

University of Cape Town's

CHEMICALS NETWORK

Issue: 1 of 2021

Date of discussion: 02 February 2021

Discussion Forum Digest

This Chemicals Network discussion was entitled “Understanding the EU’s 202 Chemicals Strategy for Sustainability (CSS) and the implications for low- and middle-income countries (LMICs)”. The discussion focused on the recently released EU Commission’s Chemicals Strategy for Sustainability, with discussion points around some of the key concepts mentioned in the strategy and what this strategy could potentially mean for LMICs in terms of implementation, challenges and opportunities. This discussion also focused on a recent analysis of the strategy released by the Centre for International Environmental Law (CIEL) with focus on the policy aspects of the strategy. The discussion was presented by Helene Kanellopoulos from the Swedish Chemicals Agency (KemI), Michael Warhurst from CHEM Trust, and Giulia Carlini from the Center for International Environmental Law (CIEL).

ABOUT THE PRESENTERS



Hélène Kanellopoulos works for the Swedish Chemicals Agency, in the unit responsible for the coordination with the European Union. She

has a legal background. Prior to joining the Swedish Chemicals Agency, she worked for the General Court of the European Union and for the European Commission (Directorate General for Competition and Directorate General for Environment). Her everyday work focuses on non-toxic environment questions and circular economy.



Michael Warhurst has been Executive Director of CHEM Trust since July 2014. He previously worked on waste & resource use at Friends of

the Earth from 2005-June 2014, including heading up Friends of the Earth Europe’s Resources and Consumption programme for over 5 years. Prior to this he worked on chemicals policy at WWF European Policy Office for 3 years and at Friends of the Earth for 5 years, focussing on advocating for reform of EU chemicals policy and working on the initial stages of REACH. He is a PhD Biochemist, with an MSc in Environmental Chemistry and a degree in Biochemistry.



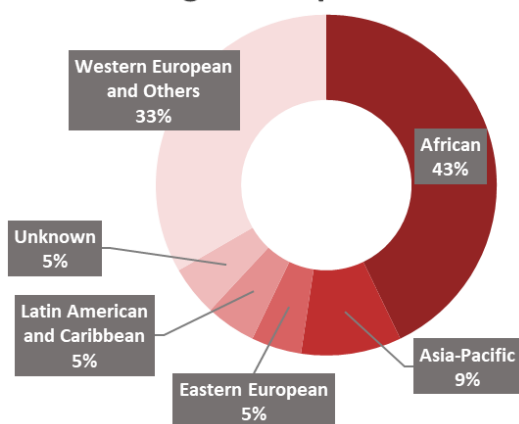
Giulia Carlini is a staff attorney in the Environmental Health program of CIEL, based in Geneva, Switzerland.

Her work focuses on endocrine-disrupting chemicals (EDCs), international chemicals governance, and global policy on plastics. Giulia is an Italian lawyer who graduated in European and Transnational Law studying in Italy and Belgium. She also holds an LL.M. in International Law from the Graduate Institute of International and Development Studies of Geneva, Switzerland.

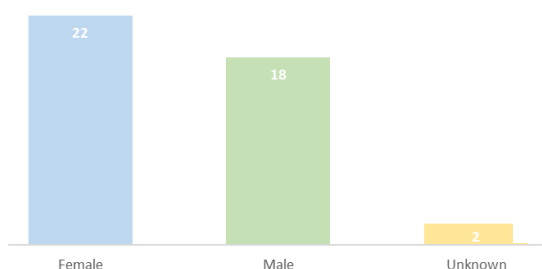
ATTENDANCE BREAKDOWN

ATTENDEES: 42

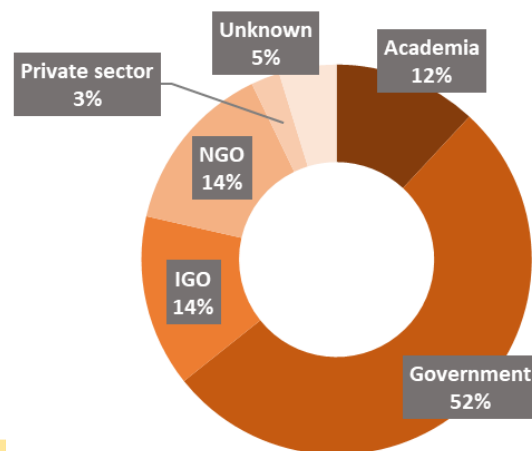
Regional representation



Gender representation



Sector representation



Key:

IGOs = Intergovernmental Organisations
NGOs = Non-governmental Organisations

KEY MESSAGES FROM THE DISCUSSION

1. Implementation of the EU CSS was a key area of focus in this discussion. The EU Commission has set indicative timelines for implementation of some aspects of the strategy laid out in the CSS Annex. The Covid-19 pandemic may have an impact on the timelines, and this would need to be considered when looking at implementation. **CSS is only a strategy – some its components will need to be promulgated into law.**
2. A key idea pointed out was that currently the EU is managing to implement a more precautionary approach and so it should be possible for other countries to do so. While this may be true there are still unique obstacles faced by LMICs and the various sectors involved in chemicals management that needs to be considered. Using the **safe and sustainable by design approach** provides industry and all stakeholders involved in various aspects of the chemical life cycle something positive to work towards. This kind of approach has a positive agenda that still allows for improvements and prioritisation of health and safety while respecting the circumstances of all stakeholders involved. A **safe and sustainable by design approach** also fits in with other agendas such as climate change. It is a good way to broaden the chemicals sustainability debate.
3. The discussion highlighted that the approaches promoted in the EU CSS should be considered for implementation globally and not just in the EU, as this is the only way to address chemicals and waste management across the world. Further highlighted was the importance of all countries, specifically LMICs, reviewing the EU strategy and engaging with it all levels (private sector, academia, NGO, IGO and government) to gain some insight into how to address legislative and regulatory challenges within their respective countries. While it may just be a strategy at this stage, the CSS is a useful template for striving to achieve a toxic-free environment.

CONTRIBUTIONS FROM DISCUSSION PARTICIPANTS

The discussion was structured around three questions and the key discussion points are presented under each:

Question 1:

Are there any concepts or actions from the CSS that you would like to clarify or discuss in-depth? (Please keep in mind that some of them will be discussed further during Question 2)

Are there any policy orientations that, in your view, could be useful outside the EU context?

IRAN (Academia)	<ul style="list-style-type: none"> - Feb 2nd is World Wetlands Day 2021, relevant for chemical management. For example, lead poisonings from lead bullets are a big threat to migratory birds in wetlands. - Big volumes of biocides used everywhere are a new threat to wetlands, they include many types of sterilant, disinfectants, etc... - There are no clear distinctions between pesticides & biocides which needs to be addressed.
JORDAN (IGO)	<ul style="list-style-type: none"> - The "one substance, one assessment" approach is a useful and good approach for the Eastern Mediterranean Region.
MEXICO (NGO)	<ul style="list-style-type: none"> - What the United States does usually has an impact on other countries. - For example, for Mexico it would be good to promote the evaluation of a substance, as it is common to mix substances. - These substances will have different impacts.
EU	<ul style="list-style-type: none"> - On the lead issue, the EU has just finalised a ban on lead shot use in Wetlands and has started a discussion on a wider ban on lead shot. - It has been controversial with lots of pressure from hunters. - The EU has two separate regulatory systems for Biocides and Pesticides; they are not the main focus of the CSS, which is mainly about 'industrial chemicals'. - Adding EDC to classification of chemicals is planned by the EU, and the general EU approach is to try and get things into GHS.
PRESENTERS NOTES:	<ul style="list-style-type: none"> - Implementation is important. - The Commission has provided timelines for various activities. - For instance, the work on One Substance One assessment will start his year while other activities are planned for 2022 and 2023. - Some activities will require stakeholder involvement - the Commission organises public consultations on various issues before adopting new legislation (for instance). - Some initiatives will have to go through an impact assessment. - Some aspects can be done under current laws, others require new legislation, which will take several years. - The introduction of new criteria/hazard classes for EDCs in GHS is mentioned in the Strategy but nanomaterials are absent.

Throughout the discussion, informal polls were conducted to help encourage discussion among the participants. They do not provide any representative data but rather provide a snapshot of participant views.

Poll 1 Results (N = 19)

I have read or skimmed the EU Chemicals Strategy for Sustainability.

Yes: 58%

No: 42%

Question 2:

What is the potential for adopting a more precautionary approach to the chemicals used, including in final products, and could the EU's safety assessments and experience of substitution be useful?

IRAN (Academia)	<ul style="list-style-type: none"> - EU generally is doing enough good as compared to other parts of the globe, however the recent EU agricultural policy resulted in some critics.
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	<ul style="list-style-type: none"> - If EU follows a stronger Sustainable Chemical policy that would be very useful. - EU needs a clearer policy for chemicals circular economy. - The regulations of PFAS and EDCs need to be more evaluated and discussed.
SOUTH AFRICA (Academia)	<ul style="list-style-type: none"> - What is key in many African countries is to move away from this approach that all chemicals are safe until proven otherwise and that it is the responsibility of regulators to take on the burden of proof. - There is much need for having a precautionary approach.
EU (NGO)	<ul style="list-style-type: none"> - EU REACH is a law for the EU's internal market, so must be followed by all 27 EU countries plus Norway. - Switzerland also copies a lot of its outcomes, and UK (at this moment) is still fully aligned. - The EU is currently developing a restriction on non-essential uses of PFAS. - There are already restrictions on smaller groups (e.g. on four phthalates which includes a consideration of additivity of effect). - NB virtually all laws banning use of chemicals in the EU are at EU level, though there are provisions for individual countries to take emergency measures. - Hopefully as the EU pushes innovation towards safer products then these products will also be used in other countries.
PRESENTERS NOTES:	<ul style="list-style-type: none"> - CSS footnote on GHS improvements: "Introduce new criteria/hazard classes for PBTs/vPvBs, terrestrial toxicity, endocrine disruptors, persistency and mobility; adapt existing criteria based on scientific knowledge and progress, i.a. to take account of alternative methods, and clarify criteria for germ cell mutagenicity." - There should be more developments on circular economy and chemicals following the adoption of the strategy – chemicals in consumer products will be discussed at length. - Helpful resource - website on substitutions: https://www.subsportplus.eu/subsportplus/EN/Home/Home_node.html - It is worth noting a difference between the chemical industry and downstream users – The chemical industry generally wants to sell similar chemicals as that is what their plants are set up for. Downstream users do not want the hassle of constantly re-formulating, so may be happier with a group approach. - Some sectors really hate grouping where they have a lot of unpleasant products that are under threat (e.g. brominated flame retardants or PFAS). - It is worth noting that industry does use 'read across' when registering data on chemicals, which is essentially grouping. - Read across is used to reduce the amount of new test data needed when registering a chemical, grouping is used to control the use of chemicals.

Poll 2 Results (N = 19)

Have you tried to use ECHA's chemical database to give you safety information on chemicals? What was your experience?

I have tried the ECHA's chemical database and found it easy to understand and navigate:	53%
I have tried the ECHA's chemicals database and found it difficult to understand and navigate:	16%
I have never tried the ECHA's chemical database:	26%
I have never heard of the ECHA's chemical database until today:	5%

Poll 3 Results (N = 14)

Do you already use a generic approach (e.g. avoiding CMRs) in your work, do you think this could be extended?

I do already use a generic approach and feel that it could be extended:	50%
I do use a generic approach but do not feel it could be extended:	7%
I do not use a generic approach but would like to start:	43%

Question 3:

In the CSS, the EU commits to promoting its standards globally and to supporting third countries' capacity to assess and manage chemicals in a sound manner. Which challenges would you find in applying EU-inspired standards? In which areas could the EU cooperation help strengthen chemicals regulation and management in your country?

IRAN (Academia)	<ul style="list-style-type: none"> - EU chemicals regulations REACH are already used in many Asian countries mostly in the East Asia (K-REACH, China, India, etc...) and it is a big help. - Joint conference between China REACH-24 and the Helsinki Chemicals Forum in November and December. - What is always left behind are Middle-East-North-African countries that really need a REACH like regulations. - As experience showed already EU has a good reputation for not exporting banned chemicals as compared to North America.
SOUTH AFRICA (Academia)	<ul style="list-style-type: none"> - In South Africa there are two challenges in relation to importing banned chemicals - 1) there is no overarching chemical legislation or bill and 2) the trend is to simply look at the chemicals, not the chemicals in products.
KENYA (Government)	<ul style="list-style-type: none"> - GHS implementation is a challenge. - Lack of a proper legal framework and capacity of industry to self-regulate.
SWEDEN (Government)	<ul style="list-style-type: none"> - The EU have very limited possibilities to ban any export of chemicals or products containing certain chemicals.
VENEZUELA (NGO)	<ul style="list-style-type: none"> - Challenges: Creation of technological capacities to strengthen legislation.
EU	<ul style="list-style-type: none"> - About banned chemicals: There is the EU PIC Regulation requiring companies who would like to export banned/highly restricted chemicals to inform the receiving country about that EU decision. - The EU process to ban a chemical takes some years and often includes phase in periods, so companies should have plenty of warning of controls.
PRESENTERS NOTES:	<ul style="list-style-type: none"> - The best way for a country to find out if a chemical they wish to import has been banned in the EU is to search the ECHA database (specifically for chemicals). - It is still unclear how the EU will ensure this will happen. - The CSS refers to potential amendments of EU legislation as needed, but the only information we have so far is a reference to the action happening in 2023 (indicatively). - One complexity is where a chemical is not quite fully banned - like tetraethyl lead (lead in petrol), which has been exported from a UK factory for years. - In theory there are two different measures that could have a similar effect - (i) to ban production and (ii) to ban export. REACH restrictions can in theory ban production, but only if it can be shown that use is not 'adequately controlled'. - Making sure banned chemicals are not being exported would indeed be challenging - a useful approach would be for importing countries to not allow the import. - The PIC 'export notification' helps to keep track - that was what was used in a recent investigation to find out which banned pesticides were exported from the EU: https://unearthed.greenpeace.org/2020/09/10/banned-pesticides-eu-export-poor-countries/ - Banning chemicals is actually fostering new investments in safer alternatives: see "Driving Innovation: How stronger laws help bring safer chemicals to market" http://www.ciel.org/Publications/Innovation_Summary_Feb2013.pdf / French summary: https://ciel.org/wp-content/uploads/2014/10/Innovation_Resume_Feb2013.pdf

Poll 4 Results (N = 20)

I have read or skimmed CIEL's document on "How can the European Union set an example for the world?"

Yes: 35%

No: 65%

Key resources:

- **Press release on the Chemicals Strategy for Sustainability – Towards a toxic-free environment:** [Commission adopts new Chemicals Strategy \(europa.eu\)](https://ec.europa.eu/commission/press-room/detail/2020/10/20-chemicals-strategy)
- **EU 2020 Chemicals Strategy for Sustainability:** <https://ec.europa.eu/environment/pdf/chemicals/2020/10/Strategy.pdf>
- **Q & A on the Chemicals Strategy for Sustainability – Towards a toxic-free environment:** [Chemicals Strategy towards a toxic-free environment \(europa.eu\)](https://ec.europa.eu/commission/press-room/detail/2020/10/20-chemicals-strategy)
- **Swedish Chemicals Agency's press release and accompanying documents:** [European Commission publishes an ambitious chemicals strategy for sustainability - Kemikalieinspektionen](https://www.kemi.se/en/press-releases/2020/10/20-chemicals-strategy)
- **CHEM Trust welcomes the European Commission's new Chemicals Strategy for Sustainability:** <https://chemtrust.org/new-european-chemicals-strategy/>
- **EU chemical agency ECHA's substance information, including classification:** <https://echa.europa.eu/information-on-chemicals>
- **'Subsport' portal on substitutes for hazardous chemicals:** https://www.subsportplus.eu/subsportplus/EN/Home/Home_node.html
- **CIEL - The Chemicals Strategy for Sustainability: How Can the European Union Set an Example for the World?** https://www.ciel.org/wp-content/uploads/2021/01/CSS-Analysis_Final.pdf
- **Unearthed - European Commission commits to ending exports of banned chemicals** <https://unearthed.greenpeace.org/2020/10/15/eu-banned-pesticide-exports-public-eye/>

Chemical Network: The Chemical Network is a non-partisan online forum established by the Division of Environmental Health (DEH) at the University of Cape Town's (UCT) School of Public Health and Family Medicine. It was established as part of a knowledge management and sharing project supported by the Swedish Chemicals Authority (KemI).

This forum has been produced with financial assistance from Sweden, through the Swedish International Development Cooperation Agency (SIDA), which has been arranged by the Swedish Chemicals Agency (KemI). The views herein shall not be taken to reflect the official opinion of SIDA or the Swedish Chemicals Agency.

If you have any question or require clarification on this initiative, please contact UCT at chemicalistserver@gmail.com.

If you are not already a member, to join the Chemical Network at:

https://forms.office.com/Pages/ResponsePage.aspx?id=NUNFkk5Wz0ywsCREW4wD9xEG1M2Og-dLiLP1a0163_JUMk9STUk1OThJVFlzVFdKVktMNIg4TVVHUjQIQCN0PWcu

Disclaimer: The information in this digest represents the opinions of members participating from different stakeholder groups expressed during the discussion. The views expressed in this document do not necessarily represent the opinion or the stated policy of the Swedish Chemicals Agency (KemI) or DEH UCT, nor does citing of trade names or commercial processes constitute endorsement.