



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Consultation Response

CHEM Trust response to the targeted stakeholder consultation on the regulatory fitness check for the CLP Regulation and related legislation

April 2016

General remarks:

CHEM Trust welcomes the opportunity to respond to this consultation.

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.

CHEM Trust considers it is vital to keep hazard based identification and classification in CLP. We are responding to this consultation with a paper rather than using the on-line questionnaire as we consider the questionnaire itself to be confusing and likely to lead to ambiguous interpretation.

For example, question 30 asks, among other things, whether the “information provided under current legislation results in the promotion of the use of safer alternatives”. The answer to this question obviously depends on the law in question, on respective substance groups, as well as on implementation and enforcement. It is impossible to provide a meaningful answer by ticking one box, and there is no free text field available. But even in those cases with free text boxes: most questions are very broad in scope and would almost require a research project in itself to reply to - we hope that the current study will actually help shed some light on many of these issues.

While we agree it can be useful to look for current gaps in current legislation, we hold the view that not all inconsistencies in themselves are bad and need to be abandoned. There can be good reasons to adapt rules to specific chemical uses or intrinsic properties.

In addition, we have looked at the targeted questionnaires to manufacturers and downstream users and found that they are mainly focused on costs. Experience from e.g. the debate on REACH has shown that industry-based cost estimates are often extremely inflated (as has been the case in the ADL and Mercer studies). We would therefore urge that the results of these questionnaires are treated with caution.

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Specific points:

1) Keeping the hazard based identification and classification as a basis in CLP

In CHEM Trust's view hazard based identification and classification provides a scientific base for identifying hazardous properties of substances, thus establishing a clear, predictable and systematic approach for identification.

This system is very important for workers and occupational health and safety legislation, ranging from communication about hazards and risks to providing comparable data sets for alternatives assessment and replacement with safer alternatives. It is also the appropriate base for taking measures for consumers and environmental protection.

2) Closing current gaps in identifying chemicals of concern

CHEM Trust advocates the expansion of the CLP classification criteria to also address additional properties, which are currently not covered in CLP.

This includes:

- POPs, PBTs/vPvBs
- Biodegradation (Persistence)
- Allergenic properties
- Nanoforms
- EDCs
- Environmental endpoints, including those lost in the transition to GHS

We also believe the process for harmonising industry classifications needs to be accelerated and even more efforts are needed for the adoption of harmonised classifications.

3) Test requirements should be expanded and test methods updated

Most test methods are adequate but the problem is that e.g. for industrial chemicals the information requirements below 100 tpa are not sufficient to allow for classification of all endpoints, in particular for suspected SVHC properties. Still, many of these chemicals end up in consumer products. In other cases, some chemicals have not been re-tested using up to date methods. CHEM Trust also considers that far too few chemicals undergo testing for effects on developmental neurotoxicity and immunotoxicity.

Wider use of non-animal tests will have to be accompanied by changes in classification criteria to enable these tests to be used for classification.

In addition, there is a need to update existing test methods to include additional endpoints for endocrine disrupters, and a need for new tests to cover 'new' endocrine disrupting mechanisms.

It is important that classification is not just based on studies done to 'Good Laboratory Practice'(GLP), as other studies may examine endpoints that are not covered by established GLP methods, and can be of equal or higher scientific quality.

See the following reports for details:

- Information/testing strategy for identification of substances with endocrine disrupting properties. Hass, Ulla; Christiansen, Sofie; Bjerregaard, Poul; Holbech, Henrik. CeHOS, Danish Centre On Endocrine Disrupters, 2013. 52 p.
- State Of The Art Assessment Of Endocrine Disrupters, A. Kortenkamp et al., http://ec.europa.eu/environment/chemicals/endocrine/pdf/sota_edc_final_report.pdf
- OECD ENV/JM/MONO(2012)23: Detailed Review Paper On The State Of The Science On Novel In Vitro And In Vivo Screening And Testing Methods And Endpoints For Evaluating Endocrine Disruptors

4) Risk management needs to be strengthened to increase benefits

Risk management measures and reduction of exposures already lead to benefits to consumers and general public in improving human health and the environment.

CHEM Trust advocates widening the range of uses that are covered by generic risk assessments (or hazard based cut-offs), particularly focussing on situations where there is exposure of the general public and the environment.

Important areas for extension include, but are not limited to, food contact materials, toys, furniture, carpets, certain construction materials and the general product safety directive.

Furthermore, a greater emphasis should be put on adequate implementation and enforcement. The large number of notifications through the EU Rapid Alert System for dangerous products (RAPEX) regarding harmful chemicals in consumer products which pose a serious risk show that there are still many gaps that need to be closed, see http://europa.eu/rapid/press-release_IP-16-1507_en.htm

5) Improve consumer information and transparency for chemicals in products

We believe the pictogram and hazard statements process is useful, but more targeted awareness raising activities are needed, as recommended in ECHA's study from 2012 'Communication on the safe use of chemicals.'

(https://echa.europa.eu/documents/10162/13559/clp_study_en.pdf)

Most importantly, more information is needed on which chemicals are contained in consumer products to allow for an informed choice. A positive example is the mandatory ingredient list for cosmetics and personal care products.

More efforts and further studies are needed in addition to ECHA's very useful classification and labelling inventory. New databases and technologies will hopefully facilitate this process further. We consider that apps that assist the public in finding out about SVHCs in articles are an important start in this area.

6) Moving forward to address risks from cumulative exposures

Wildlife and humans are now exposed to many different substances from a whole range of consumer and other products. This means they are exposed, amongst others, to industrial chemicals, pesticides and biocides with endocrine disrupting properties. Many of these chemicals will have additive action at specific endpoints. Single substance risk assessment is not adequately protective to account for possible mixture effects, see e.g. Martin et al. Environmental Health 2013, 12:53 <http://www.ehjournal.net/content/12/1/53>.

Additional uncertainty factors are needed to address risks from cumulative exposures for some substance groups. In other cases, for some substance groups, additional generic risk considerations should lead to the implementation of 'hazard based' cut off or bans to prevent continued exposures.

For more information on CHEM Trust's work:

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