

TACD

TRANS ATLANTIC DIALOGUE TRANSATLANTIQUE
CONSUMER DIALOGUE DES CONSOMMATEURS

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RESOLUTION ON REACH

The proposed EU chemicals policy is called 'Registration, Evaluation, Authorisation and Restrictions of Chemicals' (REACH). The goals and principles of REACH have been supported by a wide array of consumer, public health and environmental groups in Europe including many members of TACD. TACD members in Europe have submitted comments to improve REACH in the consumer interest, while many TACD members in the U.S. have watched with dismay the coordinated U.S. industry and governmental effort to weaken the proposed policy.

With the following recommendations, TACD calls for REACH to be strengthened and for a trade war over the policy to be avoided:

- 1) Hazardous chemicals should have no volume threshold for registration and authorization.** The main thrust of the REACH proposal is to prioritise chemicals on the basis of volume of production. However, as there is no correlation between tonnage and hazard, the focus of the REACH instead should be on identifying the most hazardous chemicals. To accomplish this, industry should screen all their chemicals according to dangerous properties including identification of possible vPvB and PBT¹ properties. For these chemicals, there should be no volume threshold for registration and authorization. The screening of all chemicals can be done if the computer model QSAR is used as a screening method. The newly created European Chemical Bureau should evaluate these data files within three years from registration.
- 2) The authorization procedure for chemicals of high concern should be strengthened.** This entails placing the principle of substitution as the core of the procedure to create an assumption that chemicals known to have safer alternatives will be removed from the marketplace. Furthermore, endocrine disrupting chemicals and sensitizers must be added to the group of high concern chemicals requiring authorization. Authorized substances (preparations and articles) must be clearly labeled with a hazard symbol, without regard of the concentration of the chemical.
- 3) All consumer articles containing chemicals— domestic and imported – should be assessed, whether they are intended to be released or not.** Producers of consumer articles must also provide information about the chemicals used in their products. This information should be publicly available. As it currently stands, REACH grants industry excessive secrecy due to industry claims of business confidentiality and does not give citizens the right to know certain key information such as producers names, total tonnage, general exposure information etc. Furthermore REACH has no mechanism for appealing decisions on the withholding of information and such an appeals procedure should be developed in the final draft.

4) **REACH must be a horizontal measure integrated in with related product safety directives.** REACH should form the basis for all existing and future product directives, setting a horizontal obligatory minimum safety level for chemicals in all uses, whether paints, toys, cosmetics and pharmaceuticals, foods etc.

5) **The U.S. should immediately cease its campaign against REACH and the U.S. and the EU must avoid a trade dispute over REACH.** TACD believes that open, transparent and inclusive regulatory and trade-related processes are essential precursors to the development of sound public policy, and are necessary to avoid costly, potentially embarrassing and unsuccessful trade disputes. The U.S. government should cease its campaign against REACH and reassess its position on the matter by consulting a wide variety of interested parties. TACD once again calls upon U.S. agencies to solicit public comment on REACH and other public interest policies perceived to be trade irritants by posting notice in the Federal Register, holding public meetings and soliciting opinions from a balanced group of stakeholders. The EU could also improve performance in public consultation by soliciting testimony on the public health benefits of REACH and the costs of non-implementation.

6) **TACD once again calls upon the governments to incorporate the Precautionary Principle in regulatory decisions involved in consumer health and safety and the environment, particularly in cases of scientific uncertainty and complexity.**ⁱⁱ We urge Congress to develop legislation to strengthen TSCA using REACH as a model and we urge the U.S. EPA to form a special committee to explore the overhaul of TSCA to provide for the registration and authorization of chemicals on the market that predate the U.S. law utilizing REACH as a model. We call upon the committee to solicit testimony from U.S. and EU experts on the benefits of a REACH approach as well as the costs, and to examine the costs of nonaction on U.S. public health, environment and taxpayers.

ⁱ vPvB: very persistent and very bioaccumulative chemicals, PBT: persistent, bioaccumulative and toxic chemicals.

ⁱⁱ TACD is on record supporting the Precautionary Principle as a “priority” agenda item for the governments. In the 2001 priorities statement, TACD calls on the governments of the US and the EU to incorporate the Precautionary Principle in regulatory decisions involved in consumer health and safety and the environment.