



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

Reform of the EU chemicals policy (REACH)



The ETUC has welcomed the EU's new draft regulation on chemicals known as REACH (Registration, Evaluation and Authorisation of Chemicals). Its two most important aims are to improve protection of human health and the environment and enhance the competitiveness of the EU chemicals industry.

As the REACH proposal has made its way through the EU's legislative process, the ETUC has campaigned for the measure to be improved and strengthened in order to establish an effective framework for safeguarding the environment and workers' health.

Modern society depends on a wide range of chemicals, used in everything from medicine to farming. An estimated 100,000 different substances are on the market in the EU. Up to now, only about 1% of the total volume of substances found on the market have really been tested to assess how safe they are, and what risks they pose for human health and the environment.

The ETUC has consistently supported the European Commission in its efforts to tighten controls on the use of chemicals, as an important step towards sustainable development. The issue is of vital concern to workers - millions of whom come into daily contact with chemical substances in their workplaces. Approximately one out of every three occupational diseases recognised annually in Europe can be ascribed to exposure to hazardous chemicals. In its reply to the Commission's online consultation, the ETUC recognised REACH as a considerable improvement on existing regulations.

In particular, REACH reverses the burden of proof, placing it where it belongs on the shoulders of industry. Instead of governmental authorities having to prove that substances are dangerous in order to lay down restrictions, it is up to industry to provide evidence on the safe use of their products before they can be marketed.

The new measure will also help people to find out more about the chemicals in their environment or workplace, because most of the data manufacturers and importers will have to supply will be publicly available. It will also give industry a strong incentive for replacing very hazardous substances with safer alternatives and more environmentally friendly substances.

The ETUC put forward detailed proposals to fill the gaps left in the draft REACH regulation:

1. Duty of care: manufacturers and importers must be made responsible for documenting and communicating all relevant information about the safety of their products to downstream users and consumers by whatever means are appropriate. A general principle of this type defining the responsibility of manufacturers and importers should be reintroduced into REACH system for all chemical substances manufactured or imported.

2. A chemical safety report (CSR) for all substances registered: the obligation to produce a CSR should be extended to the 20,000 substances produced in quantities of between 1 and 10 tonnes per year. It would improve the safety data sheets of a much

greater number of substances by adding relevant risk management information to them.

3.Consistency with worker protection legislation and the substitution principle:

Substitution is a key element in the existing legislation on protection of workers from the risks related to exposure to dangerous chemicals like carcinogens. The ETUC believes that extremely dangerous chemicals must always be replaced where a safer alternative is available.

Why does Europe need new rules?

The ETUC recognises that chemical production plays a major role in the economy. As Europe's third largest manufacturing industry, it employs nearly 1.7 million people and has an annual turnover of more than 500 billion euro.

But the other side of the story is the dangers chemicals pose for people and the environment - many of which have only recently come to light. Research has suggested that the increase in cancer, asthma, allergies, skin diseases and reproductive and hormonal disorders may be linked to contact with hazardous chemical substances. According to the last survey on working conditions in Europe (Dublin Foundation), 23% of European workers claim to inhale fumes and vapour at work and 15% claim to handle dangerous substances for at least a quarter of their working time. Most of the people who come into daily contact with chemicals are not manufacturing but using them, in a huge variety of industries including building, textiles, agriculture, cleaning and health care.

Up to now, the existing legislation that goes back over 20 years has clearly failed to offer protection, and allowed industry to go on using substances with little understanding of the potential risks. Trade unions have campaigned for years for better protection for their members. Since the REACH proposal will be adopted as a Regulation rather than a Directive, when approved it will come into force at once in all 27 Member States - hopefully by 2007.

It has three elements:

R for Registration All the chemicals produced in quantities over 1 tonne per year (some 30,000 substances) will have to be registered with a new body called the European Chemicals Agency, within the next 11 years. Manufacturers and importers will have to supply detailed data about each substance (properties, uses and safe ways of handling). The larger the quantities produced, the more information will be required.

E for Evaluation The Agency will carry out quality checks of the registration dossiers (at least 5% of the dossiers) to make sure the data firms supply is complete and accurate. If necessary, the Agency can also ask the manufacturer for additional information or decide that a substance requires further action under REACH.

A for Authorisation Chemicals that are known to be of very high concern will require authorisations for use on an individual basis. Applicants will have to demonstrate that they can control the risks, or that no alternatives exist and the socio-economic arguments for authorising such substances outweigh the risks. Authorisation will last only for a specified period. The European Commission can also ban substances if it finds the risks unacceptable.

Evidence shows that REACH will bring practical and economic benefits

In 2005, the SPORT project (Strategic Partnership on REACH Testing) - a pilot study carried out in partnership between the European Commission, the Member States and industry, with the ETUC as observer - established that the regulation is workable and affordable, and led to a series of recommendations on implementation.

In October 2005, a University of Sheffield study demonstrated that REACH would help avoid 40,000 occupational skin disease cases and 50,000 respiratory disease cases each year, producing a total saving of €3.5 billion over 10 years.

The state of play

In November 2005, after six years of debate, the REACH regulation took an important step forward. At its first reading in the European Parliament (EP), MEPs agreed a compromise proposal that met many of the ETUC's demands. Notably, it maintained the burden of proof on industry, and compulsory substitution for substances of "high concern" where safer alternatives are available.

The ETUC regretted the Competitiveness Council's decision in December 2005 to delete this principle in the authorisation procedure, branding this as a set-back for workers' health.

In October 2006, the EP Environment Committee voted to restore:

- ▶ a strong substitution principle in the authorisation procedure
- ▶ the duty of care
- ▶ the requirement of a chemical safety report for substances produced in quantities of 1-10 tonnes a year.

The ETUC warmly welcomed this decision, and called on Council to accept the position of Parliament.

After nearly 10 years of intense debate at EU level, the reform of the EU legislation on chemicals was finally adopted by the European Parliament and Council in December 2006. Under REACH, companies manufacturing or importing chemical substances in quantities of one tonne or more per year will be required to register them to show that they can be used safely. In addition, producers of substances of very high concern (like carcinogens or toxins that accumulate in the environment) will need to obtain authorisation before using or placing them on the market.

A new European Agency based in Helsinki will managed the REACH regulation which entered into force in the 27 EU countries in June 2007.

The ETUC is convinced that this reform will have huge potential benefits, not only for the health of millions of workers exposed to chemicals on a daily basis, but also for Europe's industrial future.



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