# EEB comments to the Inception Impact Assessment for the CLP revision

## INTRODUCTION

The CLP Regulation is an essential tool to identify, communicate and trigger the regulation of hazardous chemicals in Europe. However, CLP needs to be improved to support the implementation and the level of ambition of the Chemicals Strategy of Sustainability (CSS). Hence, we strongly support the strengthening of this piece of law in order to make it more efficient, trigger more protection, be less burdensome for the authorities and place the burden on the companies making economic profit from the manufacture of hazardous chemicals.

The CLP revision must be focused on:

1. Improving the protection of people and the environment against hazardous chemicals and reducing human and environmental exposure
2. Accelerate the classification process
3. Making classification, labelling and packaging less burdensome for the competent authorities

The EEB supports all the Inception Impact Assessment (IIA) options to revise CLP as well as the proposals included in the Chemicals Strategy for Sustainability.

The commitments of the CSS were informed by several studies on the strength and weaknesses of existing chemical regulation. They are acted priorities that cannot be presented, as done in the IIA, as "options" - they must be delivered. Therefore, the actions relevant for the CLP revision included in the Chemicals Strategy for Sustainability should be the basis of the IIA of the CLP revision. For the EEB, delivering on fewer actions is not acceptable as the CLP revision must not downgrade the level of ambition set in the European Green Deal.

For example, we request the Commission to consider the introduction of new hazard classes on endocrine disruptors; persistent, bioaccumulative and toxic and very persistent and very bioaccumulative chemicals; as well as persistent, mobile and toxic and very persistent and very mobile chemicals (EDs, PBTs, vPvBs, PMTs and vPvMs), which we regret is not mentioned in the IIA.

Moreover we reject the IIA statement that “the measures [...] will be examined through options with different ambition levels”. The only ambition possible in our view, is a high level of health and environmental protection

With regard to the impact assessment, the Commission should ensure that due consideration is given to benefits of regulation for human health and environment. The costs and benefits of the changes to the CLP regulation or to its current implementation should be qualified rather than quantified, given the many challenges shown so far to quantify

the benefits for health and environmental protection and the ambition of the European Green Deal. Monetisation of the impacts should also be avoided as it has so far proved inefficient to truly assess the benefits of further protection of health and the environment.

The Commission should also consider options for implementing the polluter pays principle and provide adequate resources to the authorities to implement, monitor and enforce CLP.

Finally, options to increase transparency and truly apply the precautionary approach need to be incorporated in the CLP Revision.

# EEB proposals for objectives and policy options

In our view, the CLP revision should:

- **Introduce new hazard classes**, at least for EDs, PBTs, vPvBs, PMTs and vPvMs.
- **Empower the Commission** to initiative harmonised classifications
- **Ensure that CLP remains hazard based** and focused on the substance's intrinsic properties, that is true to the CLP Regulation's objectives. This is, no risk or socio-economic considerations are valid in the CLP process of identification, classification labelling and packaging of hazards.
- **Modify the decision making procedures** so there is no political discussion about classification, labelling and packaging of hazardous chemicals. The procedure to classify a substance or mixture must facilitate the objectives of the CLP Regulation, that are to determine the hazardous properties requiring classification, and to properly identify and communicate these hazards. Hence, CLP has no room for political considerations such as the economic impact on companies of classification or communication on the hazards. In our view, harmonised classifications and labelling should be an ECHA's Executive Director's decision that follows the scientific opinion of the Risk Assessment Committee (RAC).
- **Improve transparency**: CLP data should be centralised through the development of product passports for classifications and labellings of hazardous chemicals; a safety data sheets' database; and labelling to ensure that citizens have information on hazardous chemicals in products. CLP revision should also oblige ECHA to publish contact data of all notifiers.
- **Introducing clarifications on the definition of UVCBs** in the legal text. to ensure a proper identification and classification of the substances.
- **Guarantee that derogations for classifications are only possible when supported by scientific evidence**.
- **Establishes an automatic harmonisation on self-classifications** to avoid divergent self-classifications where the most hazardous self classification is the one harmonised.
- **Lower the level of evidence required to classify hazardous chemicals** per category, in particular for the most concerning endpoints such as CMRs. The Commission should align to the state of science and review the level of evidence required to ensure that in vitro testing, genomics and other non animal tests have a higher relevance/weight and in-vivo tests are not mandatory to classify hazardous chemicals, while also guaranteeing that no substances are deprioritised for classification on the basis of

non-animal test methods. This would better allow the application of the weight-of-evidence and precautionary approaches hence facilitate the classification of hazardous chemicals.

- **Consider options for implementing the polluter pays principle** and give enough resources to authorities to implement and enforce REACH and CLP.
- **Impact assessment**: make sure that due consideration is given to benefits of regulation for human health and environment.