



**CHEMTrust**

Protecting humans and wildlife  
from harmful chemicals

## Consultation Response

### European Commission Roadmap “Analysis of the interface between chemicals, products and waste legislation and identification of policy options.”

#### Comments from CHEM Trust

28<sup>th</sup> March 2017

#### Introduction

CHEM Trust welcomes the opportunity to comment on this roadmap.

The creation of a circular economy is an important part of creating a future-focused, sustainable economy. However, the circular economy creates some important challenges for the regulation and use of chemicals.

It is important that the right policies are adopted in this area, otherwise the circular economy becomes a way of perpetuating the use of – and exposure to – hazardous chemicals.

The aim of policies in this area must be the creation of a clean circular economy, as this is the only truly sustainable approach.

**The circular economy will only be successful in the long term if customers – including the public – are confident in the quality of recycled material. If this confidence is removed, then the market will demand virgin materials, and the attempt to create a circular economy will fail.**

We produced a briefing on this issue in August 2015, outlining key policies and approaches that are needed, see:

- <http://www.chemtrust.org.uk/circulareconomy/>

#### Our comments

The roadmap states that “Four issues have been identified that create obstacles for a smooth transition of recycled materials from waste to new products”. We comment briefly on each of these issues below.

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**#1: Insufficient information about substances of concern in products and waste**

We strongly agree that this is an important issue, as we stated in the recommendations in our briefing:

- The supply chain, including consumers and recyclers, should have easy access to information on identity and properties of hazardous chemicals in products.
- Imports should be subject to the same restrictions and information requirements.

The right to information on SVHC content of articles through REACH Article 33 is an important tool in this process, but needs further development and improvement. For example all chemicals that meet the criteria for SVHCs must be added to the candidate list, and recyclers must have the right to obtain this information.

It is also clear that work needs to be done to improve information flow in article supply chains, through bar codes or other tools.

**#2: Presence of substances of concern in recycled materials and in articles made thereof**

We also view this as a priority area for the Commission's work.

Regulations, regulators and industry must ensure that all chemicals of very high concern are phased out of products as soon as possible.

In our view this issue is made up of a number of different elements:

- More rapid removal of problematic chemicals at the start of the lifecycle:
  - Better quality safety data on chemicals
  - More rapid and precautionary restrictions on the use of chemicals
  - Effective action on groups of related chemicals, rather than the current approach which encourages substitution of one substance with another of similar properties.
  - More chemicals identified as substances of very high concern and subject to the REACH Authorisation process
  - Safety assessments should assume that a circular economy is going to be in place, e.g. that 100% of sewage sludge will be used as fertiliser for food crops.
- Lack of proper regulation and enforcement of recycling processes, including
  - Use of recycled materials such as paper in food contact materials is largely unregulated, while there is regulation of recycled plastic food contact materials.
  - A lack of regulatory and enforcement oversight in the production of furnishings and building materials from recycled materials, for example PVC roof tiles and polyurethane carpet underlay<sup>1</sup>.

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<sup>1</sup> "Presence of substances of concern in products made from recycled materials", presentation by CHEM Trust,

<http://www.chemtrust.org.uk/wp-content/uploads/chemtrust-circeconchemicals-mar17.pdf>

<http://www.chemtrust.org.uk>

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- There needs to be acceptance that some materials should not be recycled, unless it is possible to remove problematic substances
  - Assessments should balance the value of the resource and the hazard of the chemical, with a default of no recirculation of hazardous substances.
  - Much of the political pressure for recycling of materials containing hazardous chemicals seems to come from one sector, PVC, where recycling levels are low but a number of hazardous additives are in use.

Overall, there needs to be a move to non-toxic products, anticipating increases in understanding of chemical toxicity as far as possible. Companies should take a forward-looking approach when producing products, avoiding chemicals likely to be restricted in the future, e.g. the ChemSec SIN list.

### **#3: *Uncertainties about how materials can cease to be waste***

In CHEM Trust's view the focus should be on removing hazardous substances from materials and waste, rather than arguing about acceptable levels of contamination.

It is clear that it is quite easy to establish End of Waste when the recycle is basically of the same quality as virgin material – for example for glass and metals.

Other materials are more problematic, for example plastics, due to continued contamination of recycle. We firmly believe that the circular economy must be clean to be sustainable, and encouraging recycling of contaminated materials goes against this.

### **#4: *Difficulties in applying EU waste classification methodologies and impacts on the recyclability of materials***

It is clear that there are currently considerable amounts of waste materials that contain hazardous substances, e.g. furniture treated with chemicals that are now classified as UNEP POPs or otherwise restricted in the EI. Such materials should not be being recycled, and the contaminated material should be dealt with appropriately.

The focus of policy and incentives should be to ensure that toxic chemicals are removed from the supply chain, including from waste intended to be recycled. This will boost clean recycling and a true circular economy.

### **For more information on CHEM Trust's work:**

CHEM Trust is a charity that works at UK, European and International level in order to prevent man-made chemicals from causing long term damage to wildlife and humans, by ensuring that harmful chemicals are substituted with safer alternatives.

- <http://www.chemtrust.org.uk/>
- [@CHEMTrust](https://twitter.com/CHEMTrust) on twitter