

EUROPEAN UNION'S BOLD APPROACH ON TOXICS



Q&A on the REACH Proposal

Q: What is REACH?

A: REACH is an ambitious European effort to create a regulatory system that protects human health and the environment from exposure to dangerous chemicals. The name REACH refers to its three key steps: *Registration, Evaluation and Authorization of Chemicals*.

Q: How is REACH relevant to the U.S.?

A: Once enacted, REACH can benefit Americans in several ways:

- 1) American consumers will be able to purchase safer products manufactured in compliance with European standards.
- 2) American businesses will have access to the world's largest market for safer chemicals and cleaner products.
- 3) The information and experience generated by this REACH will prove valuable in American environmental policy, such as state efforts to phaseout persistent bioaccumulative toxics (PBTs) and other hazardous substances.

Q: Don't US laws already protect us from dangerous chemicals?

A: Unfortunately not. When the key federal law, the Toxics Substances Control Act (TSCA), was passed in 1976, it defined some standards for all *new* chemicals brought to market. But the tens of thousands of existing chemicals—which make up the majority of the materials in everyday items like consumers products, fabrics, toys, paints, etc.—have never been subjected to basic health and environmental assessment. The US EPA admits that it has basic safety data on less than 15 percent of these substances.

Q: Is the situation any different in Europe?

A: In general, environmental regulations on chemicals in Europe are not much different from U.S. regulations. However, the proposed REACH legislation would bring in sweeping changes in Europe, and put the responsibility squarely on chemical producers, importers, and companies that buy these products to understand the hazards posed by chemicals and share this information with officials and the public.

Q: What would REACH require?

A: The most important element of REACH is that it will place the burden of proof on industry to provide information on the safety of the chemicals they make, use or sell. The proposal basically says: "no data, no market." In practice, any company that manufactures or imports more than one metric ton (2,200 pounds) of a chemical in the European Union (EU) will be obligated to present basic data on the hazards of the

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¹ Fairbank, Maslin, Maullin & Associates — PBT Opinion Research Report, April 2003.

chemicals and its likely uses — a process known as Registration. The 15 (soon to be 25) countries that constitute the EU will have the responsibility of assessing this information through a process known as Evaluation. Chemicals (such as persistent and bioaccumulative toxics and endocrine disrupting chemicals) that fail to meet basic safety standards would be considered of “very high concern,” triggering the Authorization process. Use of these chemicals would be banned unless specifically authorized.

Q: What are the economic impacts of REACH?

A: Many numbers are being thrown around—especially by industry lobbyists. According to the European Commission, the direct costs of REACH are about \$4 billion over the 11-year transition period. While this may sound large, it represents less than 0.1 percent of the European chemical industry’s annual sales. Moreover, these estimates ignore the potential economic *cost savings*—from the creation of new markets, reduced lower liability and clean-up costs—and the reduced costs of the human and environmental impacts of hazardous chemicals. While it is obviously impossible to put a precise dollar figure on the health and ecological benefits of REACH, the Commission estimates the workplace health benefits in Europe at \$20 - \$60 billion over thirty years, and 2,200 to 4,300 avoided cancer cases annually.

Q: How will REACH affect US industry?

A: Naturally, the European Union does not want to encourage its manufacturing base to relocate to countries with weaker regulations. So REACH would apply uniformly to substances that are made in Europe and to those imported from around the world, including the U.S. Any company sells more than one metric ton of chemicals in the EU would be subject to the registration process and would be bound by the same rules that apply to European companies. U.S. companies that are able to offer safer substitutes for hazardous materials stand to benefit from access to a harmonized European market, soon to include over 500 million citizens.

Q: When would REACH become law?

A: The decision making process of the EU is very complicated. In the case of REACH, joint approval will be required by the European Parliament plus a majority of the EU governments that make up the Council of Ministers. The public debate over REACH is heating up now as the draft legislation is released for public review. We expect a series of important decisions in the Council and Parliament over the next year, leading to final enactment by late 2005.

Take precautionary action to protect our health and the environment from dangerous chemicals. Sign onto the BE SAFE Platform.

Be counted when we deliver this national platform to the White House in 2005. Endorse the platform today at www.besafenet.com

Companies would have several years to put REACH fully into practice. This gradual transition phase helps guarantee that companies have ample opportunity to assess the hazards of the chemicals they use and can adopt or develop safer substitutes.

Q: Who supports REACH?

A: A broad cross-section of European public interest groups, representing environmental, public health, and consumers, have played a major role in the development of REACH. Of course, the countries that constitute the Europe Union are the principal players in this process. REACH is still a new topic for most Americans. It is worth noting, though, that an April 2003 opinion poll of 1,200 voters in Maine, Michigan, and Washington State revealed that 87% would support the gradual phase out of persistent toxic chemicals in agriculture, industry and commercial processes.¹

In Europe, REACH holds the promise of achieving the common sense goal of eliminating PBTs, and other hazardous chemicals. European environmentalists have some serious concerns about specific loopholes and shortcomings in the draft REACH proposal and they will work to correct these in the coming months.

Q: Who opposes REACH?

A: The strongest opposition is organized by the chemical industry associations in Europe (especially CEFIC), which have been lobbying strongly to prevent REACH from achieving its full potential. In the U.S., the largest chemical industry associations—such as the American Chemical Council (ACC) and the Synthetic Organic Chemical Manufacturers Association (SOCMA)—are actively lobbying the US government to oppose REACH. Over the past year, the US government has met repeatedly with chemical industry representatives and incorporated many of these positions into US policy without public participation or comment.

Q: Want to learn more?

Take advantage of these resources for additional information on responsible chemicals management in Europe and the US.

WWF European Policy office

<http://www.panda.org/epo/toxics>

World Wildlife Fund US

<http://www.worldwildlife.org/toxics>

Lowell Center Chemicals Policy Initiative

<http://www.chemicalspolicy.org>

European Environmental Bureau

<http://www.eeb.org/activities/chemicals/main.htm>

Clean Production Action

<http://www.cleanproduction.org>

European Commission

http://www.europa.eu.int/comm/environment/index_en.htm

Center For Health, Environment and Justice

<http://www.chej.org>
