

The Minister

European Commission
Directorate-General for Environment
1049 Brussels

BELGIUM

Your ref

Our ref

Date

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Dear Virginijus,

Safe products and minimized pollution – Norwegian expectations for the EU Chemicals Strategy on Sustainability

It is with considerable expectations that I await the EU Chemicals Strategy for Sustainability due to be published later this year. The strategy, together with the Zero Pollution Action Plan which will follow next year, should set new ambitious goals for our common European chemicals policy – the world's foremost. With the ground-breaking Reach regulation and other initiatives in the past much has been achieved, but it is now clear that new measures are necessary to address current threats and challenges. I call for the European Commission to be guided by the Precautionary Principle when finalising the strategy. In particular, the focus should be on the protection of vulnerable groups and the phasing-out of substances of very high concern. The goal must be to ensure safe products and to minimize pollution.

Together with other European Ministers of Environment I have signed a joint letter to the Commission on our expectations for the strategy. Here I will elaborate further on issues particularly important to Norway which can only be effectively addressed at a European level.

The strategy will come at a time when Europe and the world is still combatting a pandemic, yet our environmental challenges are as pressing as before. The strategy must be part of a green recovery and lay the foundation for fully sustainable industrial processes and product lifecycles delivering a toxic-free environment and safe products. European industry should be well-placed to deliver on these ambitions with a high performance in environmental protection and with the benefits of the internal market.

Norway supports the overall approach for the strategy as presented in the Green Deal and in the roadmap. The environmentally sound management of chemicals throughout their lifecycle is a basic component and integral element of sustainable development. I also note that climate change will affect emissions, releases and distribution of chemicals, through effects such as polar ice melting, changing wind and ocean currents, increased precipitation causing leakage of chemicals from contaminated soil, changes or increases in use of certain chemicals, and need for new chemicals. This again will have consequences for ecosystems and biodiversity, and there are still huge knowledge gaps regarding the interactions and connections between chemicals, biodiversity and climate change. Future chemicals policy should be developed with these interactions in mind, and the strategy should address chemicals management in this broader perspective, including the interactions to a circular economy.

The European Commission has highlighted five pillars for the strategy and I will address each of them below.

Stronger legislation

We need to intensify action on **endocrine disruptors**, including establishment of horizontal hazard-based criteria for endocrine and suspected endocrine disrupting substances across legislations and sectors, increase knowledge on these substances and establish test methods with focus on the assessment of vulnerable population groups (e.g. foetuses and adolescents). Assessment of endocrine disruptors across sectors should take into account the Precautionary Principle, as already the case when identifying substances of very high concern under the Reach regulation. We see the need to include criteria for endocrine disruptors in the legislation for classification of hazardous substances (CLP/GHS). Such identification of endocrine disruptors will have an impact on the further regulation of the substances under several regulations, equally as for example for reprotoxic substances. The follow-up to the ongoing fitness check for endocrine disruptors should address these issues.

Mechanisms to address **combination effects** and effects of complex mixtures in a transparent and pragmatic way, must be established. The application of a Mixture Assessment Factor, under discussion for assessments under Reach, would be a feasible and efficient method to address the risks from combined exposure to chemicals. The Reach regulation is a good starting point for such an approach, since it provides information on hazard and exposure of a substantial number of registered substances, and the guidance documents and data generated from Reach are also used to guide work related to other legislation, both national and EU-regulations.

Emerging concern is related to **extremely persistent chemicals** regardless of the potential to bioaccumulate or toxicity. Extremely persistent substances that also are mobile in the aquatic environment will lead to long-range transport and permanent pollution of drinking water sources as such substances may be impossible to remove once they have been released. The group of perfluorinated substances (**PFAS**) is of high priority to be addressed across sector legislations. Long-term, low dose exposure may potentially lead to currently unexpected or even still unknown effects. In particular, endocrine disturbances may be of

relevance when considering such exposure. Mobile PFASs are bioavailable via the aquatic environment. Together, these environmental properties lead to a high potential for irreversible effects. With several other ministers and agencies, I made a call to the Commission to urgently, and across sectors, develop a PFAS strategy. Management and remediation strategies for PFAS contamination already present in soils and drinking water resources should be included. An important step forward is the ongoing work with development of a proposal for a general ban of PFAS under Reach, where Norway will be one of the dossier submitters.

We have recently expressed to the Commission our concerns on the severe delays and overall lack of efficiency and effectiveness of a number of issues relating to the **Toy Safety Directive**. These concerns relate to severe delays in updating annexes and guidance documents, as well as an inability in addressing emerging risks. The regulation of chemicals in toys under the Toy Safety Directive must be improved, in particular establish mechanism for regulating substances in toys for children irrespective of age, to lower the limit for CMR-substances, and to regulate endocrine disruptors in toys.

Innovation/competitiveness

The strategy should address and propose incentives to **stimulate industry's transition to green and sustainable chemistry**, and to intensify innovation in less harmful or preferably non-chemical alternatives to harmful chemicals. Incentives and actions should be constructed to ensure a market advantage for companies investing to make the transition. This could include inter alia the strengthening of environmental labelling, easier access to environmental labels and use of such labels in marketing and green and innovative public procurement.

Improved knowledge of **substances of concern in products** is essential in the **transition to a circular economy**, and to prevent unwanted recycling of such substances. Proper operation of the new SCIP-database established at the European Chemicals Agency (Echa) will be important for recyclers, and also for regulators and the public. The strategy and the upcoming sustainable product policy should support product design, product development and innovation in safe and sustainable alternatives. For the protection of human health and the environment, it is necessary to prevent chemicals banned from use within the EU to be allowed in products imported from outside the EU. This will also help establish a level playing-field for manufacturers of products within the EU with those outside the EU.

Furthermore, the Reach obligations when waste ceases to be waste present an opportunity for better control with chemical content of recycled products and materials. This is however a challenge to the recycling industry, and the registration and information requirements should be reviewed, in order to make sure that they are consistent and possible to enforce and gives adequate protection to human health and the environment. Recycling of hazardous substances may lead to continued exposure of human and wildlife and reduce the potential and value of products made of recycled materials, and should therefore to the greatest extent be avoided. To ensure a level playing-field for industry and protection of human health and

environment, it is important that the same limit value for hazardous substances applies, independent of whether the material is recycled or not. The risk is the same regardless of whether the materials are primary materials or if they have been recycled. However, there may be circumstances where these principles could be derogated from e.g. in situation with limited resources of primary raw material or cost benefit issues. This option should only apply to cases where the risk is known, and the use is under strict control.

Coherence/rationalisation

There is a need for **better consistencies between the chemical-, waste- and product legislations**. This is an important premise in the transition to a green and circular economy. In bridging these legislations, the strategy should focus on *substances of concern*, and it is necessary to establish a common understanding of what this term encompasses. In our view *substances of concern* include substances of very high concern, persistent organic pollutants, endocrine disruptors, substances restricted according to Annex XVII to Reach and those regulated under specific sectorial/product legislation.

The second Reach Review action points require follow up on many important issues. The Reach legislation in particular is crucial to ensure a high level of protection of human health and the environment by reducing use and exposure to substances of concern, and by regulation og substances in products. Still, the **data requirements in Reach for low volume chemicals**, i.e. below 10 tons, are too lenient. More comprehensive data requirements should be established in order to achieve a complete picture of the properties of the chemicals on the European market, including the identification of substances for further regulatory action. For the same reason we urge the Commission to speed up the work on defining criteria for polymers requiring registration.

We need to expedite the active substance evaluation program for **biocides**. This program is significantly delayed, and the lack of progression may lead to biocidal products with potentially harmful properties legally staying on the market until a substance and product evaluation is finalised. Actions have already been put in place, but there is a need to further increase efforts to speed up the evaluation process. This could for example include giving Echa a more prominent role in the evaluations, such as acting as co-rapporteur or actively conduct some of the evaluations (in collaboration with a member state).

Increasing **e-trade** represents a new challenge. Small companies and citizens with limited knowledge about the relevant legislation buy products directly from non-EU/EEA countries. Web-based shops too often do not comply with information requirements and authorities lack effective measures to address these transboundary movements. We need to improve further our joint European efforts on inspections, maximising benefits available through digitalisation. Serious cases must be pursued by the police. A good cooperation with consumer organisations will be important to ensure that consumers are well-informed.

The number of substances being marketed far exceed how many that can realistically be evaluated individually. The evaluation and potential restriction of **groups of chemicals** now being applied under REACH must therefore be extended to restriction processes under all

other chemical legislations. This will considerably increase substitution of substances of concern and improve predictability for industry.

We call for a **better coordination of relevant European legislation**, e.g. Reach, the water framework directive, IED (incl. BREF documents), the waste legislation and other relevant legislation, to facilitate development and implementation of measures aimed at reducing chemical pollution and achieving good chemical status in the environment, and a clearer and better regulation of use of chemicals in the industry. Harmonization between legislations is an advantage. However, further alignment between the classification system of waste with the CLP regulation will provide a significantly more complicated classification system for hazardous waste, and compliance will be very demanding. In our opinion, technical guidance is the best way forward.

There is a need to secure the **sustainable financing of Echa** as the fee income from registrations continues to fall. The agency has been given several new tasks beyond its original scope which is proof of how it allows us to avoid duplications, and to rationalise and improve our common regulatory work.

Knowledge and science

Removing barriers between sectors/regulations and between industry actors to facilitate transparency and sharing of data and knowledge will reduce doubling of efforts and hence be more resource effective. As a supplement to studies performed by industry, toxicity and ecotoxicity studies from academic research as well as human and environmental biomonitoring could be more widely used in the regulatory assessment of chemicals. Also, the results of the ecotoxicity and toxicity studies should be in a format that will facilitate the use of the data across sectors/regulations. Norway has an extensive system of environmental monitoring data, often with long timeseries. We note with appreciation that the data has been and remain important for the development of European measures.

Furthermore, the strategy should include actions for establishing mechanisms to ensure that the regulatory framework can **rapidly react to emerging chemical risk**, for example new scientific evidence such as the impact of chemical exposure on the human immune system, or effects that may necessitate a rapid change. Other events could include long-term and complex environmental effects, or rapid changes in external conditions. An example is the toy safety directive, where lack of provisions to include substances with properties other than those specified in the directive, prevents regulation of for instance endocrine disruptors. On the other hand, the biocides regulation contains provisions that allows for a rapid response in case of an immediate threat to health an environment, in that it is possible to grant temporary exemptions to regulatory requirements

Global

The strategy should further explore approaches to **promote ambitious standards beyond the EU** and at international level to ensure safe management of chemicals and to preserve European competitiveness. One approach would be to promote European chemicals legislation or in other ways improve the relevant legislation in third countries with which the

Union have bilateral cooperation. It should also be explored how Echa could assist in these efforts.

Global regulations of chemicals are necessary to reduce exposure from hazardous chemicals in Europe. The EU and Norway share a strong commitment to ambitious global instruments for the sound management of chemicals and waste. We have spearheaded initiatives in the past. The EU should continue to take a leading role to further promote and develop existing agreements and to ensure a renewed global agenda for chemicals and waste beyond 2020. Actions should in particular focus on including new substances under the Stockholm Convention and to establish a robust global framework for chemicals and waste to replace SAICM. This would not only address long-range transboundary pollution, but also improve the competitiveness of European industry. I assure you of Norway's support in these endeavours.

Yours sincerely

Sveinung Rotevatn

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