



REACH : A GREAT STEP TOWARDS SAFETY AND SUSTAINABILITY

Introduction : Why do we need new legislation on chemicals?

We are exposed to hundreds and maybe even thousands of industrial chemicals every day. Chemicals are present in just about everything we use at home, including cleaning materials, clothes, cosmetics, furniture, packaging and even toys. Yet the vast majority of these chemical ingredients have not been properly tested for safety. This is because manufacturers are not required to provide safety data for the 100,000 chemicals that were marketed before 1981. It is up to the authorities to prove that a chemical is problematic, and conclusions are often challenged by the industry. Even when problems have been recognised, it has been very difficult to use existing laws to control or ban the uses of hazardous chemicals. Even when we know that some chemicals are capable of harming health and causing diseases, they can still be used on the basis of "acceptable risks" assessments. The validity of this model of "acceptable risks" is the core of the REACH debate. Recent concerns have also focussed on long-lived chemicals that enter the environment during manufacturing, use and/or disposal of articles containing them. Many chemicals are now found in our bodies and the environment, even contaminating the oceans, polar or high mountain regions and their wildlife.

What is REACH ?

The new European chemicals legislation is intended to give the public greater protection from intentionally produced chemicals. It is the biggest and most important European regulation in twenty years. REACH stands for Registration, Evaluation and Authorisation of Chemicals. It will pass through the European Parliament during 2005 and should become law in 2006. REACH will also reduce the complexity of current chemicals legislation. New and old chemicals will be brought under the same regime and over forty pieces of separate legislation will be replaced.

Registration : When it comes into force, chemical companies will, for the first time, have to provide basic health and environmental safety data on the chemicals they produce. Currently only chemicals marketed after 1981 require this data - that is less than 10% of chemicals on the market. Because of the vast number of chemicals for which data is currently not available, REACH will prioritise. About 30 000 chemicals will be included in the system. Those produced in the highest volumes and those already known to have dangerous properties will be dealt with first.

Evaluation : The adequacy of or need for further information in the registration dossiers can be evaluated by the national authorities if the substance presents a risk to health or the environment. Any industry proposal for testing on animals will have to be checked and agreed by the authorities. Data (including existing data) from animal tests will have to be shared and this will avoid much new testing.

Authorisation : REACH will then identify extremely hazardous chemicals and give them a special classification as "substances of very high concern". These chemicals will be few in number (perhaps around 2000) but will require a special licence for production, even ones that have already been on the market for many years. This license will be called an authorisation. One of the goals of REACH is to ensure chemicals of very high concern are phased out and replaced with suitable, safer alternatives. A chemical is classified as of very high concern if it can cause cancer, damage genetic material or is a reproductive toxin. Any chemical that cannot be broken down by nature and builds up in the bodies of human beings or wildlife is also classified as of high concern, even if there is no evidence that it is toxic.

Another goal of REACH is to enhance the competitiveness of the European chemicals industry. It aims to do this by encouraging innovation (the old regulations stifled innovation) and by setting clear rules which will make the EU chemical industry a world leader in sustainable chemical production.

What needs improving in REACH from NGO point of view :

Environmental groups would like to see the following in REACH:

- an obligation to phase out chemicals that accumulate in humans, wildlife or the environment, and those that interfere with our hormone systems or cause cancer. Restricted uses of such chemicals should only be permitted temporarily if safer alternatives are not available and there is an overriding societal need for the specific use ;
- a full right to know, so that consumers and businesses can judge the risks from chemicals, including information about all dangerous chemicals present in products ; and
- a requirement that products imported into the EU should conform to the same safety standards as those made in the EU.

These points are not fully incorporated in the current draft of REACH. For example, a loophole in authorisation means that some of the worst chemicals could continue to be used indefinitely even if substitutes are available.

REACH and controversies – The French case

Costs : A controversy was raised by the chemical industry on the costs of REACH, pretending that it will harm EU competitiveness and lead to massive losses of jobs and relocations outside the EU. This controversy was filled by many business impact assessments – especially from France and Germany, the 2 big chemical players. These assessments, yet, had more to do with a scaremongering exercise than with scientifically sound economic studies. The Commission's own assessment estimates the overall costs of REACH to less than 0.05 per cent of chemical industry turnover over 11 years.

Health and Paris Appeal : There are increasing evidences that some synthetic chemicals are harming health. For example, chemicals are suspected of contributing to breast and testicular cancers, leukaemia, some allergies, reproductive problems and birth defects, early puberty in girls, and falling sperm counts etc. Chemicals also cause many cases of occupational diseases. Yet, for obvious practical reasons, it is quite impossible for toxicologists and other scientists to draw conclusions with certitude. Therefore, in this controversial context and under increasing economical pressure, chemical industries are inclined to continue with “business as usual” policies while politicians are scared to act “against” business. This situation can reach dramatic heights in a country such as France where environment has always been disregarded by public authorities and where reigns the partisans of “adequate control of risks”. Therefore, the Paris Appeal was a much needed and awaited event in France for all those, scientists, doctors, civil servants, ecologists and simple citizens, who felt the emergency of a change of approach in France. With 20% more cancers than the European average, something was rotten in the country of human rights and social welfare. This thought led Dominique Belpomme, an academic oncologist, expert from President Chirac's cancer plan, to step out of the “official tracks” and initiate a historical colloquium in UNESCO on May 7th 2004, entitled “Cancer, environment and society”. The panel gathered international scientists and NGOs to discuss about environmental diseases and their links with industrial (mis)management. The Paris Appeal is an international declaration out of this colloquium calling for stricter rules in world-wide chemical management. It is also a public petition that all can join and that will be eventually handed over to Members of the European Parliament and EU governments but also United Nations Environment Programme (UNEP) and World Health Organisation (WHO).

Substitution is the solution

The most important step towards a preventive regime is to give a central place in chemicals legislation to the Substitution Principle. This can be defined quite simply as “the replacement of hazardous substances by less hazardous substances or preferably non-hazardous substances where such alternatives are available”. It means that if a product that uses a hazardous chemical can be manufactured using a safer alternative, at a reasonable cost, the hazardous substance will no longer be permitted for that use.

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