

ETUC APPROACH ON THE REVISION OF THE REACH REGULATION

The REACH framework, which stands for Registration, Evaluation, Authorisation, and Restriction of Chemicals, plays a pivotal role in supervising the use and marketing of chemical substances across the European Union. The European Commission has announced a revision of this legislation as part of the Chemicals Strategy for Sustainability. ETUC believes that it is high time for its reform, demand for which is rooted in vital aspects including ensuring Occupational Safety and Health protection, sustaining industrial competitiveness, preserving the EU's ecological obligations, and the alignment with sustainable development objectives.

Enacted in 2006, REACH is not an OSH legislation but was designed to ensure the protection of the environment and human health (which includes workers' occupational safety and health). In order to address the evolving challenges and complexities in the field of chemicals management. ETUC puts forth the following elements for consideration in the revision of the REACH regulation:

General functioning of REACH

Registration of low volume substances: ETUC is of the opinion that the information requirements for substances at all tonnage levels should be increased to enable the identification of critical hazard properties.

Maintenance of Authorisation and Restriction Routes: ETUC emphasises the importance of maintaining both the authorisation and restriction routes for chemicals. This dual approach provides a comprehensive framework for managing chemicals, enabling effective control over hazardous substances while encouraging the development and use of safer alternatives. ETUC opposes the introduction of new chemicals to the European market unless they have undergone comprehensive testing to ensure they do not pose any harm to workers, individuals, and the environment.

Thorough and Efficient Evaluation of Registration Dossiers: To enhance transparency and promote safety, ETUC calls for more rapid and comprehensive evaluation of registration dossiers. This includes ensuring the completeness and compliance of information in the registration dossiers and providing detailed risk assessments for chemical substances. Simplification and clarification of rules regarding the use, restriction, or ban of substances should be the objective, avoiding unnecessary complexity. Furthermore, a streamlined "one substance, one assessment" approach should be fostered between the work of ECHA and EFSA.

Scrutiny of Substitution Plans and Authorizations: ETUC emphasizes the need for careful scrutiny of substitution plans. REACH should improve its focus on substitution. Authorizations and derogations granted should be based on realistic time frames, enabling planning security and facilitating investments in innovative alternative substances. Scientific risk assessment must remain a fundamental element in decision-making processes.

Considerations regarding occupational safety and health

Synergy between REACH and Occupational Safety and Health (OSH) Legislation: ETUC supports the continued application of REACH without prejudice to OSH legislation. Employers must comply with both sets of regulations. The risk-based approach should be maintained, while strong OSH provisions at the workplace, including communication, compliance, implementation, and enforcement, are essential. The setting of occupational exposure limits should be carried out through the tripartite work of the Advisory Committee on Health and Safety at Work (ACSH). ETUC echoes the concerns raised by ACSH regarding regulatory bottlenecks concerning priority chemicals. It urges the Commission to swiftly identify a solution that enhances the capacity for generating scientific opinions on these substances.

Enhancing connection between European and national levels for REACH Regulation and occupational health and safety is vital. Similar to the European approach, a tripartite strategy should operate nationally guiding member state application, facilitating collaboration through the plans that EU member states develop and implement to enforce the REACH regulation within their own territories, and in managing the communication with ECHA. At the company level, integrating REACH Regulation into chemical risk assessments, with input from Workers' Safety Representatives, is essential for comprehensive compliance and the protection of workers' occupational safety and health. Furthermore, trade unions should be represented within the Technical Coordination Committees, bodies created at national level to define the national plans and interventions for the implementation of the REACH Regulation.

The exchange of scientific data between REACH institutions and (national) OSH bodies should be improved, including a clarification of the relationship between the derived no-effect level (DNEL) and the derived Minimal Effect Level (DMEL; only if the risk associated with exposure is known) and national occupational limit values.

Allergens. Greater attention should be paid to substances with a high skin allergy potential, as there are many substances for which unprotected handling almost inevitably leads to a skin allergy.

Strengthening Enforcement: Through the enforcement of OSH legislation, which involves comprehensive assessments of job- and workplace-specific risks, along with the imperative for employers to mitigate risks and provide necessary personal protective equipment, we can guarantee an appropriate level of protection. Recognising the importance of effective enforcement, ETUC highlights the need for increased resources for labour inspectors and inspections. This will bolster compliance with regulations and enhance the overall effectiveness of the REACH framework.

General health considerations

Addressing "Forever chemicals": The widespread exposure of PFAS, commonly referred to as 'forever chemicals,' is a pressing issue in Europe, with intake primarily occurring through food consumption. It's important to note that workers in various professions, such as in waste management and water treatment or firefighting, are also exposed to these substances. While some PFAS have already been banned, there is a crucial need for comprehensive restrictions. Therefore, the revision of the REACH regulation must take into account these concerns and address the issue effectively.

Inclusion of Polymers in the REACH Regulation: ETUC highlights the necessity of including polymers within the scope of the REACH regulation. Recognising their potential impacts on human health and the environment, the revision should encompass appropriate measures to address the specific challenges associated with polymer substances at the workplace. Some polymers are endocrine disruptors and belong to the

group of the so-called "forever chemicals", hence the need for a comprehensive and a coherent reform of the regulation.

Extending the Generic Approach to Risk Management (GRA): Applying GRA approach to, which is focused on a hazard-based approach (in opposition to a risk-based approach), to professional users is not the right way to achieve our goal of providing for enhanced protection for workers against exposure to dangerous chemicals. Instead, by enforcing OSH legislation, including thorough assessments of risks specific to each job and workplace and the obligation of the employers to provide for the necessary personal protective equipment, we can ensure an appropriate level of protection.

Critical Assessment of the Essential Use Concept: ETUC acknowledges the role of the "essential use concept" in chemicals management and the rule that essential uses only may be eligible for applying to derogations under the authorisation and restriction procedures. However, due to its lack of clear criteria, ETUC questions its applicability and calls for further clarification. If an essential use concept is to be applied, a screening process must include the evaluation of safe use. Practical criteria and principles for application should be defined to ensure that safe uses are not excluded. The concept should be closely monitored to avoid misuse by industries that claim elements as essential without genuine necessity.

Addressing Multiple Exposure to Substances: In real-world working life, handling just one substance is rare; there are usually mixtures involved. ETUC therefore supports the introduction of a Mixture Assessment Factor (MAF) in REACH to take into account combination effects. However, ETUC urges the consideration of a balanced approach in addressing multiple exposures and the need for further research to better assess mixed exposures and to develop adequate protective measures.

Addressing Endocrine Disruptors: Considering the mounting evidence of their negative impact on health, ETUC recognizes the need to address endocrine disruptors. Further research is therefore necessary so as to guide regulatory measures concerning endocrine disruptors

Considering Environmental, Social, and Economic Dimensions of Sustainability

ETUC recognises that a reform of REACH does not only have implications for human health and the environment but also a strong industrial policy component. ETUC emphasises the importance of considering the environmental, social, and economic dimensions of sustainability in the revision of the REACH regulation. This includes assessing the entire life cycle of chemicals, considering positive effects and economic efficiency alongside the potential impacts on people and the environment. It is crucial to ensure the open strategic autonomy of the EU, the competitiveness of the European industries, the resilience of European supply chains, job security, and expansion. Harmonisation of global standards should also be pursued.

The European trade union movement has already voiced its disappointment regarding the decision to postpone the start of the revision from the last quarter of 2022 to 2023. We firmly believe that any further delay would undermine our efforts, especially considering the upcoming elections. It is imperative that the legislative procedure to revise the REACH regulation commences in the fourth quarter of 2023 without any additional delays and that social partners are meaningfully consulted before the enactment of the proposal.

ETUC calls upon the European Commission, the European Parliament and the Council of the European Union to consider the aforementioned elements during the revision of the REACH regulation. ETUC will oversee the progress of the REACH revision, collaborating with ECHA, ACSH, and EU-OSHA. with the objective of enhancing this regulatory framework.