

Press Briefing

Safer Chemicals Campaign



Friends of
the Earth

The Political Battle for Proper Regulation

We are exposed to industrial chemicals in our homes all the time, whether we like it or not. In recent years it has become clear that we know little about the safety of most of these chemicals. We continue to be exposed to chemicals that accumulate in and contaminate our bodies, and there are a range of health problems which may be associated with chemical exposures (see Chemicals & Health briefing). The current regulatory system is a failure, and does not protect either our health or the health of the environment.

The chemical industry claims that *"the chemical industry is extremely heavily regulated"* [1]. In fact, only 14% of the highest production volume chemicals in Europe have got a basic set of safety data publicly available [2], and a Swedish official has stated: *"most substances on the market are in reality not covered by the current legislation."* [3].

The EU is now reviewing chemicals regulation, with a lot of pressure from Scandinavian countries to clean up the system. However, the chemical industry, a £250 billion industry in the EU, is fighting for the status quo - or worse. Friends of the Earth, with environment and consumer groups across Europe, is fighting to make sure that a precautionary, Scandinavian-style, approach is adopted throughout Europe.

The Safer Chemicals Campaign aims to get rid of suspect chemicals and persuade the Government to introduce tough regulation to make sure that the chemicals we use in our homes are as safe as possible.

What's the problem?

As the European Commission's proposed sixth Environmental Action Plan [4] states:

"There are an estimated 30,000 man-made chemicals currently produced and used yet, for the vast majority, we have only very limited, if any, knowledge of the risks they present to human health and to the environment. The potential risks are many and can be very serious including cancer, birth defects, disruption of the body's hormone system, damage to vital organs, skin disorders, allergies, asthma, etc."

The current regulatory system does not require safety data to be produced on chemicals which have been on the market since before 1981 - the majority of chemicals. The chemical industry has not bothered to generate this data over the decades these chemicals have been sold. In addition, we continue to be exposed to chemicals that accumulate in our bodies and environment, and to hormone disrupting chemicals.

Who's in Charge?

Most of the regulations determining use of chemicals are at European level, as they relate to the trading of

goods. Some of the current regulations pre-date the UK's entry into the European Community.

Within the European Commission responsibility for chemicals is split between the Enterprise (or Industry) Directorate General ('DG Enterprise'), who tend to favour the chemical industry, and the Environment Directorate General ('DG Environment'), who tend to favour the environment and public health. There is also a Commission Agency, the European Chemicals Bureau, responsible for collating data on chemicals.

However, Brussels is not the only player. Committees of Member State representatives, including civil servants from the UK Department of the Environment, Food and Rural Affairs (DEFRA) and the UK Department for Trade and Industry (DTI), are intimately involved in day to day decision making. For example, it was a DTI Civil Servant who blocked moves towards an early ban on hormone disrupting phthalates in baby toys [5].

Decisions on new legislation involve both the European Parliament and 'Environment Council', the EU Environment Ministers (e.g. Michael Meacher).

What's happening now?

The debate is on about how to replace the current system - tougher regulation or devolve responsibility to industry? As the president of the European Chemical Industry Association (CEFIC), said in December 2000, this review is a *'once in a lifetime opportunity'* to change the regulatory system [6].

The debate has already been running for more than two years. We have participated, on behalf of Friends of the Earth Europe, in the crucial meetings, including speaking at Commission 'brainstorming' events.

On February 13th the European Commission finally published, following intense debate, its White Paper on a new chemicals policy [7]. Margot Wallström, the EU Environment Department head, had earlier complained that *"Industry are lobbying very hard against a new chemicals policy"* [8], and in Friends of the Earth's view the final White Paper showed that the chemical industry had won this round of the debate [9]. In particular, the White Paper fails to bring in any controls on chemicals that accumulate in the body (unlike an earlier DG Environment draft), does not oblige industry to use the safest available chemicals and will allow products to be imported into the EU containing chemicals with no safety assessment [10].

Earlier in February the Swedish Government published its own, much tougher, chemicals Bill, calling for bans on chemicals that accumulate in our bodies and the environment, or disrupt hormones [11].

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In June, Environment Council agreed 'Conclusions' on the White Paper [12], strengthening it, adding back in controls on chemicals that accumulate in our bodies, and controls on chemicals in imports.

The White Paper was then examined by the Environment and Industry Committees of the European Parliament, with the Environment Committee voting to strengthen it. However, after 'voracious' chemical industry lobbying, the full Parliament weakened this report on November 15th. In particular, the MEPs voted to allow continued use of chemicals that accumulate in our bodies - and this vote was carried because most UK Labour MEPs voted for continued contamination, despite the fact the UK Government view (expressed at June's Environment Council) was that such chemicals should be restricted.

What happens next?

The Commission is now drafting a new Directive, due to be published in summer 2002, which will then be debated by MEPs, followed by Environment Ministers. There will probably be at least two more years of debate before a new law is in place.

What do we want?

In 1999 Friends of the Earth began a discussion with environment and consumer groups across Europe to formulate a common set of policies for this review. The agreed policies, now called the '**Copenhagen Charter**', are also supported by WWF, the EEB (an umbrella group for European environmental groups) and the European Consumers Organisation BEUC (the umbrella group for consumer groups across Europe):

- 1) A full right to know, including what chemicals are present in products.
- 2) A deadline by which all chemicals on the market must have had their safety independently assessed. All uses of a chemical should be approved and should be demonstrated to be safe beyond reasonable doubt.
- 3) A phase out of persistent or bioaccumulative chemicals.
- 4) A requirement to substitute less safe chemicals with safer alternatives.
- 5) A commitment to stop all releases to the environment of hazardous substances by 2020.

The Charter has been welcomed by EU Environment Commissioner Margot Wallström, and supported by Danish Environment Minister Svend Auken [13]. These five policies, taken together, would create workable, precautionary, regulation of chemicals:

- A right to know would ensure that all decisions are transparent, and that consumers are allowed to make their own choices.
- A deadline for assessment of safety will get rid of the scandal of unassessed chemicals. We want safety assessment to use non-animal methods to the maximum extent possible; see [10].
- A phase out of persistent or bioaccumulative chemicals will stop the contamination of our bodies and environment, with chemicals having to rapidly break down into natural substances -

with an exemption when these properties were an essential function in a specific application.

- Substitution will ensure that the safest possible chemicals - or techniques - are used.
- An end to releases of hazardous substances into the environment by 2020 will ensure that EU chemicals policy contributes towards the objectives of the OSPAR Convention, which aims to clean up marine pollution.

We believe that our proposals will create a forward looking, sustainable chemical industry - not an industry fighting to retain outdated, unsafe chemicals.

We are also working with animal protection groups such as Eurogroup for Animal Welfare (whose members include the RSPCA) to maximise the development and use of non-animal methods and ensure that the new regulations allow restrictions on chemicals with non-animal data [14].

The next few years will be crucial in the battle to get a safe regulatory system.

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