



EEB

European
Environmental
Bureau



From Risk to Resilience:
Navigating Towards a Toxic-Free Future

EXECUTIVE SUMMARY

APRIL 2024

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Introduction

This report comprehensively evaluates how ambitious and how far advanced the Chemicals Strategy for Sustainability (CSS) is today. It takes in REACH, the CLP, the 'One Substance, One Assessment' package and initiatives like the Essential Use Concept (EUC) and Generic Approach to Risk Management (GARM). Adjacent plans on PFAS and Endocrine Disruptors, the Zero Pollution Action Plan and the Circular Economy Action Plan are also considered. Sectoral legislation with chemical control provisions, such as the Industrial Emissions Directive and the Ecodesign for Sustainable Products Regulation, are referenced to ensure this is a comprehensive assessment. Our report also offers a case study on the PFAS that illustrates a range of familiar problems that continue to hold back effective chemical protections, from the proliferation of chemical diversity outpacing regulatory oversight to the chilling lack of corporate integrity. Furthermore, the case study exposes significant gaps in enforcement and a concerning level of ignorance among downstream users of chemicals. **The failure to effectively control PFAS pollution not only poses direct health risks but also highlights broader difficulties in managing chemical risks in Europe.** Our report concludes with recommendations we hope will be taken up by the next Commission when it is appointed by the end of the year, as well as new and experienced parliamentarians and member states.

Key Findings

Four years since the bold CSS manifesto for change, just one out of 13 EU Chemical Strategy benchmarks have been fully met with the expected level of ambition. That one clear

success has been to strengthen the CLP, a decade-old regulation that plays a crucial role in identifying and labelling chemical threats. Weeks from being approved by Parliament and Council, the enhanced law paves the way for substantial bans of endocrine disruptors and persistent chemicals that have long outstayed their welcome.

Moderate or considerable levels of progress have also been made in most of the other reform areas, including measures to crack down on PFAS; to protect water; detox waste streams; shield us from mysterious but dangerous chemical cocktails; and to go beyond the normal one-by-one approach to regulating chemicals that experts told the EEB has been like "emptying the sea with a teaspoon".

The table below summarises our conclusions in each of the 13 main legislative focal areas analysed. Red stands for a low level of achievement, orange for moderate, yellow for considerable and green for a high level of ambition or implementation.

The single greatest failure has been a decision by the Ursula von der Leyen Commission to freeze sorely needed reforms of the EU's cornerstone REACH Regulation. This will remain largely ineffective for years to come, stalling progress for many of the other promised reforms. Another unmet promise was to stop the worst chemicals, those already banned in Europe, from being exported to world regions least able to deal with their impacts.

Overall, there has been a concerningly moderate to low level of fulfilment of the CSS, highlighting a lack of determination among policymakers to take essential steps to safeguard public health and the environment from hazardous chemicals.

POLICY AREA	LEVEL OF IMPLEMENTATION	LEVEL OF AMBITION
CLP	High	High
REACH	Medium	Medium
SSbD	Low	Medium
Essential use concept	Medium	Medium
GARM	Medium	Medium
Cocktail Effects	Medium	Medium
OSOA	Low	Low
PFAS action plan	Low	Low
Endocrine disruptors (EDs)	Low	Medium
Export ban	Medium	Medium
IED and E-PRTR	Low	Medium
Water	Low	Medium
Circular economy	Medium	Low

The mixed bag of progress and failure outlined above means that problems that have long plagued EU chemical controls continue. These are:

Knowledge gaps: groping in the dark

There continues to be a generally poor public understanding of chemical risks, including the properties, uses and human or environmental exposure of most chemicals in use today. The principle of 'no data, no market' is routinely

bypassed due to a loophole allowing for lax chemical registration. This means critical hazard information is missing from top to bottom of supply chains and substances are being used without adequate oversight or safety measures. This general lack of adequate information also creates significant challenges for authorities to regulate chemicals promptly. Simply put, there's considerable uncertainty about whether the wide variety of chemicals used in our economies may pose risks.

'No Data, No Problem'

Our report reveals significant flaws in REACH. The regulatory process is notably slow —often taking a decade or more, with chemicals presumed safe, granting them nearly automatic market access. Furthermore, REACH's reliance on voluntary compliance by companies has fostered a culture of widespread non-compliance. In other words, the lack of stringent enforcement mechanisms means consequences for violations are rare. Additionally, although the noble Precautionary Principle is embedded in REACH, it is often more myth than reality, as evidenced by our case study on PFAS chemicals.

Emptying the Sea with a Teaspoon

Controlling chemical substances one-by-one or in narrowly defined groups is the prevailing practice, which one expert described as akin to trying to empty the sea with a teaspoon. The solution lies in regulating broader families of substances based on common characteristics, an approach that the CSS pledged to adopt. However, the narrow focus of restrictions, lengthy decision-making processes, and lack of clarity persist in impeding progress, allowing the slow poisoning of our health and environment to continue.

Lack of timely action

Officials tasked with protecting the public and the environment often have a puzzling tendency to delay action, particularly within the European Commission. This is largely due to the absence of legally binding deadlines and a lack of a sense of public duty, and even where such deadlines exist, they are frequently ignored, often to the approval of industry lobbyists. This lack of urgency means that chemicals known to be hazardous and inadequately controlled, i.e. in dangerous use, continue to pose risks, with potentially serious consequences. This kind of inaction is a form of maladministration that could put lives at risk.

Neglected victims

European citizens are not properly empowered to protect their rights in the face of chemical hazards. They deserve the power to know about threats present in everyday products in their

homes and workplaces, to demand preventive action and seek compensation for harms they have suffered. The lack of mechanisms for citizen engagement and recourse weakens the regulatory framework's ability to address the health and environmental concerns of affected individuals and communities.

Recommendations

In response to these findings, the report offers a series of targeted recommendations to enhance chemical control policies and address identified shortcomings, ultimately aiming to strengthen the sustainability and safety of the European chemicals landscape.

1. Accelerating Regulation of Hazardous Chemicals

Use the available information to streamline the regulation of hazardous chemicals by adopting group-based approaches. Ban the most harmful chemicals in consumer, professional and non-essential industrial uses, with a focus on persistent chemicals and endocrine disruptors. Leverage recent revisions to the CLP Regulation to expedite hazard identification for these chemical groups.

2. Giving REACH Teeth: Ensuring Industry Liability and Enforcement

Enhance REACH with harmonised, robust, dissuasive sanctions and a revocation mechanism. Hold chemical companies accountable for harm caused by their chemicals. Enforce financial responsibility to cover monitoring, enforcement, compensation, and remediation costs. Incorporate the Polluter Pays Principle in the legal text.

3. Fulfilling Pending Chemicals Strategy for Sustainability Promises

Promptly implement pending actions outlined in the CSS, including banning the most harmful chemicals, adopting the essential use concept, implementing mixture assessment factors, regulating endocrine disruptors, executing the PFAS action plan and halting exports of banned chemicals.

4. Enhancing Authorities' Accountability

Strengthen accountability mechanisms for the European Commission and national competent authorities responsible for chemicals control. Empower and oblige authorities to take decisive actions to address (emerging) chemical risks and ensure timely compliance with regulatory requirements.

5. Empowering Citizens and Establishing Compensation Mechanisms

Provide citizens with accessible information on chemical risks and enable public participation in decision-making processes. Establish access to justice and compensation mechanisms for victims of chemical pollution, ensuring avenues for redress and remediation for affected individuals and communities.

6. Mainstreaming Intrinsically Safe and Sustainable Chemicals, Materials and Products, and Promoting Substitution

Mainstream inherently safe and sustainable chemicals, materials and products across all sectors of industry and daily life. Implement policies and economic instruments that encourage the use of these alternatives while promoting substitution strategies. Establish an EU-wide substitution support centre to facilitate the transition to safer and more sustainable alternatives.

7. Bridging the Data Gap

Prioritise efforts to fill the remaining data gap in chemical and polymer information by ensuring that REACH generates comprehensive data on hazards, uses and exposure. Improve accessibility of this information to authorities and stakeholders across supply chains to enhance transparency and traceability of chemicals in materials, products and waste.

In conclusion, **while the CSS represents a commendable step towards sustainable chemical management, its implementation has encountered significant challenges as demonstrated by the PFAS pollution scandal.** By addressing these bottlenecks and adopting the recommendations outlined above, policymakers can realise the inspiring potential of the CSS, prevent further chemical catastrophes and ensure a safer and more sustainable environment for Europeans and the wider world.





TIME TO ENSURE A TOXIC-FREE FUTURE
FOR THE NEXT GENERATIONS



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A better future where people and nature thrive together