

Questions & Answers about REACH

→ Hazardous chemicals – What is the problem?

Chemicals are an every day part of our lives. It is accepted that they are required to meet certain crucial needs, but there is a downside: they can adversely affect our health and the environment. The damage can remain undetected for many years and the consequences not recognized for decades. Toxic chemicals are suspected of playing a crucial role in the increase of allergies and some cancers. Many chemicals are absorbed into the environment and our bodies; on average around 300 synthetic chemicals are present in European women's breast milk. Some chemicals bear a resemblance to natural hormones and may, for instance, be involved in developmental defeats in children, for example premature puberty in girls.

→ But are hazardous chemicals still used today?

Yes. They are built into buildings we live in, textiles we wear and the household appliances we use each day. There is a common belief that the chemicals used in consumer goods have been tested and approved. This is not the case. There is no law requiring chemicals to have been tested before

being added to everyday consumer goods such as shampoo or even children's toys. Consequently, toxic chemicals are constantly released during manufacturing, product use and finally into the environment as waste.

→ How many chemicals are in use?

Estimates vary. It is believed there are around 30,000 to 70,000 chemicals on the market. Estimates also suggest that around 70% of all chemicals on the market have toxic properties. Less than 5% of all chemicals have passed basic testing for hazardous properties. This means that we do not know if the other 95% are hazardous to humans or not.

→ But if the situation is bad, why are politicians not acting?

They are. The EU environmental ministers have recognized that new legislation is badly needed. Therefore, in 2001, the European Commission suggested a new strategy for chemical control, a so-called 'White Paper'. Both the European Council and Parliament endorsed the strategy and

recommended that the Commission prepare a proposal containing even stricter legislation. Between 2001 and 2003, the Commission continued to work out a wide-ranging law to control the problems of toxic chemicals. The result was presented in October 2003, in a legislative proposal called REACH.

→ What is REACH?

REACH is the proposed new legislation for the control of chemicals, produced or used within the EU. It is meant to bring the EU up to date, presenting a far more efficient approach to minimizing chemical risks. REACH will replace about 40 existing EU chemical laws. It will become common law in all member states; and consequently make it virtually impossible for member states to maintain national regulations.

The REACH system

REACH stands for Registration, Evaluation, Authorization and restriction of Chemicals. For chemicals produced in quantities of more than 1 ton per company per year, the producer or importer will have to report to a central agency about the properties of the chemicals they sell. Around 30,000 chemicals are included in the system. Those in highest volumes or those known to have dangerous properties will be dealt with first.

The worst chemicals, "chemicals of very high concern" will require a special authorization license for use. These will be chemicals causing cancers, damage to genetic material, or that are toxic to reproduction. Chemicals that cannot be broken down in nature and so accumulate in humans and wildlife, or those that interfere with the hormone system, are also defined as "chemicals of very high concern".

→ What does industry say about REACH?

REACH directs costs and responsibility towards the producers and importers of chemicals. More indirectly, it influences all industry, which is the main user of chemicals.

Many large industrial companies are arguing in favor of stricter regulations, as it would put them in a much better position by helping them avoid using toxic chemicals, therefore, reducing future risks of environmental clean up costs and the reduction of product liabilities. It would help them to choose better alternative chemicals, and enable them to provide customers with more information on product ingredients.

Unfortunately, so far, a massive 'anti-REACH' lobby organized by the chemical manufacturers has overshadowed the voice of the chemical users. The campaign is considered to be the biggest in EU history. The chemical industry has portrayed REACH as a system causing gigantic increases in costs and unemployment. Even though these predictions have been strongly criticized by economists, they have evidently influenced the EU Commission to substantially water down their original proposal (see below).

→ Does REACH cost a lot of money?

Different stakeholders and the European Commission have calculated the direct costs for different scenarios. The calculations vary between €1.4 – 12.8 billion over an 11 year period. This corresponds to maximum 0.3% of the annual turnover of the chemical industry. The average cost of

implementing REACH would be around 0.05% of the turnover.

→ Could REACH save money?

Possible health benefits for the implementation have been estimated by the European Commission at €50 billion over 30 years, and outweigh the direct costs many times over. The environmental benefits have not been estimated, but new strict legislation could reduce the socio-economic costs for allergies, today estimated at €29 billion a year.

→ Where does REACH stand right now?

In October 2003 the European Commission presented a law proposal. It includes many concessions to the chemical industry and has been strongly criticized by environmental groups and consumer movements for the lack of protection given to human health and the environment. Some issues under debate are presented in the table below.

THE ORIGINAL PROPOSAL (2001)

The producer should present data for a chemical in order to maintain the right to market it. "No data – No Market"

Most substances subject to regulation

Chemicals with toxic properties should be replaced with safer alternatives if such exist on the market

Industrial and public consumers given the right to information about the chemical they use, enable them to choose safer products and to take protective measures

THE LAW PROPOSAL (2003)

The data requirements have been lowered, (especially for chemicals used in lower volumes.) In many cases, the information requested will not be sufficient to judge whether a substance is toxic or not

Several far-reaching exemptions introduced, e.g. all polymers, and substances already subject to other legislation

Producers can continue to market chemicals with more toxic properties than alternatives if they convince regulators that the use is "adequately controlled"

Broad confidential rights introduced, giving producers the right to restrict information about the chemicals they sell to the public and clients

Less than a bar of chocolate!

The estimated costs for the chemical industry to implement REACH are €2.3 billion. This corresponds to around 50 cent per EU citizen per year – or less than the cost of a chocolate bar.

→ What happens next?

The REACH proposal is now in the hands of the European Parliament and Council. Together they can change the proposal and make new suggestions. A new law is likely to be implemented by 2006. Until then it is still possible to influence the importance of REACH for human health and the environment.

For more information please read additional fact sheets or visit our homepage: www.chemsec.org

You can also find more information at www.chemicalreaction.org; <http://panda.org/campaign/detox/>

The International Chemical Secretariat (Chemsec) is a non-profit organization dedicated to work towards a toxic free environment. The Secretariat is a cooperation between four environmental organizations in Sweden; SSNC, WWF, FoE and Fältbiologerna.