

Comments on Draft Report “Application of the SSbD framework to case studies”

Stakeholder consultation 03 February to 02 March 2023

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The Downstream User of Chemicals Coordination Group (DUCC), representing 11 European associations whose member companies use chemicals to formulate mixtures. Consumers / professional users don't buy chemicals – they buy paints, detergents, glues, inks etc. They purchase mixtures that are formulated by DUCC members or articles which contain mixtures made by DUCC members (like the ink inside a pen). DUCC members are part of the solution in achieving the objectives of the EU Green Deal. DUCC members' expertise is instrumental for achieving a workable and successful twin transition in the European Union.

DUCC would like to provide high level comments to the discussions on the SSbD framework:

1. Despite the acknowledgement and messages that the Safe and Sustainable by Design approach is not a regulation or legislation, but is intended as a guidance to support or stimulate innovation DUCC finds the SSbD cited in various legislative files. We ask for the initial intent of the SSbD framework to be maintained, in providing direction for industry, rather than its introduction in a clear-cut regulatory framework.
 - *Example: Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (ESPR, Recital 8)*
2. The Safe and Sustainable by Design approach needs to be based on a holistic and non-hierarchical simultaneous assessment approach. The cut-off criteria based on intrinsic properties as is currently described is problematic. It requires further improvement to better take into account the holistic environmental sustainability benefits of substances which fail to meet the intrinsic cut off criteria.
 - An example is the extended human hazard list of Step 1- which would result in some important substances such as enzymes not meeting cut-off criteria (due to classification as respiratory sensitizers). It has been demonstrated that enzymes can be used safely in the entire life cycle for various uses, including but not limited to consumer products such as laundry and cleaning products, thanks to their product designs such as encapsulated granulates. Enzymes also demonstrate environmental sustainability benefits such as energy savings by enabling laundry and automatic dish washing at low temperatures. Both safety for consumers and workers and environmental benefits have been demonstrated since decades.
 - Another example is that of reactive chemistry which are needed to make chemicals. Chemical substances will be made from other chemical substances which need to be reactive and thus likely to be intrinsically hazardous. Reactive chemistry is also crucial for the performance of certain materials and products.

3. It is not appropriate to include all chronic aquatic categories as part of S2 criteria. Otherwise, many chemicals that are used safely today in consumer applications would be penalized by the SSbD framework.
4. In communicating information on the profile of a substance it is key to note that a substance manufactured in Norway, France or The Netherlands typically has a very different GHG emission profile (given the main source of energy used in these countries).
5. The current approach assumes that all the data is available at the onset of each innovation cycle which is not the case. This framework needs to be brought closer to the gated innovation approach including feedback loops as well as revealing the most impactful areas to enable stepwise improvements. This approach and data gaps chemicals at the innovation phase should be carefully examined for future case studies for which a variety of SSbD approaches should be tested and compared.
6. The use of the terms 'chemical', 'material' (and 'product') are at odds with the well-defined REACH terms 'substance', 'mixture' and 'article' and are likely to create confusion as companies seek to apply them within the SSbD concept.

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, disinfectants, lubricants, crop protection, 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**