No law is better than its enforcement?

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About CHEM Trust

• A charity working at UK, EU & Global levels to protect humans & wildlife from harmful chemicals
• Working with scientists, technical processes and decision makers, in partnership with other civil society groups
• Focus on identification of, and action on, endocrine disrupting chemicals
• See www.chemtrust.org & www.chemtrust.org/newsletter
What should enforcement deliver?

1. Ensure “No data, No market” reality
2. Action on all chemicals across the board
3. Protection of all consumers and the environment
4. A level playing field between competitors
5. Sufficient resources to ensure compliance
Registration and classification

“REACH is the fundamental machinery of producing information that is used in almost all other legislation”

Registration
BfR report: After 10 years, data for 1/3 of all high volume chemicals are still not compliant.
MEP hearing, ENVI Committee, November 8: “Simply not acceptable. If it is a matter of resources and people, then please tell us what you need”

Classification
The inventory still in progress
Bisphenol S in ECHA inventory: 230 not classified, 9/320, less than 3 %, classify: rep2

Given that RAC has said that Bisphenol S “May have toxicological profile similar to BPA”, how is it tenable for the majority of companies selling BPS to tell their customers that it has no hazards, and why have only 9 classified rep2 (BPA is rep1b)?

Call to ECHA and MS:
Step up and ensure resources and cooperation on enforcement for basic data. Time for clear deadlines and clear sanctions
Grouping: The bisphenols

- CHEM Trust “Toxic Soup” report
  - Launched March 18
  - Examines how companies switch from a known hazardous bisphenol to one with similar properties
  - KEMI has identified 37 bisphenols - EDCs properties like BPA?

www.chemtrust.org/toxicssoup
Groups as a solution

• Group-based Restriction can improve quality of registration data, e.g.
  – Start a Restriction on a wide group of bisphenols
  – The only way out of this Restriction is for registrants to provide strong data that a substance does not have the properties of concern

• Result:
  – Removal of chemicals of concern from the market, probably including some with poor registration dossiers.
  – Increased safety data on any substances that are claimed to not have the properties of concern.

• See www.chemtrust.org/toxicssoup
Information in numerous supply chains

- Retailers and the supply chain must have knowledge to ensure that their products are compliant
  - Lack of information in supply chain is still a problem
  - How often is the concept “Risk based compliance” used?

- Products sold in small Shops, Markets, On-line
  - These retailers also need to know what is happening in their supply chain

- The enforcement challenge is proportional to the number of products - Resources must be in place
It’s not just about REACH

- Danish analysis found several chemicals in pizza boxes
  - BPA –from recycling thermal paper?
  - PFAS, phthalates, nonylphenol
- Recycled paper food contact materials have no harmonised EU regulation
  - Inconsistent that EU law obliges recycling of packaging, but does not address chemical content
  - Enforcement is a challenge
- Need adequate regulation as well as enforcement!
  - DG Santé starting an evaluation of the Food Contact Laws

http://kemi.taenk.dk/bliv-groennere/test-unwanted-chemicals-found-pizza-boxes
BFRs in kitchen plastics

- BFRs found in black kitchen plastics on sale on EU market
- Where from?
  - Recycling of electronics waste outside EU?
- BFRs are a big issue in many other areas
  - e.g. waste foam into carpet underlay, any black plastic
- More analysis and enforcement needed

http://www.tandfonline.com/doi/abs/10.1080/19440049.2013.829246#.VYp4uVWWGMU
Variability between MS

RAPEX Notifications by Country (per population)

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Main points

All stakeholders agree: We need more enforcement

“No data, No market” means “No data, No market”

Use grouping to avoid regrettable substitution.

Effective legislation and enforcement across the board:
Focal points: Information, small shops and on-line sales, FCM, circular economy

Resources: The idea that enforcement MAY happen, and that relevant sanctions exist, is important and must determine the minimum level of enforcement action