



## Lowell Center for Sustainable Production

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### *Innovative Chemicals Policy Initiatives in Europe: Drivers of the REACH Proposal*

Increasing concern that current European Union chemicals policy does not provide sufficient protection to health and the environment led to government calls for a review of the current regulatory structure for chemicals in Europe. The European Commission's February 2001 "White Paper on a Future Chemicals Strategy," outlined European intentions to establish a new integrated chemicals policy to respond to problems of the past. The centerpiece of this new approach to chemicals management is the establishment of the REACH system, which stands for Registration, Evaluation and Authorization of Chemicals. Draft legislation to be finalized in October 2003 and then enacted by 2006 will institute REACH as a new European Union regulatory structure for chemicals management.

REACH is the culmination of over a decade of efforts in countries such as Sweden, Denmark, the Netherlands, Germany, and the United Kingdom to control problem chemicals. Since European wide policies have a strong impact on the ability of Member States to institute their own regulations, these countries have attempted to influence the direction of the European Union's new chemicals policy. There are many lessons to be learned from policies that have been developed in European Member States that can inform U.S. debates on a future chemicals strategy.

#### **The Nordic Approach - Regulatory**

The Nordic countries of Sweden, Denmark, and Norway have long set the standards for international chemicals policy debates. Their concerns over chemicals involve the contamination of waterways caused by persistent and bioaccumulative pollutants, as well as chemical exposures from everyday products. Two basic principles underlie the Nordic chemicals initiative—substitution (that chemicals of high concern should be substituted with safer alternatives) and precaution (that preventive action should be taken in the face of uncertainty). These countries have used a variety of regulatory and voluntary tools to reduce hazardous chemical risks, ranging from education and technical assistance, to taxes, procurement, and chemical phase-outs. Some of the tools used include:

- Development of long-term goals and action plans for reducing impacts of broad classes of chemicals
- Rapid screening processes to prioritize chemicals for reductions
- Establishment of lists of chemicals of concern to guide business and government decision-making away from problem chemicals
- Phase-outs of the most problematic chemicals, through outright bans, labeling requirements, and taxes
- Research and technical assistance on safer chemicals and products

The Nordic countries have spearheaded several international initiatives to more effectively protect their environment, and to harmonize international standards upwards. These international programs have had an important influence in the development of the REACH process. For example the binding Oslo and Paris (OSPAR) Convention for Protection of the Marine Environment of the North-East Atlantic focuses on prevention of pollution to the marine environment from land-based and off-shore sources. A 1998 OSPAR Strategy on Hazardous Substances establishes a process for eliminating hazardous inputs in the region within one generation through prioritization of problem chemicals and action plans for reductions. The 2001 Stockholm Convention on Persistent Organic Pollutants (POPs) establishes an international production phase-out of twelve substances, including already restricted pesticides, polychlorinated biphenyls, and dioxins and furans and establishes precautionary mechanisms for adding new POPs to the list.

### **The Dutch Approach – Cooperative**

The Dutch government established its Strategy on Management of Substances (SOMS) in 1998 as a multi-stakeholder process to address hazardous substance risks. The Dutch, who have a long history of consensus-based approaches backed by strong enforcement, developed a system that places the responsibility on industry to undertake a “quick-scan” analysis of all chemicals by the year 2004. This amounts to a qualitative risk assessment, where the company uses available information to classify the substance’s level of concern based on its hazard profile and potential exposures and uses. Based on this classification, the Dutch government has established a series of action steps that industry must undertake ranging from phase-outs for the most dangerous and unstudied chemicals, to restrictions on uses of substances of lesser concern. The Dutch government is integrating this system into government purchasing policy and is working with technical manufacturers and users to undertake demonstration projects on chemical substitution.

### **The UK Approach - Voluntary**

In 1999, the United Kingdom issued its voluntary chemicals management policy proposal “Sustainable Production and Use of Chemicals: A Strategic Approach – the Government’s Chemicals Strategy”. This proposal sets targets for chemical testing and risk reduction decisions and established a Stakeholder Forum as a mechanism to advise the UK government on the implementation of its chemicals policy. The Stakeholder Forum has developed a set of criteria to enable rapid identification of chemicals of concern (including a list of chemicals of concern), leading to implementation of risk management strategies proposed by industry. The UK Environment Agency and Health and Safety Executive have issued proposals to integrate chemicals management into their permitting and outreach efforts. The UK government and non-governmental organizations have engaged users of chemicals and retailers in undertaking voluntary chemicals policy programs to prioritize safer chemicals in their procurement practices. The UK Royal Commission on Environmental Pollution in June 2003, issued a report on new chemicals policy recommending a more integrated approach to chemicals management, better monitoring, rapid screening, and a greater focus on tools and drivers for substitution.

Chemicals policy initiatives that have been undertaken in the European Member States over the past decade clearly show the viability of policies designed to gather basic information on chemical toxicity and to promote substitution of chemicals of concern. The European policies use a variety of regulatory, voluntary, and market tools to advance the ultimate goal of protecting health and ecosystems from the impacts of toxic substances. These use of these tools provide important lessons for informing a discourse on restructuring chemicals policy in the United States.