



## Public Consultation on Revision of the CLP Regulation

### EEB comments and proposals for amendment

March 30, 2023

#### Introduction

The European Environmental Bureau (EEB) welcomes the Commission proposal on the revision of the EU regulation on hazard classification, labelling and packaging of substances and mixtures (CLP). The proposal supports the toxic-free environment vision of the European Green Deal and the Chemicals Strategy for Sustainability (CSS) and its intention to shift the focus from the use of toxic chemicals towards the use of substances that are safe and sustainable by design.

We welcome the introduction of new hazard classes in CLP for Endocrine disrupting chemicals (EDCs) and Persistent chemicals (PBT/vPvB, PMT/vPvM), which are hazardous chemicals seriously and irreversibly affecting the health of people and the survival of wildlife. The inclusion of these new hazard classes in the CLP regulation will improve the communication of these hazards towards consumers and workers. These new hazard classes will also make the CLP regulation a point of reference for identifying endocrine disruptors and persistent chemicals across other EU chemicals legislation, ensuring a more systematic and consistent approach to hazard identification.

The adoption of the revised CLP regulation will place Europe in a global leadership position, increasing consumer confidence in products made in the EU, placing the European industry at an advantage on the global markets, and creating a competitive market for innovation and jobs.

Therefore, we call on the European Parliament and the Council to proceed with the revision of the CLP regulation as a matter of urgency, during the mandate of this Commission and Parliament.

Please find below our specific comments and suggestions for further strengthening of the CLP regulation with the aim to achieve a comprehensive identification and classification of chemical hazards.

## IMPROVE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT

- **Mandate for Commission to initiate harmonised classification & labelling.** The EEB welcomes the mandate granted to the Commission to initiate and fund harmonised classification and labelling proposals in addition to the existing right of initiative for member state competent authorities and industry stakeholders. The right of initiative for the Commission can help to accelerate the harmonised classification and labelling of substances of most concern.
- **Promote hazard classification based on group considerations and use of read-across.** The use of group approaches for harmonised classification & labelling allows to improve protection of public health and the environment, while reducing the need for animal tests, increasing consistency and predictability, and preventing regrettable substitution. The Commission proposes for the CLP revision to add the possibility to initiate harmonised classification and labelling (CLH) proposals for several substances at once by replacing the reference to "substance" by "substances" in article 37. We call for the **introduction of an explicit and strong provision to promote and prioritise the use of group approaches in article 37** for the purpose of harmonised classification and labelling by the authorities.
- **Make harmonised classification & labelling faster and more efficient.** Article 37.5 allows the Commission to act "without undue delay" after receipt of ECHA's RAC opinion. However, the EEB's 'Need for Speed' report<sup>1</sup> revealed that it takes 21 months for the Commission to process ECHA's opinion. Almost two-fold longer than the development of the CLH proposal by member states (14 months) and than the opinion itself by ECHA's RAC Committee (12 months). Therefore, we propose the **introduction of a strict deadline in article 37.5 for the Commission to act after receipt of ECHA's scientific and technical opinion**, in analogy with similar provisions in the Cosmetics regulation and REACH. OR alternatively: consider making ECHA responsible for this administrative action, given that CLP is a purely scientific process about the intrinsic properties of chemical substances.

---

<sup>1</sup> [https://eeb.org/wp-content/uploads/2022/07/Need-for-speed\\_Online\\_Final.pdf](https://eeb.org/wp-content/uploads/2022/07/Need-for-speed_Online_Final.pdf)

- **Prioritise harmonised classification & labelling of already identified Endocrine disrupting and Persistent chemicals.** 22 EDCs and 49 Persistent chemicals (PBT/vPvB and PMT/vPvM) are already identified as Substance of Very High Concern (SVHC) under REACH. These substances meet the criteria for the new hazard classes under CLP and should be prioritised for harmonised classification under CLP. We propose to **include a deadline for their harmonised classification & labelling by delegated act by end of 2025** in article 37.7. The Commission did not propose the prioritisation of the persistent and mobile chemicals (PMT/vPvM). PMT and vPvM chemicals are of very high concern due to carcinogenic, mutagenic, reprotoxic or ED properties in combination with persistence and mobility in the environment, causing irreversible, long-lasting effects and pollution of drinking water resources now and for future generations. Therefore, **already identified PMT/vPvM chemicals under REACH should also be prioritised for harmonised classification & labelling in article 37.7.**
- **Improve the quality and transparency of ECHA's classification & labelling inventory.** The classification & labelling inventory is hampered by erroneous, obsolete, and diverging classifications. Therefore, we recommend the introduction of automatic harmonisation of diverging self-classifications, where the most hazardous self-classification becomes the one harmonised and to require a justification by notifiers to maintain diverging self-classifications (Article 40). We support the proposals to increase transparency by publication of the notifiers' identity (Article 42).
- **Development of criteria for specific neurotoxicity and immunotoxicity.** The CSS committed to address chemicals with immunotoxic and neurotoxic properties. CLP's hazard class STOT RE cat.1, includes some immunotoxic and neurotoxic substances, but not all are properly covered. In order to promote the future introduction of new specific criteria for neurotoxicity and immunotoxicity, we recommend a new paragraph to article 53 requiring the Commission to initiate the harmonisation of criteria for classification and labelling of neurotoxic and immunotoxic substances by 2025.
- **Integration of gender issues.** Furthermore, we recommend integration of gender issues within the CLP regulation, for example in recital 39 by recognising that chemical pollution can have different effects dependent on gender and age. Women's health is differently impacted by chemicals. Physiological, anatomic, and other biologic differences influence

susceptibility to chemicals. Many examples are reported in a joint report by WECF and EEB<sup>2</sup>. For example, different body composition results in a higher capacity of women to accumulate toxic chemicals as women have higher average body fat percentage than men. Women and men have different metabolism and intestinal microbiota and therefore, different capacities to absorb and metabolise chemicals. Different hormone systems with higher levels of oestrogens result in higher susceptibility to exposure to xenoestrogens such as plastic ingredients and pesticides. Therefore, the EEB proposes to introduce the necessary legal provisions in CLP in order to properly address the differences in biological sex and age and their implications for variation in potential effects that must be considered in the hazard assessment.

- **Inclusion of specific provisions for nanoforms.** Nanoforms can have specific hazardous properties which cannot be ignored for classification & labelling. Therefore, we propose inclusion of a specific requirement for the classification & labelling of nanoforms of substances, like already existing in the BPR and Cosmetics regulation.

---

<sup>2</sup> <https://eeb.org/wp-content/uploads/2021/07/Report-16.pdf>