

H&M Group's suggestions to secure an ambitious revision of REACH Regulation

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H&M Group is calling on the EU authorities to conduct a prompt and ambitious revision of the REACH Regulation. Enabling substitution of hazardous substances is essential to guarantee safer and more sustainable products. A robust legal framework is necessary for a systemic change and long-term action, backing industry leaders' investments in proactive chemicals management.

H&M Group's chemical management: safe chemicals and beyond

Chemicals are essential to processes used to make garments, such as washing, dyeing, and printing. H&M Group is working to ensure that all our products are safe throughout the full life cycle. We were early pioneers in our industry in chemicals management, having issued our first chemical restrictions in 1995, and remain committed to our purpose of leading the industry towards chemically safe production and articles. We have co-founded industry-leading networks such as the Apparel and Footwear International RSL Management (AFIRM) Group and the Zero Discharge of Hazardous Chemicals (ZDHC) Programme, as well as substituted problematic materials and groups of chemicals such as PVC (in 1999), PFAS (2013) and solvent-based polyurethane (2020).

The toxicological research on hazardous chemicals continues to evolve rapidly. We are aware that we must keep up with this development and speed up chemical substitution efforts to ensure safety of our products. That is why **we support the EU Commission's commitment made in the EU Chemicals Strategy (CSS) to reduce consumer exposure to the most hazardous chemicals.**

While there is no doubt that the REACH Regulation focuses on chemical safety, we cannot ignore its impacts on product sustainability. The rapid advancement of toxicological research means that certain chemicals, which are perceived today (due to lack of information) as safe enough to be used in virgin materials, may constrain recycling of those same materials a few years from now. **We have a commitment to ensure that all our products are designed for circularity, which will require detailed understanding and control of legacy chemicals.**

Call for an ambitious REACH revision

We will not be able to achieve our safety and sustainability goals without a strong EU chemicals' policy. An ambitious REACH revision - that is, such that reflects the commitments made in the CSS - is urgently needed to incentivise the whole industry to innovate and change. It is also needed to ensure predictability. **We are calling on the EU Commission to adopt an ambitious revision of REACH Regulation as soon as possible**, as we stated in December 2022 through a common letter co-signed with ChemSec and 21 other frontrunners¹ in chemicals management. **We kindly ask the EU Parliament, EU Council and ECHA to support the EU Commission in realising the commitments made in the CSS.**

The ambitious EU chemicals law should rely on two components of utmost importance: hazard-based approach and chemical transparency.

¹ <https://chemsec.org/a-company-request-for-an-ambitious-revision-of-reach/>

Integrate the hazard-based approach

We believe that **the process of restricting the most hazardous substances should be increasingly based on their intrinsic hazards, rather than on their exposure (risk) estimates**. While a risk of a given substance must be regularly reassessed, a hazard-based approach will enable us to achieve lasting compliance, thus making our industry future-proof. A hazard-based approach is also better from a safety perspective, and necessary to control legacy chemicals in recycled materials.

In line with this view, **we support the proposal made by the EU Commission in the CSS to extend the generic approach to risk management (GRA) to non-essential uses of substances in the new CLP hazard classes, such as endocrine disruptors**. We would like to emphasise that **the GRA restriction process should remain open for the industry to participate**. Textile industry has years of technical experience in substituting the most harmful chemicals. It should be consulted to ensure that the GRA restrictions consider available technical analysis and methods, and the relevance of restricted substances for our industry sector. We believe that the 2018 REACH restriction of carcinogenic and mutagenic substances in textile articles can serve as a blueprint of a good application of the extended GRA approach. This restriction process was effective in reducing a serious health hazard, at the same time ensuring the adequate level of industry's participation.

Improve chemical transparency - a key enabler of safety and circularity

While tracing and phasing out hazardous chemicals, the textile industry faces a major hurdle: insufficient information on chemical products from chemical suppliers. Currently, the primary information carrier about chemical products, the Safety Data Sheet, does not provide textile brands with enough information on the content of chemical formulations and hazardous properties. This is the case predominantly for substances which do not have a harmonised hazard classification under the EU regulation on the Classification, Labelling and Packaging of substances and mixtures (CLP). We have a very limited access to the hazard properties of these substances, as the existing REACH obligation to provide self-classifications (information based on chemical producers' own research) is not well-enforced.

Moreover, information is lacking also on classified substances which do not exceed the limit of 0.1% w/w in chemical mixtures (the minimum threshold level for chemical products' labelling required under CLP).

This situation leaves us with scarce information about most ingredients in chemical products, hindering our chemical traceability efforts and causing the risk of regrettable substitutions.

We need a new, smart model of transparency that will enhance information flow from the chemicals supply chain. We believe that the access to information should be improved for unclassified substances, as well as substances present at small concentrations.

This is, firstly, a prerequisite for proactive chemical substitutions necessary to ensure a safe and circular fashion - according to the standards of today and tomorrow. As an example, having a better chemical transparency would have made our proactive substitution of PFAS in 2013 a much easier process. Today, while the PFAS restriction under REACH is only starting, many of these substances still do not have a harmonised CLP classification. The lack of information on chemicals will hinder any proactive chemical substitutions in the future.

Secondly, we need improved chemical transparency to ensure legal compliance with the large group restrictions coming under REACH. We are expecting that chemical transparency will also be vital for us to comply with the requirements on substances of concern under the Eco-design Regulation (ESPR) - as chemical substances regulated for sustainability reasons, not chemical safety reasons, may not have a CLP classification.

Some promising options and tools to improve chemical transparency have been proposed during the AskREACH project², in which H&M Group took part, and which featured Enhanced Data Sheet, Full Material Declaration, data provision via the Digital Product Passport or SCIP database. **We are calling on the EU Commission to perform a systemic impact assessment to evaluate how the various initiatives can contribute to the transparency and traceability vision.**

Contact persons for Global Public Affairs:

Maria Åkerfeldt

maria.akerfeldt@hm.com

Asli Tamer Vestlund

asli.tamervestlund@hm.com

Contact person for EU Public Affairs:

Jędrzej Nadolny

jedrzej.nadolny@hm.com

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² https://www.askreach.eu/wp-content/uploads/2023/01/AskREACH_Traceability-WS_report_2023-01.pdf