

The Center for International Environmental Law (CIEL) welcomes the possibility to provide input into the public consultation. We support the Commission's ambition for a toxic-free environment and would like to offer the following elements to indicate ways to operationalize that ambition:

Endocrine disrupting chemicals (EDCs)

- Develop a comprehensive and coherent approach to EDCs across EU legislation. The former EDC strategy dates back to 1999, and a mandate to “develop harmonised hazard-based criteria” for EDCs was given to the Commission by the 7th Environmental Action Programme (7th EAP) in 2013. This action is long overdue.
- We recommend the Strategy include clear actions and timelines towards the establishment of scientifically-based criteria that can apply ‘horizontally’ in EU legislation, and implement the ‘8 demands for an EU EDC Strategy’ proposed by the EDC-Free Europe coalition (<https://www.edc-free-europe.org/articles/position-paper/eight-demands-edc-strategy>).
- Minimize exposure to EDCs by introducing specific regulatory provisions to address EDCs in sectoral legislation, and prioritize the elimination of EDCs in consumer products.
- Classify EDCs in different hazard categories on the basis of the strength of available evidence and in line international classification methodology. The approach adopted with other chemicals, such as carcinogens (1A-known, 1B-presumed, 2-suspected), would also harmonize the classification of EDCs between different sectors and countries.
- Adopt an official list of EDCs (including ‘known’ and ‘suspected’ EDCs) in order to prioritize regulatory action, raise awareness, and promote swift safer substitution.
- At the global level, EDCs were approved as an ‘emerging policy issue’ (EMI) under SAICM in 2012. We welcome the EU commitment to be a leader in chemicals and waste globally, and we recommend that all existing EMIs (including EDCs) and ‘issues of concern’ are included in the scope of the future ‘SAICM beyond 2020’ framework for global action.

Chemical Additives in Plastic

- Address hazardous chemical additives in plastics, including CMRs and EDCs, by eliminating or minimizing their use from the design and production stage. In

particular, phase out the 'worst plastics': polyvinyl chloride (PVC), polystyrene (PS), polyurethane (PUR) and polycarbonate (PC).

- The Basel Convention recently adopted stricter controls of the plastic waste trade, while exempting certain polymers from the Prior Informed Consent (PIC) procedure. In the implementation and future negotiations of the Basel Convention, we recommend the EU hold ambitious positions in restricting the types of hazardous or mixed polymers and hazardous additives that are exempted from control mechanisms. In particular, revise the Basel Convention's annexes to include cured resins and fluorinated polymers waste (substances of high concern for both health and environment, due to their properties) in the list of controlled substances under the Convention. It would better align the text of the amendment with Basel Convention's core objective to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes. We also recommend the EU to revise the exemption for single non-halogenated polymers under the Convention, to ensure that the exemption list currently included be turned from a non-exhaustive list to a finite list, subject to future addition based on scientifically justified information.
- Prevent toxic recycling: Adopt and enforce similar requirements for virgin and secondary plastics to avoid the further contamination of recycled products, and in particular, of Persistent Organic Pollutants (POPs). Failing to do so, would not only expose people and the environment to further harm, but also contaminate the circular economy and threaten the credibility of the recycling sector.
- In the context of the UN Environment Assembly (UNEA) and the discussions on a global treaty to combat plastics pollution, take a lifecycle approach that includes addressing microplastics and chemicals additives in plastics, and their impact on human health.
- Incentivize eco-design for toxic-free products that are durable and can be reused and repaired, in line with the waste hierarchy.
- Register polymers under REACH and strictly implement the 'no data no market' principle. Product information should follow its full lifecycle, ensure traceability to promote a true toxic-free circular economy.
- Address microplastics contamination across the plastic value chain: including pellets loss, tires and textiles. Implement an ambitious restriction of intentionally added microplastics under REACH, which includes the need to avoid potential loopholes in biodegradability, reporting requirements and long transitional periods.

Persistent Organic Pollutants (POPs)

- Use modeling systems, existing data and other techniques to swiftly remove the existing chemicals and pesticides with POPs properties from the market, and to prevent the production and use of new POPs.
- Adopt stricter levels of trace contaminants ('low POPs content') to protect human health, and prevent environmental and food chain contamination.
- In particular, the content levels of PBDEs (tetra-, penta-, hexa-, hepta, and decaBDE) in waste are currently not preventing the contamination of recycled products: Reduce the concentration level of the sum of PBDEs in the POPs regulation, as committed in the POPs recast. (the recommended level for the sum of PBDEs in articles, mixtures and waste is 50 mg/kg).
- Ban all PFAS in the EU, adopting a grouping approach. Promote coherent regulation at the international level in the context of the Stockholm Convention, by not allowing exemptions for the use of PFAS, in particular when safer alternatives are available (e.g. for firefighting foams).

Food Contact Material (FCM)

- Act upon the commitment to revise the Food Contact Material regulation announced in the Farm to Fork strategy. We recommend the revision includes the '5 key principles' for the future legislation on FMC proposed by several civil society organizations (<https://chemtrust.org/5-key-principles-fcm/>).

Nanomaterials

- Nanomaterials are currently absent from the Roadmap, and we recommend their inclusion. The Strategy must address their specificities and the challenges in characterizing them and for assessing their safety.
- Properly implement 'no data no market principle': As reminded in ECHA's press release from Feb 24th (<https://echa.europa.eu/-/companies-need-to-provide-more-data-on-nanoforms>), all nanomaterials that are not properly registered under REACH, are currently on the market illegally. Nano registration dossiers should be prioritized for compliance checks, and adequate enforcement measures should be implemented to prevent those materials that are not registered to reach the market or taken off the market for those already available.
- Finalize a unified definition for nanomaterials across all legislations (e.g. REACH, Novel Food, Cosmetics, Biocidal Products) to facilitate compliance with legislation as well as enforcement measures.

Prevent 'double standards'

- Substances that are banned or restricted in the EU are not safer elsewhere, especially in low and middle income countries. Commit to adopting the same requirements and high standard of protection for the EU internal market and for chemicals and products exported outside of the EU. For instance, extend the scope of REACH in order to cover both imported and exported articles, and take into account not only the risks posed by substances in the EU, but also on non-EU countries.
- In the case of pesticides: prohibit the production and export of pesticides that are already banned in the EU. To ensure a high level of protection, phase out the production and use of Highly Hazardous Pesticides (HHP), including by supporting an international treaty on HHPs.

SAICM - The Strategic Approach and sound management of chemicals and waste beyond 2020

- Continue supporting the adoption of a framework that would cover chemicals and waste across the lifecycle.
- Support the adoption of specific and measurable targets, promoting a human-rights based approach, including gender equality and women's rights, workers' and indigenous people's rights, as well as the rights of future generations.
- Continue supporting inclusive multi-sectoral and multi-stakeholder participation in SAICM beyond 2020 and all international fora.
- Include 'emerging policy issues' and 'issues of concern' in the scope of the future framework and strengthen the existing commitments and work plans.
- Support the establishment of obligatory national action plans that are also supported by sufficient funding, as well as a periodic review system for reporting that would allow to measure progress.
- Include a novel funding mechanism for the financing of global chemical and waste management. The novel mechanism should implement the 'industry participation pillar of the integrated approach to financing of global chemical and waste' to ensure adequate, sustainable and reliable resources.