

To the attention of:

Mr Timmermans, Executive Vice President of the European Commission  
Mr Sinkevičius, Commissioner for Environment  
Ms Kyriakides, Commissioner for Health and Food Safety  
Mr Breton, Commissioner for Internal Market

Brussels, 24 March 2022

## **RE: Delivering toxic-free plastics under the Chemicals Strategy for Sustainability**

Dear Executive Vice President, Dear Commissioners,

The EEB and ClientEarth, as part of the Rethink Plastic alliance, welcome the Commission's commitments to deliver toxic-free plastics, answering strong public concerns and coming a step closer to delivering the EU ambition for Zero pollution. However, the fulfillment of this promise also means growing opposition from vested interests. Therefore, your support and vigilance are needed now more than ever on the key files that provide the foundations of toxic-free plastics: the restrictions of microplastics and PVC and the identification of polymers manufactured, used and imported in Europe.

### **1. Deliver a strong REACH restriction of intentionally added microplastics without further delay**

The Commission has the power to adopt a restriction that will prevent the emissions of 42 360 tonnes<sup>1</sup> of microplastics per year. But the tap is yet to be closed as the Commission failed to meet its legal obligation to draft a proposal by May 2021. It is therefore of utmost importance that a proposal is presented at the April REACH Committee in accordance with the work plan of that Committee.<sup>2</sup>

Your support could also save the restriction from unjustified derogations and transition periods from being included in the proposal.

One of our concerns is **the use of microplastics as infill in sport pitches** which represents the largest emission source of intentional microplastics to the environment and should therefore be strictly regulated accordingly. Only a ban can effectively and efficiently control this pollution. In addition, the risk management measures proposed by ECHA<sup>3</sup> place the administrative, technical, and economic burdens on local actors, who usually do not have the capacities to control pollution and undertake monitoring activities. There are good examples of alternative options from the

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<sup>1</sup> EEB, ClientEarth, Analysis of microplastics emissions to 2030, 2021, available at <https://eeb.org/wp-content/uploads/2021/11/Analysis-of-emissions-of-MP-to-2030-November-2021-final-1.pdf> p.7

<sup>2</sup> See [Circabc \(europa.eu\)](https://circabc.europa.eu)

<sup>3</sup> See the Dossier Submitter's (ECHA) proposal <https://echa.europa.eu/documents/10162/a513b793-dd84-d83a-9c06-e7a11580f366>, p.2, under Option A

practice in several cities.<sup>4</sup> A ban after a six-year transition period is the most protective and scientifically valid option. In addition, the six-year transition would give companies impacted by the ban the time to develop alternative options and time for the market to adapt.

The potential **derogation of nanoplastics** from the scope of the restriction is also problematic. Both RAC and SEAC Committees have advised to include nanoplastics in the restriction, notably to avoid regrettable substitutions. Likewise, the derogations for “biodegradable” polymers, soluble and liquid polymers are not scientifically sound and will lead to continuous releases of microplastics to the environment.

Finally, if granted, the Commission should propose only minimum transition periods, as industries have already benefited from a lengthy transition process - the restriction procedure started in 2017.<sup>5</sup>

## **2. Deliver a comprehensive requirement for the registration of polymers under REACH**

Plastic pollution is a growing, uncontrolled global problem. The proposal to **register polymers** is the first opportunity in decades to ensure provision of basic relevant information on the main constituents of plastics. Registration is the first pillar of the regulation of chemicals in Europe, and the information generated through the registration under REACH is used by all actors along the supply chain to control the hazards and risks; this information is also needed for companies to innovate and develop safer materials.

However the current proposal will not address the most relevant information gap because of its restricted scope<sup>6</sup>. As the proposal stands today, the polymers that are used in massive amounts to manufacture plastics would not be registered (polyethylene (PE) and polypropylene (PP), as well as polystyrene (PS), polyvinyl chloride (PVC), polyethylene terephthalate (PET) and polyamide (PA) plastics).

We ask the Commission to ensure the generation of information on the safety of the polymers that are contributing most to the plastic crisis and to which people and the environment are widely exposed. The inclusion of high production volumes as a criterion to select polymers for registration in the upcoming REACH reform is an easy way forward that is also coherent with the REACH regulation requirements for chemical substances.

## **3. A strong REACH restriction of PVC**

We welcome the Commission’s plan to restrict PVC and its additives as part of the restrictions roadmap. It will be a victory to phase out the most health and environmentally damaging plastic<sup>7</sup> by

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<sup>4</sup> Hamburg in Germany has been using sand for the past 10 years; in France, La Ciotat and other cities are using olives stones, locally available, Baud and Cholet too;

<sup>5</sup> See the Commission’s request to prepare a restriction proposal to ECHA, 2017, accessible at <https://ec.europa.eu/europe-justice/press-releases/2017/05/2017-05-18-01> (europa.eu)

<sup>6</sup> See the scientific Statement on the Registration of Polymers under REACH <https://www.ipcp.ch/activities/polymer-statement>

<sup>7</sup> See Zero Waste Europe, <https://zerowasteurope.eu/library/why-pvc-remains-a-problematic-material/>

2030, as supported by the recent call from US recyclers to ban PVC packaging<sup>8</sup> and by the European Parliament's commitment for clean material cycles.<sup>9</sup>

The EU must consolidate its leadership on plastic pollution ahead of the international discussion on the matter, including the negotiations of the international legally binding instrument to end plastic pollution, and delivering these three actions ambitiously will be consistent with the objectives of the Green Deal and its Zero Pollution Action Plan.

We thank you for considering our call to deliver these key first steps towards an EU free of toxic plastics.

Yours sincerely,

Jeremy Wates  
Secretary General  
EEB

Anaïs Berthier  
Head of EU Affairs  
ClientEarth

on behalf of the Rethink Plastic  
alliance



**EEB**  
European  
Environmental  
Bureau

**ClientEarth** 



**Rethink Plastic**, part of the Break Free From Plastic movement, is an alliance of leading European NGOs working towards ambitious EU policies on plastics. It brings together Carbon Market Watch, the Center for International Environmental Law (CIEL), ClientEarth, Environmental Investigation Agency (EIA), the European Environmental Bureau (EEB), the Environmental Coalition on Standards (ECOS), Greenpeace, Seas At Risk, Surfrider Foundation Europe, and Zero Waste Europe. Together they represent thousands of active groups, supporters and citizens in every EU Member State working towards a future free from plastic pollution.

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<sup>8</sup> See <https://resource-recycling.com/recycling/2022/01/25/recycling-operators-cheer-list-of-problematic-plastics/>

<sup>9</sup> See <https://www.europarl.europa.eu/news/en/press-room/20200206IPR72018/parliament-objects-to-lead-in-pvc-to-protect-public-health-and-the-environment>