EEB comments to AP4 GRA presentation CARACAL_48

Does CARACAL agree on the broad scope of the extension of the empowerment to the Commission?

The EEB generally agrees on the broad scope of the extension of the empowerment to the Commission to the Generic Approach to Risk Management (GRA or GARM).

However, **we are deeply concerned to learn that the extension to PMTs and vPvMs remains under discussion**. Persistent and mobile chemicals are of utmost concern for both human health and the environment. These chemicals have polluted the entire world, including water sources and even drinking water, forever. In fact, **the impact of mobile and persistent chemicals on drinking water is a significant concern**, posing risks to human health. Some of the specific impacts of mobile and persistent chemicals on drinking water include:

Contamination of Source Waters: These contaminants can then persist in water bodies, potentially contaminating drinking water sources, such as rivers, lakes, reservoirs, and groundwater aquifers.

Health Risks for Consumers: Mobile and persistent chemicals in drinking water can pose health risks to consumers, including gastrointestinal issues, liver and kidney damage, nervous system disorders, developmental delays, and increased risk of cancer. Vulnerable populations such as children, pregnant women, and the elderly are particularly at risk.

Need for Water Treatment: Contamination of drinking water sources with mobile and persistent chemicals require additional treatment measures to ensure safe drinking water. Water treatment technologies are unavailable or unfeasible hampering the possibility to effectively remove or reduce these contaminants and add operational and cost burdens to water treatment facilities.

Regulatory Compliance: The presence of mobile and persistent chemicals in drinking water sources can pose challenges for water suppliers to meet regulatory compliance, which may require additional monitoring, treatment, and reporting.

Public Concern and Perception: Contamination of drinking water with mobile and persistent chemicals has resulted in serious public concern in several countries throughout the EU, the public demand solutions. If the Commission does not prioritise this chemicals for priority action, it will hamper citizens trust in the EU. Furthermore, the perception of unsafe drinking water can erode public trust in the quality and safety of tap water, leading to fear, anxiety, and reluctance to consume tap water. This can have social, economic, and public health implications.

Remediation Challenges: Remediation of drinking water sources contaminated with mobile and persistent chemicals can be challenging and may require long-term efforts. These contaminants can persist in the environment, and their removal or remediation can be technically complex and costly.

All in all, pollution by these chemicals undermines people's right not to be poisoned through drinking water resources.

Persistent and mobile chemicals cause widespread contamination of ecosystems, including aquatic habitats, with potential impacts on wildlife and biodiversity. Monitoring, tracking, and controlling their release into the environment is extremely challenging.

Mobile and persistent chemicals have **serious social and economic negative impacts**, including costs associated with health care, ecosystem restoration, and loss of livelihoods for communities dependent on contaminated natural resources. These impacts can disproportionally affect vulnerable populations, such as low-income communities and indigenous peoples.

Some PMTs/vPvMs have been rightly identified by ECHA as substances of very high concern (such as GenX) **for which phase out is a priority**. If the Commission chooses not to prioritise these hazard class for generic risk management, they would not be coherent with its own promises of the chemicals strategy for sustainability to prioritise the most harmful chemicals for GARM, neither would it be coherent with generic risk considerations explained in the Commission's presentation that: "the concerned hazards are particularly serious" and that "the possibilities to control risks are limited or insufficiently effective". PMTs/vPvMs undoubtedly meet these considerations. Therefore, a relevant risk should be assumed by default and GARM should be applied as a priority to PMTs/vPvMs.

Moreover, **GARM should not be limited to classified chemicals under CLP**. As the current legal text of REACH states, GARM is applicable for chemicals 'meeting the criteria' as CMRs, this same conditional should be applicable to the other hazardous properties considered. This means not only chemicals that meet the criteria under CLP such as chemicals with self-classification, but also identified as CMRs, EDCs, etc. under REACH (i.e. meeting the criteria set in REACH article 57) or listed as priority chemicals due to hazardous properties, such as listed in the POPs regulation.

The burden of proof to identify EDCs under CLP is stricter than for CMR chemicals. Hence, the **extension on article 68(2) should also applied to category 2 EDCs.**

Finally, **article 68(2) powers should also be extended to member states.**

•Does CARACAL agree on the implementation through a jointly agreed work plan?

The EEB agrees on the implementation through a work plan. We do not see the added value of a separate process than the current Restrictions Roadmap. If the **GARM workplan is incorporated into the restrictions roadmap**, the process would be simpler and more efficient.

The EEB supports discussion of the workplan with CARACAL, as article 68(2) and the restrictions roadmap were previously consulted with CARACAL. However, **the EEB strongly disagrees that this workplan should be jointly agreed by CARACAL**. The European Commission has been empowered to use 68(2) without agreement needed by other stakeholders.

In conclusion, consultation is welcomed but to seek agreement is not necessary and could delay and add complexity to the process.

Similar to the restrictions roadmap, the **GARM work plan should be regularly reviewed**, preferably on an annual basis **and include clear and ambitious timelines**.

•Does CARACAL agree on the priorities envisaged by the Commission as regards hazard classes and products/uses?

In general, the EEB agrees with the priorities envisaged, but would like to comment on two specific aspects.

In our view, **the estimation of which articles for consumers have high potential for exposure should be made in a qualitative-generic way**. Any quantitative-specific consideration such as concentration or migration limits, should be discarded. Otherwise, the Commission risks entering specific risks assessment, at odds with the generic considerations that trigger article 68(2).

We would like to also comment on the statement that priority will be given to “professional uses with similar exposure patterns as for consumers” which, in our view, is factually incorrect. **Professional uses <u>always</u> imply higher exposure patterns compared to consumers**. This is due to ‘double’ exposure: on the one hand as workers (professional uses) and on the other as consumers (when they finish their working hours). For this reason, in terms of exposure, professional users are more vulnerable than consumers as they are generally more exposed than consumers.

On the other hand, **consumers have access to products for professional use in any store**. For example, it is not necessary to have a painter's license to buy paints containing hazardous chemicals. Therefore, professional uses should be prioritised for GARM.