pollutants entering the sewer system from the urban society.

There is a need to change the view of the waste water treatment plant as an end-of-pipe treatment for all kinds of urban and industrial activities. There is also a clear need to control substances at source – both when discussing trade and industry discharges arising from its processes, services and products sold to service industries or households.

- Eureau supports the principle of Duty of Care.
- There is need for an exchange of existing knowledge and open access to data on the degradability of substances between industry on the one side and wastewater and drinking water operators on the other side.
- It is important for Eureau that the REACH system clearly takes on board not only substances, but also Substances in Articles.
- Two areas should be clearer pointed out in the authorisation process:

  – The need for a possibility to give a time limited authorisation for a substance

  – It should be clearly stated that where a safer alternative exists no, or time limited only, authorisation will be given

Creating healthy built environments

– A business opportunity for the construction industry

By Alf Göransson CEO, NCC AB

NCC AB is one of the main construction companies in Scandinavia, and we are also active in other parts of the Baltic region. Our operations comprise housing, property development, roads, tunnelling etc. We use very large quantities of chemical products and construction materials in our production, and the greater part of these products and materials are incorporated in the buildings and constructions that are being produced. This means that the products and materials get a very long life span, and that dangerous chemicals that are included in the products and materials can exert their negative effects on people that occupy the buildings, or on the environment surrounding the constructions, for a very long time. In the end everything we build and construct turns into waste, which has to be handled in some way. Once again there is a risk that dangerous substances can cause harm.

There are numerous examples of mistakes made in the past by construction companies and suppliers to the construction companies, like the widely spread use of asbestos in articles and chemical products, the use of PCB's in sealants, lead in paints, and so on. These mistakes were caused by insufficient legislation regarding the use of chemicals, the suppliers' lack of knowledge of the harmful effects of the ingredients they used in their products, and the fact that information about the chemical composition of products and articles was not easily available for the users. The costs of repairing these mistakes are enormous. In some cases the damage cannot be undone; e.g. PCB's and other persistent chemicals are already widely spread in the environment.

"For our business, it is extremely important that people who use our buildings are healthy and well and trust our company and our products"

What we need

The construction industry is a large industry, using many different chemical substances included in many different chemical products and construction materials. We consider the elimination of "substances of very high concern" and full information about the contents of the chemical products and materials we use a very important factor of success for the construction industry. For our business, it is extremely important that people who use our buildings are healthy and well and trust our company and our products. It is also extremely important that we avoid economical setbacks and loss of brand value that may be the result of demands for removal of dangerous substances in buildings and alerts about environmental disasters.

Today we try to find out as much as possible about the contents of chemical products and construction materials, and we try to avoid the most dangerous substances. We spend a lot of time trying to gather this information from suppliers. A legislation that means that the suppliers have the greatest responsibility to eliminate "substances of very high concern" so that we as users can be sure that the products and materials that are delivered to us are relatively harmless, as well as making it easy for us to get full information about the contents of both chemical products and materials, would mean that we save a lot of money and that we can deliver better products. This would also mean that we stand a better chance to fulfil the commitments we make in our environmental policy: *"NCC shall create healthy built environments for the people who will be occupying them" and "NCC must reduce its use of harmful substances".*

Business opportunities

If we can be sure that all chemical products and materials that are obtainable within the EU are "safe", the possibilities for us to purchase goods from suppliers outside our home countries increase, which means that the purpose of REACH: "free circulation on the inner market" is achieved. Increased possibilities of international purchasing would make it easier for us to force down the costs for construction and housing. If, on the other hand, the legislative demands on the suppliers are too weak, the easiest way for us will be to primarily do business with national suppliers, since they have an understanding for our demands and our wish to eliminate "substances of very high concern".

To conclude, we would like to see the following development:

➤ The suppliers should have full knowledge of how dangerous the chemicals used in their chemical products and articles are. The demands for knowledge and testing must be valid for chemicals produced in less than 10 tons, and not just for larger amounts.

➤ "Substances of very high concern" should not be allowed in chemical products or articles if there are less dangerous alternatives.

➤ If there are no alternatives, "substances of very high concern" should only be allowed if the handling during the whole lifecycle is safe and if there are strong social and economical reasons for the use of the substance. The permission should be limited in time.

➤ Suppliers should declare the chemical contents and the toxic properties of both chemical products and articles.

➤ The same legislative demands should be valid for imported articles as for articles produced in the EU.

➤ All dangerous substances present in articles should have to be registered, irrespective of whether the substances are released during the use of the article or not, and irrespective of how much of the substances are used in each type of article. Even small amounts of chemicals may end up in the environment, eventually!

To us, it is very important to be able to offer our customers and employees a good and healthy working and indoor environment, as well as a good outdoor environment.

"We believe that consumers will accept to pay the price of a strong REACH"

Consumers' Right to a Safe and Healthy Environment

by EURO COOP

- EURO COOP – the European Community of Consumer Co-operatives – was created in 1957, its Secretariat is based in Brussels, and today it represents over 3000 local or regional consumer co-operatives, membership of which amounts to over 22 million consumers in Europe.
- EURO COOP is one of the longest-established European consumer organisations: its members were the first European consumer organisations as their roots are in the co-operative movements, launched in the 19th century.
- EURO COOP's objectives include promoting the economic and social aims of consumer co-operatives to the European institutions, in addition to representing and defending consumer interests. EURO COOP is a member of a number of consultative committees set up by the EU institutions and is also consulted on issues relevant to consumer co-operatives and their consumer-members.
- EURO COOP works to ensure that laws and policies drawn up in Brussels take as much as possible into account the concerns of consumer co-operatives and their consumer-members across Europe.
- Consumer co-operatives are owned and controlled by their members, the consumers, and therefore a major concern for them, at national and international level, is the promotion of consumer interests.

Beyond the mere fact of offering quality products and services, consumer co-operatives work for the sustainable development of their communities. One of their ways of fulfilling this objective is to help consumer-members in making better buying choices – which they facilitate via their policies of consumer information and education (using member magazines, web-sites, training programmes, etc.).

Consumer co-operatives therefore play an important role in contributing to more sustainable development and consumption through the products and information offered to their consumer-members.

THE NEED FOR A NEW AND STRONG EU CHEMICALS POLICY

EURO COOP has for many years called for a revision of EU Chemicals Policy in order for it to better protect the environment and human health. The current system is not working. The control and classification of existing chemicals under the system is too slow and inefficient. According to the European Commission, of the 140 substances put on priority lists for high production volume (HPV) chemicals, only 11 assessments have been concluded over a 10-year time span.

The current regulatory system is based on some 60 individual pieces of legislation, which makes the procedures cumbersome. Hence, the current system does not encourage innovation and substitution.

In EURO COOP's opinion any strategy and follow-on legislation must be based on:

- The precautionary principle.
- The polluter pays principle.
- A full right to know, including what chemicals are present in products.
- A deadline by which all chemicals on the market must have had their safety independently assessed. All uses of a chemical should be approved and should be demonstrated to be safe beyond reasonable doubt.
- A phase-out of persistent or bioaccumulative chemicals.
- A requirement to substitute less safe chemicals with safer alternatives.
- A commitment to stop all releases into the environment of hazardous substances by 2020.

WHAT WE WANT FROM REACH

EURO COOP believes that REACH must aim to close today's knowledge gap, maintain and enhance the competitiveness of European industry, protect animals, and ensure open access to key information for anyone who uses chemicals in one way or another.

It should not be possible for industry to use chemicals in products where the effects to human health and the environment are not known.

EURO COOP therefore believes that the precautionary principle and the principle of substitution with safer alternatives need to be further developed and clearer expressed in the proposal. The system must not become a license to continue using risky chemicals. The intention must be to ban risky chemicals except in those cases where it can be proved that there is a public need and no safer substitute.

Specific aspects of REACH

SCOPE OF AUTHORISATION:

EURO COOP finds it important that a mechanism is developed on how to deal with the potential of synergetic effects from a mix of chemicals. If not, there is a risk that chemicals will be authorised due to their PNEC (potential no effect concentration), despite the fact that there would be a problem if a number of chemicals appear as a "cocktail" in the air, the sewage sludge, water or soil.

PRECAUTIONARY PRINCIPLE AND PRINCIPLE OF SUBSTITUTION:

EURO COOP also believes that the precautionary principle and the principle of substituting with safer alternatives need to be further developed and more clearly expressed in the proposal. The system must not become a license to continue using risky chemicals. The intention must be to ban risky chemicals except in those cases where it can be proved that there is a public need and no safer substitute. A pre-requisite for this is to safeguard the safe disposal of packaging and product waste.

In this respect, EURO COOP would like REACH to address the problem on how to avoid that banned chemicals or products containing the banned chemical/chemicals are being supplied to retailers simply in order for manufacturers to circumvent their responsibilities before the ban enters into force. A system needs to be put in place to avoid this.

ANIMAL TESTING:

While EURO COOP recognises that the Commission has strengthened the provisions in relation to data sharing we would still like to stress the importance of information sharing in order to avoid duplicate testing. It should be an absolute requirement that there is no duplication of testing.

In addition, EURO COOP believes that more should be done to encourage the development of alternative test methods and, that once available they should become the standard test method for that particular endpoint.

EVALUATION:

In order for the system to work, it is necessary that deadlines are set for evaluating how well it is functioning and if it meets the aims set out. It may also be necessary to adjust or change some of the original aims due to new scientific evidence of safer alternatives or harmful effects of a chemical or a combination of chemicals to human health and/or the environment.

In addition, timetables for authorisation, non-authorisation or use restrictions of the various kinds of chemicals should be included in order to have an optimal system.

RESEARCH AND DEVELOPMENT:

EURO COOP would also like to see financial means allocated to further research and development of safer alternatives.

INFORMATION:

EURO COOP would like to stress the necessity to include in REACH a simple and comprehensible labelling system. The consumers have a right to know the constituents of products in order to be able to make an informed choice.

Besides, retailers will need the information too in order to be able to advise their customers/consumers. Currently, there is no system in place to secure the flow of information from producers to downstream users and consumers.

Nevertheless, labelling must not be used by industry to put the responsibility on consumers. Industry must remain responsible for the content, and correct use and disposal of their products.

However, one thing is labelling products another thing is for the labels to be comprehendible for all users/consumers. Therefore, educational measures, such as information campaigns and leaflets, should be taken in order for the consumers to better understand the problems in relation to chemicals.

AGENCY:

Regarding the Agency's expert Committees and Management Board, EURO COOP believes that all stakeholders must be represented on those on an equal footing, from the producer to the final consumer.

CONCLUSIONS:

We believe that consumers will accept to pay the price of a strong REACH, but only if REACH at the same time protects the environment and human health, particularly vulnerable groups such as children.

EURO COOP thus supports a new EU chemicals policy. We do not wish to see any further delay.

Safe products

– a condition for consumer confidence

By AB Electrolux

Electrolux is the world's largest producer of appliances for kitchen, cleaning and outdoor use, such as frigerators, washing machines, cookers, vacuum cleaners, chain saws, lawn mowers, and garden tractors.

Electrolux stands for innovative, trusted solutions, delivering ease of use and ease of mind. This is our pledge to consumers when they buy an Electrolux product. In this context "ease of mind" means that consumers can trust that products are free from chemicals that may be harmful to human health or the environment, and that products have been manufactured in a responsible way.

Every year, customers in more than 150 countries purchase some 55 million Electrolux products for both consumer and professional use, sold under famous brands such as AEG, Electrolux, Zanussi, Frigidaire, Eureka and Husqvarna. We estimate that our products are present in more than 400 million homes worldwide.

Sustainable use of chemicals requires that health and environmental effects can be properly evaluated. As unacceptable properties are identified for any substance, we must quickly adopt substitutes without the negative impacts. There is often insufficient data on substances, preparations and articles.

Electrolux has experienced two important instances in which substances have caused environmental and health concerns. Identification of the ozone-depleting properties of CFCs used in refrigerators became a major issue in the early 1990s, followed by concern over emissions from oven insulation a few years later. By acting proactively, we were able to resolve these problems without negative business consequences. Our experience from these incidents has helped us to better understand and handle consumer concerns regarding chemicals.

OUR USE OF CHEMICALS

Most Electrolux products are manufactured in one of the more than 100 Electrolux factories we operate in 25 countries. In manufacturing household appliances, relatively small quantities of chemicals are used as a proportion of the total amount of material in the products. Electrolux is a downstream user of chemicals and most of the chemicals are handled as preparations or articles.

HOW WE MANAGE CHEMICALS

There are several reasons for prioritizing the elimination of potentially hazardous substances from manufacturing processes and products:

- Consumers demand products that are safe to use, and do not negatively impact the environment.
- Substances can have a negative impact on the recyclability of products.
- Hazardous substances can be harmful for the working conditions for our employees.
- Potentially hazardous substances may result in hazardous waste, increasing disposal costs.

Electrolux manufacturing operations largely comprise the assembly of components made by suppliers. Other processes include metalworking, plastic molding, painting and enameling, and, to a certain degree, the casting of parts.
Production processes generate environmental impacts in the form of water and airborne emissions, and solid waste.
Chemicals such as lubricants and cleaning fluids are used as process aids. They often require special handling in production and after use become hazardous waste. A key objective has been to eliminate the use of chlorinated solvents.
Substances used in products include insulation materials, paint and enamel. Pre-treatment and coating are two processes associated with the use of environmentally undesirable chemicals. Electrolux has shifted from solvent-based paint to powder paint and installed more effective water and air cleaning systems.

Introducing Environmental Management Systems (EMS) at manufacturing sites is a vital part of the Group's environmental strategy. All manufacturing sites are required to implement an EMS. Sites with at least 50 team members are also required to certify the EMS to the ISO 14001 standard.

An Environmental Management System provides a structured way to assess and correct environmental hazards and to conduct production in an efficient manner. The result is improved working conditions, improved environmental standards and cost savings.

Electrolux is committed to provide customers with "green and safe" products.

Electrolux has introduced a Restricted Materials List (RML), aimed at ensuring that products meet the highest expectations regarding user health & safety and environmental protection.
Substances used in our products must never represent a danger to end-users, nor may they interfere with market acceptance or influence "end of life" properties negatively. The purpose of the RML is to avoid materials that are not in accordance with these requirements. The RML is also designed to facilitate compliance with the trend toward increased regulation of chemicals in markets worldwide. By tracking applications where substances are deemed even potentially hazardous, the Group is prepared to act swiftly when new scientific findings or regulations raise questions.

Producers of appliances are already covered by a variety of regulations regarding chemical use. One of the most important of these is the RoHS Directive (Restrictions on the use of certain Hazardous Substances). RoHS will ban the sale of electrical products containing lead, mercury, cadmium, hexavalent chromium and two groups of brominated flame retardants from July, 2006. The RoHS Directive will substantially affect product design. Almost all Electrolux electrical products must be modified to some extent to fulfill the Directive, mainly through the ban on lead in solder.

WHY REACH IS IMPORTANT

Electrolux welcomes legislation that makes it possible to accomplish our objectives regarding safe products, safe production and protection of the environment.

It is of fundamental importance for Electrolux as a downstream user to have access to information regarding environmental and health risks for the substances we use.

We see a number of advantages with the proposed harmonized and comprehensive legislation:

- Legislation for new and existing substances is combined.
- Information regarding substances and preparations will be more complete by shifting the responsibility to manufacturers and importers of substances.
- Information regarding classification and labeling becomes more accessible.
- Transparency will increase, strengthening both upstream and downstream information flow regarding substances and preparations.

We currently cannot estimate the precise quantities of chemicals and preparations imported or produced for the EU market, making it difficult to foresee the full effect of the REACH regulation, and the impact REACH will have on the chemicals we use in production.

REGISTRATION

The effort to identify potentially hazardous substances in products and manufacturing processes is highly dependant on the availability of information regarding the properties of chemicals. Today, there are limitations in the availability of information, primarily in regard to preparations and articles.

Registration establishes common rules for the requirements on the classification and labeling of the substance, guidance on safe use, and when required a chemical safety report.

As a downstream user, Electrolux considers registration of chemicals an important step toward obtaining information on all substances and preparations. We recognize the need to make priorities, but would welcome a simplified registration procedure for chemicals in quantities of less than 1 ton.

Electrolux supports the registration of substances in articles when those substances are classified as dangerous and they could be released under normal use.

”Complete, reliable information on all chemicals is a prerequisite for supplying products that are safe for consumers and the environment.”

EVALUATION

The shift of responsibility from authorities to manufacturers and importers to produce and provide information requires a control mechanism. Evaluation of the information in the dossier, and any necessary additional substance evaluation, provides the data certification required to give downstream users confidence in the quality of information.

AUTHORIZATION

Substances that require authorization shall be avoided in consumer products. The authorization will provide the necessary means to secure safe use when these substances are used in production.

DUTY OF CARE

Manufacturers, importers and downstream users have a responsibility to ensure that chemicals are used in a manner that poses no threat to human health or the environment. It is important to ensure communication of information up and down the supply chain to accomplish relevant chemical safety assessments.

CONCLUSION

Complete and reliable information on the properties and safe use of all chemicals is a prerequisite for their proper management. This information is necessary for the accurate assessment of when and how to use chemicals in products and manufacturing processes.

Electrolux sees REACH as an important tool in accomplishing our objectives regarding safe products, safe production and environmental protection.

ARCTIC PAPER

International Chemical Secretariat thanks Arctic Paper for its support.

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Pictures from Ulf Swerin, Johnér Bildbyrå, Photographer Mikael Ullén and Getty Images.

Companies and businesses that could ultimately suffer the financial consequences of inadequate information about chemicals have so far received little attention in the debate over the EU Commission's proposal for new chemicals legislation (REACH).

Companies that are dependent on chemicals for their articles are convinced that they cannot afford not to have such information. It is they who have the closest contact with consumers in the market place, and it is they who will take the blame and pick up the bill when something goes wrong.

In this publication the International Chemical Secretariat have given several companies and stakeholder organizations the opportunity to describe their motives for demanding stronger chemicals legislation.

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The International Chemical Secretariat (Chemsec) is a non-profit organisation dedicated to work towards a toxic free environment. The Secretariat is a cooperation between four environmental organizations in Sweden; SSNC, WWF, FoE and Fältbiologerna.

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