

ROADMAP ON THE CHEMICALS STRATEGY FOR SUSTAINABILITY (TOXIC-FREE EU ENVIRONMENT)

– Comments and Contributions from APQuímica, the Portuguese Association for the Chemical, Petrochemical and Refining sector –

APQuímica appreciates this opportunity to express its views and make contributions for this Roadmap on the future European Chemicals Strategy for Sustainability under the EU Green Deal.

First, we would like to highlight, as is generally recognised, that chemicals are essential in our lives. They are present in everything that we touch or use in our everyday lives, from infinitely small to large-scale products. Chemistry is involved in over 95% of all manufactured goods¹.

Chemicals, the chemical industry and advances in chemical knowledge were essential for many of the XXth century's life-improving breakthroughs in areas such as health and medicine, food and agriculture, energy and the environment.

Today, they remain indispensable to meet current and the future challenges, namely the ones that are essential pillars of the Green Deal: carbon neutrality, materials circularity and resource efficiency. The chemical industries produce the building blocks and the high-tech materials on which a modern, carbon-neutral and resource-efficient society can be built.

Therefore, **the future European Chemicals Strategy for Sustainability should consider the essential role of chemicals to contribute to the strategic interests of Europe**, namely to the main objectives of the Green Deal – climate neutrality, materials circularity and resource efficiency, and to ensure a high level of protection of human health and the environment, **while promoting the innovation and the competitiveness** of industries and companies across Europe.

¹ Source: Chemistry for Europe, Cefic – The European Chemical Industry Council (<https://cefic.org/our-industry/a-pillar-of-the-european-economy/>).

Regarding the Roadmap² under consultation, **we would like to highlight the following comments and proposals that we consider important to be reflected in this European Strategy**, some of them reinforcing the key messages presented by Cefic – The European Chemical Industry Council, with which we fully agree:

- **We believe that the REACH legislation already in place is the relevant basis to achieve the objectives of the future Chemicals Strategy for Sustainability. We recommend consolidating and improving its implementation together with other chemicals / product existing regulations**

It is recognized that Europe has the most comprehensive knowledge database on chemicals hazards and risks due to the chemicals regulation in place, notably REACH (and CLP).

The Chemical Industry is highly committed to implement REACH and CLP regulations, as well as other chemicals regulations in place. These regulations have been important tools in demonstrating the safety of many chemicals, as well as in identifying and disseminating the most appropriate risk management measures for different chemical uses.

So, in our view, the first priority of the future Chemicals Strategy for Sustainability should be to work on the improvements identified in the recent Reviews and Fitness Checks of these regulations, namely:

- streamlining the different chemicals / products regulations in place to achieve more consistency, simplification, burden reduction and eliminate duplication;
- ensuring an equal level-playing field for EU and non-EU producers by improving the enforcement of applicable regulations also on imported products from outside the EU and developing effective cross-border adjustment mechanisms;;
- improving and simplifying the information communication in the supply chains. An example would be to ensure harmonised and effective communication of safe use information via clear and easy-to-use extended Safety Data Sheets (e-SDS). In this context, we would also suggest the development of a unified software solution (e.g. similar to IUCLID6) for SDS creation and export, in order to assure an harmonised approach to its most critical information;
- enhancing the Risk Management Options Analysis (RMOA) tool;
- clarifying the most complex data requirements towards minimising animal testing;
- communicating more positively about the role of chemicals.

Relating specifically to the RMOA, we believe this can be a very powerful tool if well used. It can avoid regulatory duplication and inconsistencies. It also increases predictability of chemicals management. It could also be useful to better integrate and to ensure effective links between different EU instruments.

² Roadmap - Chemicals strategy for sustainability – Ares(2020)2460806 – 09/05/2020 (<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12264-Chemicals-strategy-for-sustainability>).

So, we would recommend a more harmonised, systematic, transparent and predictable RMOA process / tool to be followed by all Member States and prior to the choice of a regulatory action for a certain substance.

The RMOA tool should be applied as early as possible, before a regulatory action is chosen, giving equal weighing of all options (e.g.: REACH authorisation or restriction, OHS measures, other EU instruments) and taking socio-economic aspects also into account.

Both at national and European levels, the Chemical Industry maintains a strong commitment in working together with the Commission, ECHA and all other relevant stakeholders to find suitable solutions in these areas, in order to improve REACH, CLP and other chemicals / products legislations implementation.

- **We strongly recommend the principle of “one substance, one assessment”**

The Roadmap says that *“the Commission will review how to use better the EU’s agencies and scientific bodies to move towards a process of ‘one substance – one assessment’ and to provide greater transparency when prioritising action to deal with chemicals”*. We fully agree with this principle in order to avoid situations where different assessments and different regulatory opinions in different regulations may create double work, inconsistency and uncertainty.

If a certain substance is evaluated by different EU regulatory bodies / different Member States / different regulations, the hazard / risk assessment should be done in a coordinated way and on the basis of the same data set, using the same methodologies to cover uncertainties, taking routes of exposure into account and leading to one hazard / risk assessment outcome consistently applied across agencies and legislation. E.g. in a case where ECHA has done a comprehensive hazard / risk assessment on a specific substance, that should clearly be considered enough information to be used by other EU agencies / scientific committees / Member States in their work on that same substance.

- **The use of chemicals and their risk assessment may involve scientifically complex issues (e.g. the combination effects of chemicals / mixtures, endocrine disruptors, microplastics in the marine environment, persistent chemicals / chemicals that may build up in the environment, etc.). These emerging or complex issues should always be managed and evaluated using a proportionate and robust approach**

Science needs to remain at the heart of decision-making processes. Where there is scientific uncertainty, it is recommended a stepwise regulatory approach. For instance, a first step would be limited to a defined scope with a focus on the main risks and main emissions and based on existing data, followed by a review in a subsequent stage, when more robust information is available.

Realistic exposure assessments must be at the core of the risk assessment and management.

- **The indicators used in the future Chemicals Strategy for Sustainability should be carefully chosen in order to avoid misperceptions or alarmism. Data on hazardous substances need to be put in perspective**

The Roadmap says that “in 2018, chemicals with properties hazardous for human health still represented 74% of the total chemical production in Europe”, linking this to the information that “chemical pollution causes direct harm to health and the environment, leading to major economic, societal and environmental costs”.

Since the production volumes referred cover large amounts of intermediates / basic chemicals that are inherently hazardous but used to produce other products and not significantly released (e.g. ethylene), using this number in isolation to allude that “this large amounts of chemicals originate pollution that causes direct harm” might be misleading.

The risk involved is the important parameter to be considered, not the intrinsic properties of the substances *per si*.

On this matter, the Chemical Industry, both at national and European levels, would be willing to work with the Commission and other relevant stakeholders on appropriate indicators.

- **We would recommend considering incentives and partnerships that enable the development of sustainable and competitive European solutions for the manufacture of chemicals and other products. In order to implement the Green Deal it is essential to enhance innovation towards competitive, sustainable and safe chemicals, products and processes**

In our view, the Chemicals Strategy for Sustainability should consider incentives and partnerships (between companies, authorities, etc.) for enabling the development of sustainable and competitive European solutions. This approach would contribute to boost innovation towards safe and sustainable chemicals and other products and processes / technologies that are needed for Carbon Neutrality and to support the Circular Economy Action Plan (e.g.: low carbon technologies, recycling and recovering processes, etc.) in order to implement the Green Deal.

It would be important to develop, in particular, the following actions:

- a widely accepted framework and methodologies for product sustainability performance assessments and indicators, considering the life-cycle approach and the “safety first” principle;
- practical solutions to overcome legal barriers / bureaucracy, for example related to waste legislation (e.g.: end-of-waste criteria, by-products status), namely at the national level, in order to improve the safe recycling and re-use towards circular economy;
- practical solutions to address “legacy substances”, that potentially pose a barrier to recycling, to enable the production of high-quality recycled materials;

- appropriate tools to accelerate chemical safety testing while minimising animal testing;
- a place for compiling all sustainability information (chemical dataspace).

Sustainability considerations should reflect the contribution of chemicals to the society, including economic and social conditions, as well as societal needs (e.g.: food, energy, public health security) and aspirations.

- **We would recommend the European Commission to promote additional opportunities for stakeholder participation in the development of this new European Chemicals Strategy for Sustainability, namely at a later stage in the process, when more concrete proposals and impact assessments will be available for the measures to be implemented**

This Strategy is expected to have very significant impacts both at European and National levels. It is therefore of the utmost importance to promote a close involvement of all stakeholders in its design for a successful implementation.

APQuímica
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APQuímica is the Portuguese reference association for the Chemical, Petrochemical and Refining sector. It integrates more than 60 associate entities, including major industrial companies, SMEs, startups, universities, R&TD centres and other entities with relevant operation along their value chain.

APQuímica's EU Transparency Register n.º: 089396732826-79

The Chemical, Petrochemical and Refining sector in Portugal accounts for:

- 11 billion of annual turnover
- 181 countries as the sector exports' destinations
- 1,6 billion of Gross Value Added (GVA)
- 52,000 direct and indirect jobs
- 12% of total Portuguese exports
- 1/5 of the total investment in innovation amongst the manufacturing industry

Source and additional information: www.apquimica.pt / info@apquimica.pt