



Brussels, 27 October 2005

Dear Member of the European Parliament,

Before the plenary first reading on REACH in November, health, environment, consumer and women's NGOs call on MEPs to ensure that REACH addresses the failure of the existing legislation and delivers positive results for people and wildlife. NGO concerns and initiatives to strengthen REACH are supported by many European citizens as well as scientists.

It is now time for Members of the European Parliament to decide what level of protection they want to guarantee for people and the environment. We have selected three key areas where positive amendments will be crucial for REACH to effectively improve current EU regulation of chemicals:

- 1. Controls on, and replacement of, the most hazardous chemicals at authorisation and substitution phase.**
- 2. Basic safety information for all chemicals at registration phase**
- 3. Right to know for consumers and retailers**

NGOs will closely monitor plenary votes on the following priority amendments. We believe these should be supported by all MEPs to ensure that REACH will deliver safer chemicals in daily use for citizens, consumers, workers and the environment:

1. Authorisation to continue using the most hazardous chemicals should be granted ONLY if no safer alternatives are available and for a limited time period. *Amendments: 232, 233, and 221, 235*
2. Sufficient basic safety information is provided for chemicals produced in 1-10 tonnes per year to enable assessment of the potential hazards for human health and environment: *Amendments: 333, 335, 336*
3. Producers of low volume chemicals will communicate the safe uses of their products to downstream users, in a report based on safety data and analysis of hazards and exposure. *Amendments 98, 110*
4. Chemicals which are persistent, accumulate in our bodies (bioaccumulative) and others like endocrine disruptors must be prioritised for early registration. *Amendment 120*
5. Precautionary action can be taken against endocrine disrupting chemicals: *Amendment 217*
6. A legally binding duty of care applies to all chemicals produced. *Amendments: 59, 61, 62*
7. Consumers and retailers can obtain information about chemicals in consumer products, so that consumer confidence can be restored. *Amendments: 166, 246, 301, 302*

More detailed justification and further key amendments are presented overleaf.

Consumer, Environment, Health, and Women NGOs' recommendations

Many years of debate on the EU chemicals reform have helped increase citizens' awareness of the wholly inadequate regulation for the vast majority of chemicals in our daily lives. The health problems associated to increasing chemical contamination in our daily environment, and the economic benefits that an effective REACH regulation would bring have been widely recognised: the Commission's Extended Impact Assessment - October 2003- demonstrates that REACH would deliver EU health savings of €50 billion over 30 years; a study from the University of Sheffield for the ETUC shows that REACH would save €3.4 billion over 10 years and €90 billion over 30 years in reducing occupational skin irritations and respiratory disease alone.

We believe that if REACH is to produce noticeable results for public health and the environment, it must set up systematic procedures to identify and phase-out the harmful chemicals.

1. Robust authorisation procedures and substitution for the most hazardous chemicals

The authorisation procedure in REACH has been designed to ensure strict regulation of the most hazardous chemicals, i.e. those which can cause cancer, affect DNA or the reproductive system, accumulate in wildlife and humans, and give rise to equivalent concerns such as hormone disrupting chemicals. Given the extremely high health and environmental concerns at stake, NGOs believe that whenever there is a suitable safer technology or substance to replace these chemicals, REACH should make substitution mandatory.

The "substitution principle" is common in existing EU legislation e.g. the Biocide Directive (98/8/EEC), the Directive on the risks related to exposure to carcinogens at work (90/394/EEC) and the Directive on risks related to chemical agents at work (98/24/EEC).

A robust authorisation system with a systematic consideration of suitable alternatives will not only stimulate innovation in the chemical industry but will also benefit companies which already produce and use safer chemicals and alternative technologies. In order to achieve a phase-out of the most hazardous chemicals and deliver safer chemicals in daily lives of people and wildlife, it is crucial that REACH systematically applies the substitution principle.

NGOs call on MEPs to strongly **SUPPORT** the following amendments for effective authorisation and substitution procedures:

- The aim of the authorisation procedure should be primarily to ensure the replacement of substances of very high concern by suitable safer alternative where available: **214**
- Substances meeting the authorisation criteria should be listed in a candidate list: **215, 216, 219, 223, 227, 230**
- Promote the use of suitable safer alternatives whenever available : **232, 233, 235, 237, 238, 241, 242**
- Ensure precautionary action is taken against endocrine disrupting and other equivalent concern chemicals: **217**
- Requirements for a safety data sheet should be extended to all substances meeting the authorisation criteria: **157**
- Authorisations for the substances of very high concerns should be time limited: **221, 235, 236,**

NGOs urge MEPs to **REJECT** amendments on authorisation such as those adopted by IMCO and ITRE Committees, which do not even require a systematic consideration of available alternatives.

2. Basic safety information must be provided for all chemicals in the registration phase

REACH was proposed in order to meet the existing knowledge gap on nearly 90% of chemicals in use. The final measure of an effective REACH – reducing toxic substances in our daily environment – depends on the extent of the safety information that producers and importers must provide in the registration of the chemicals. Making basic safety information for all chemicals produced above 1 tonne per annum (tpa) systematically available was the fundamental aim of REACH, agreed by all stakeholders under the White paper in 2001 .

Moreover sufficient safety information is also vital to identify hazardous chemicals and their potential safer alternatives.

The Commission proposal sets very limited testing requirements on the toxic effects of chemicals produced between 1-10tpa. Yet these represent 17 500 of the 30 000 chemicals covered by REACH; and they can have significant impacts on the environment and public and workers' health. Three basic additional non-animal toxicity tests are needed to identify hazardous chemicals from this tonnage band.

For chemicals produced in higher volumes - 10 to 100tpa and above - the Commission's proposed safety tests are the minimum needed to do a basic risk assessment (cf. OECD Guidelines for the testing of chemicals), and are equivalent to internationally accepted levels.

NGOs urge MEPs not to vote for a weakened REACH system that would simply repeat the failures of the current legislation and would fail to take action on the chemicals of high concern.

We call on MEPs to **SUPPORT** amendments which:

- guarantee that basic safety information is systematically provided for all chemicals above 1tpa under the principle of 'no data, no market'
- re-establish three basic non-animal toxicity tests for the chemicals produced in 1-10tpa, in order to permit hazardous chemicals to be identified and ranked into danger categories; **333** (test for carcinogenic/mutagenic properties), **335** (chronic toxicity in the aquatic environment), **336** (biodegradation).
- prioritise the registration of chemicals of high concern (vPvB, PBT), **120**
- require a chemical safety report for low volume chemicals, so that producers communicate the safe uses to downstream users, based on the required safety data and analysis of hazards and exposure **98, 110**
- establish a legally binding duty of care to ensure that chemicals producers and users take up their full responsibilities for the safety of their products, in particular for the chemicals produced at less than 1 tonne per annum which will not be registered under REACH: **59, 61, 62**

NGOs therefore urge MEPs to **REJECT** the ITRE and IMCO Committee proposals which drastically weaken the testing system for both low and high volume chemicals and place the burden on authorities or the central Agency to screen thousands of chemicals in order to ask for basic safety information. This excessively bureaucratic system would also require vastly increased resources for the Agency to perform these tasks and increased registration fees for manufacturers, particularly SMEs. These proposals would severely hamper the process of identifying hazardous chemicals and potential safer alternatives – and would mean unacceptably low levels of protection for occupational and public health and the environment.

3. Ensure the right to know for consumers and downstream users

A major aim of REACH is to ensure the flow of safety information on chemicals through the supply chain. However, the Commission proposal stops the information flow as soon as a substance enters an article.

Downstream users, retailers and ordinary consumers would therefore not receive information about chemicals in products, nor would they have any right to obtain this information. This would be in breach of the Aarhus Convention on access to environmental information. It would also make it impossible for consumers and professional users to make informed choices about the products they buy, to give preference to safer products and to avoid hazardous chemicals.

NGOs call on MEPs to **SUPPORT** amendments that strengthen the right to know for downstream users, retailers and consumers in order to restore confidence in the safe use of chemicals throughout the supply chain and to make REACH a transparent and trustworthy.

Therefore, please **SUPPORT** amendments for:

- Duty to communicate information on chemicals in articles to downstream users, retailers and consumers: **166, 167, 168, 302**
- The procedure for access to information must be clarified and streamlined to be consistent with existing EU and International legislation on access to environmental legislation: **53, 301**
- Articles which contain chemicals of very high concern should be labelled: **246**
- Facilitating access to basic information through the Agency: **294, 299**

NGOs urge MEPs to **REJECT** amendment **303** which further limit access to information.

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