



Downstream Users of Chemicals Co-ordination group

DUCC response to the Roadmap on the Chemicals Strategy for Sustainability

The Downstream Users of Chemicals Co-ordination group (DUCC) welcomes the opportunity to provide input to the European Commission Roadmap on the Chemicals Strategy for Sustainability (hereafter 'CSS'). DUCC represents more than 9.000 companies in Europe, the vast majority being SMEs, that use chemicals to formulate mixtures (as finished or intermediary products) for professional and industrial users, as well as for consumers. DUCC appreciates the European Commission efforts to build the CSS initiative based on the deliverables of the chemicals industry to secure and protect human health and the environment, by contributing to the European Green Deal. Further, DUCC calls for a CSS initiative that provides realistic objectives and acknowledges the industry efforts to achieve a safe, sustainable, innovative and competitive chemicals industry in Europe.

DUCC wishes to share the following comments on the European Commission's Roadmap for the upcoming publication of the CSS:

DUCC members provide innovative solutions with economic, environmental and societal benefits aligned with the priorities of the European Green Deal

The European Green Deal is the new anchor strategy of the European Union – the most recent ambitious package of measures designed to tackle environmental challenges, e.g. to reduce CO₂ emissions, and to enable European citizens and businesses to benefit from a sustainability transition. DUCC's members are continuously looking to develop sustainable and innovative solutions to deliver on the goals of the European Green Deal.

DUCC members represent industry sectors that are vital for the lives of every European, from cosmetics and detergents, aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants to chemical distributors. It is important that any chemicals strategy for sustainability recognises the sustainable solutions the abovementioned industry sectors offer, alongside their contribution to European prosperity, innovation and competitiveness.

Importance/value of biocides - as evidenced by COVID-19 public health crisis

DUCC members' products (and/or components of them) have significantly contributed to the international efforts to tackle the COVID-19 public health crisis. In this and any future crisis, it is vital for the European Commission to ensure uninterrupted access to safe products in both consumer and professional applications, which also means a stable authorisation system that does not use temporary derogations for their placing on the market. DUCC calls for efficient and swift processes for safety assessment and approval of biocides across the EU.

Regulatory framework must be proportionate, well assessed and based on sound science – focus on risk, not hazard

DUCC quotes from the CSS Roadmap: 'A comprehensive regulatory framework for chemicals in the EU is already in place. It has developed over the past 50 years through different streams and needs, and includes over 40 pieces of legislation.' DUCC members are highly committed to the successful implementation of REACH (Regulation (EC) No 1907/2006), which has been the cornerstone of



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the European regulations to ensure product safety in Europe. The forthcoming CSS should foster future innovation, for example by maintaining or extending tools like exemptions on product- and process-oriented R&D and avoid a disproportionate regulatory burden on low-risk substances, such as polymers. REACH, as the key European legislation, is fully supported in its initial spirit, but has to be carefully implemented. Notably the development and placing on the market of substances from renewable sources should be incentivised (e.g. via simplified REACH dossiers) to help foster sustainable innovation from and support of SMEs. A holistic approach that integrates risks and benefits should be an integral part of this to ensure that the European Chemical Industry remains strong and sustainable.

DUCG also quotes from the Roadmap: *'In 2018, chemicals with properties hazardous for human health still represented 74% of the total chemical production in Europe, a percentage overall unchanged since 2004 (Estat)'*. For a meaningful interpretation of this statistic however, it is important to take into account the new definition of 'hazardous' chemicals under the Globally Harmonized System of Classification and Labelling (GHS) and the European Classification, Labelling and Packaging of substances and mixtures (CLP), which significantly expanded the scope of classification as 'hazardous', compared to the former definition of 'dangerous'. Further, to comply with the REACH provisions, the evaluation of substances has generated much more detailed information on the substances' properties, resulting in more frequent identification of hazards than in the past. Innovation does exist, but current classifications are happening at an increasing speed and innovation cannot keep up. The number of hazardous chemicals will remain high as chemical reactivity is needed for useful applications. It does not mean that they present a risk in use. This differentiation must always be kept in mind when regulating chemicals.

Upcoming legislative initiatives should be accompanied by robust impact assessments, conducted in close cooperation with impacted stakeholders. This should also apply to hazard classification, as classification and labelling of chemical products is a legislative tool to communicate on hazardous properties, not on risk, and can result in far-reaching consequences for downstream users and other legislative actions, such as restrictions or legislation for waste. The CSS would better support the European Green Deal's aim of avoiding waste by offering greater predictability and consistency of regulation, which would avoid last minute surprises and changes for industry implementation that impact business planning and result in unnecessary waste due to unsaleable chemical products.

The CSS Roadmap also offers the opportunity to align REACH and other adjacent and vertical legislation; for example DUCG members also need to comply with Occupational Safety & Health Legislation. Usually the work undertaken by the registrants of the chemicals, resulting in DNELs and PNECs, needs to be conducted again by Downstream Users to confirm that (national) Occupational Exposure Limits can be met. The same applies to (national) emission limits. The CSS could address this issue so industry resources could be redirected to Research and Innovation (R&I) and subsequently to sustainable development.

The CSS Roadmap also states: *'A growing number of hazardous chemicals are found in human blood and body tissues as well as in ecosystems, and some 3.5 million sites around Europe are contaminated by hazardous substances, including very persistent substances, with wide-ranging*



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economic and social consequences (Commission study, 2017)'. Thousands of substances of natural or chemical origin are measured in humans and the environment (for example chemistry in bananas¹). Many substances, which are called anthropogenic, also often appear in nature. For instance, in the case of the Polycyclic Aromatic Hydrocarbons (PAHs), to comply with the newest legislative limits billions of euros are needed for soil remediation. Meanwhile, dietary intake of a daily cup of coffee or a piece of chocolate already contains more PAHs than is allowed under the legislative limits - without any excessive risk². The European Commission's call for a 'toxic-free' EU environment seems to be based on a misunderstanding of chemistry and toxicology. Proper communication is needed to avoid misunderstanding and confusion in the mind of the general public. A long term sustainable chemical environment can only be realised if manufactured chemicals get a better perception. Adverse statements should always be substantiated to avoid negative perception, especially in social media.

As mentioned above, regulating chemicals only on the basis of their hazard is excessively simplistic and risks discriminating and removing from the market chemicals with high societal, environmental and economic benefits. The European Commission needs to seek a robust and nuanced approach to manage complex scientific issues such as endocrine disruptors or chemicals that may build up in the environment. Specifically, as mentioned in the Roadmap: *'the regulatory framework will need to rapidly reflect scientific evidence on the risk posed'*.

The DUCG sectors are also committed to minimising animal testing and establishing non animal-based safety assessments.

Importance of international harmonisation

DUCG calls on the European Commission to avoid creating new hazard classifications for policy reasons, such as endocrine disruptors. "Endocrine" is a mode of action, not an effect. The effects are already captured by the existing legislative scheme. Should there be adequate scientific evidence that indicates a gap in the current GHS structure of hazard classes and categories, a proposal should be introduced via the UN Sub-Committee of Experts on the GHS to enable its harmonised application around the world and avoid the creation of problems in global supply chains, which are now the norm for many industries including chemicals.

Industry contribution to digitalisation agenda to improve communication on chemicals

The CSS should consider leveraging the European digital agenda and making use of digitalisation initiatives within the chemicals industries to achieve more efficient, targeted and simplified communication on labels for information on the hazards and safe use of chemicals.

Overall, Downstream Users are well prepared to provide recognised expertise, technological and scientific know-how, regulatory insights and concrete manufacturing innovations, solutions and services to support the EU's sustainability ambition for the chemicals sector.

DUCG thanks in advance the European Commission for considering the above integrated industry input.

Brussels, 19 June 2020



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1. Jordán MJ, Tandon K, Shaw PE, Goodner KL. Aromatic profile of aqueous banana essence and banana fruit by gas chromatography-mass spectrometry (GC-MS) and gas chromatography-olfactometry (GC-O). *J Agric Food Chem.* Oct 2001;49(10):4813-7.
2. Silvia A.V.Tfounia Camila S.Serrateb Fernanda M.Lemea Monica C.R.Camargoa Camila R.A.Telesa Kátia M.V.A.B.Cipollia Regina P.Z.Furlania. Polycyclic aromatic hydrocarbons in coffee brew: Influence of roasting and brewing procedures in two Coffea cultivars LWT - Food Science and Technology, Volume 50, Issue 2, March 2013, Pages 526-530

About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under **REACH** and **CLP**.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, the vast majority being SMEs. The calculated turnover of these companies is more than **215 billion euros** in Europe.

For more information on DUCC: www.ducc.eu

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DUCC's public ID number in the **Transparency Register of the European Commission** is: **70941697936-72**