



International Chemical Secretariat (Chemsec)

- **serves as a forum for parties working for better chemical control**
- **monitors the development of chemical policies in Europe and elsewhere**
- **seeks to strengthen support for progressive legislation, in particular among business actors**



**Friends of
the Earth
International**



WWF



Svenska Naturskyddsföreningen

Precautionary legislation in Sweden, some milestones

- 1780s:** Pharmacists' rights to sell toxic substances restricted, arsenic banned as pesticide
- 1906:** First "Ordinance on toxic substances"
- 1940s:** Substitution principle articulated in law
- 1969:** First "Environmental Protection Act"
- 1985:** Substitution principle is made applicable for all chemicals.

The Substitution Principle:

- “ Person who pursue an activity or take a measure, or intend to do so, shall avoid using or selling chemical products (...) that may involve risks to human health or environment if products (...) that are less dangerous can be used instead. “

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Precautionary legislation in Sweden, some milestones

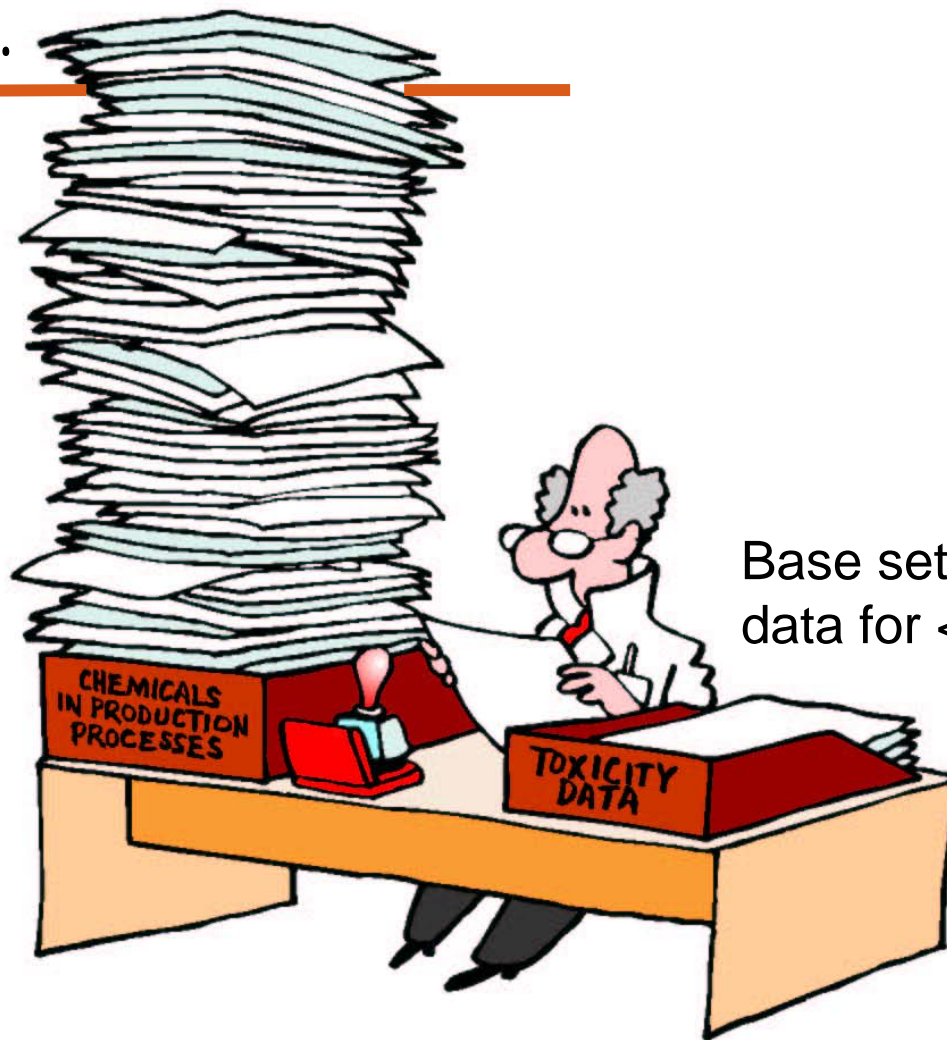
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- 1998:** National goal: A toxic-free environment by 2020.

Important European steps towards embracing the Precautionary Principle

- The North Sea Conference (1987, 1990, 1995)
- The Treaty of the European Union (1992)

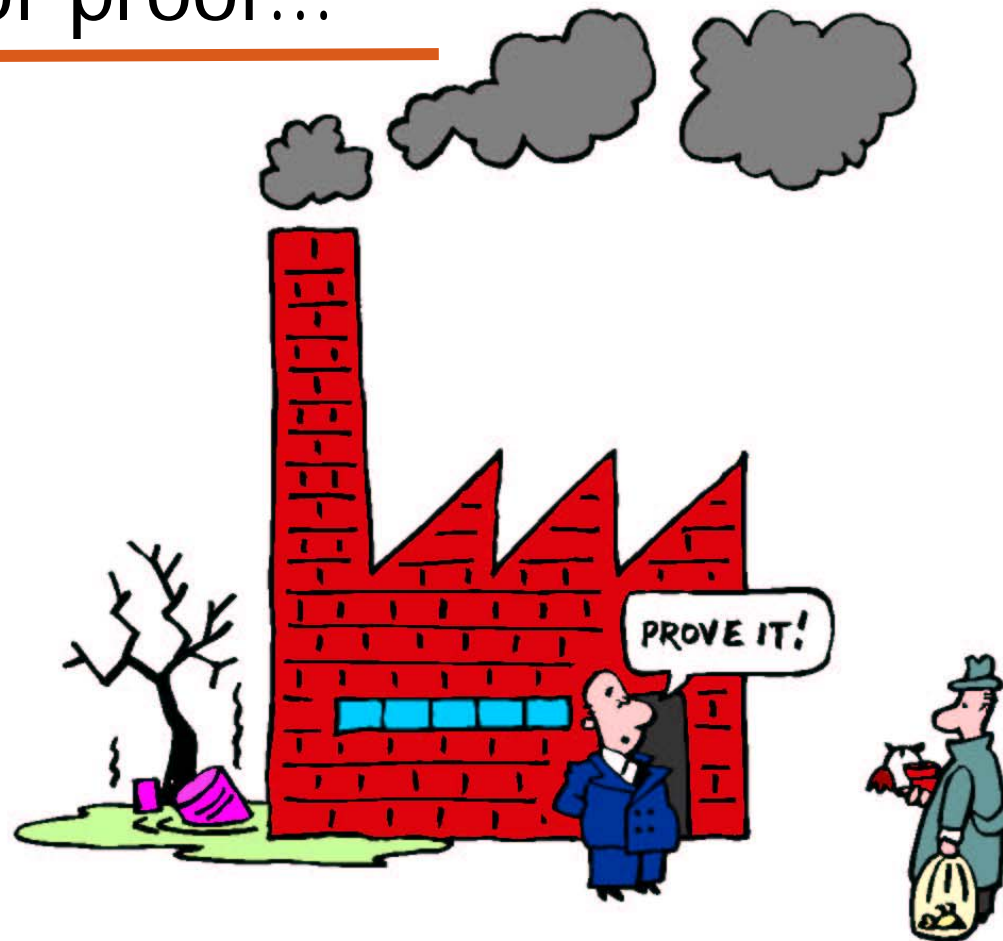
70 000 chemicals

Lack of data...



Base set of toxicity data for < 5 %

Burden of proof...



EU Chemical legislation today:

Lack of...

...knowledge – 95 % uncontrolled

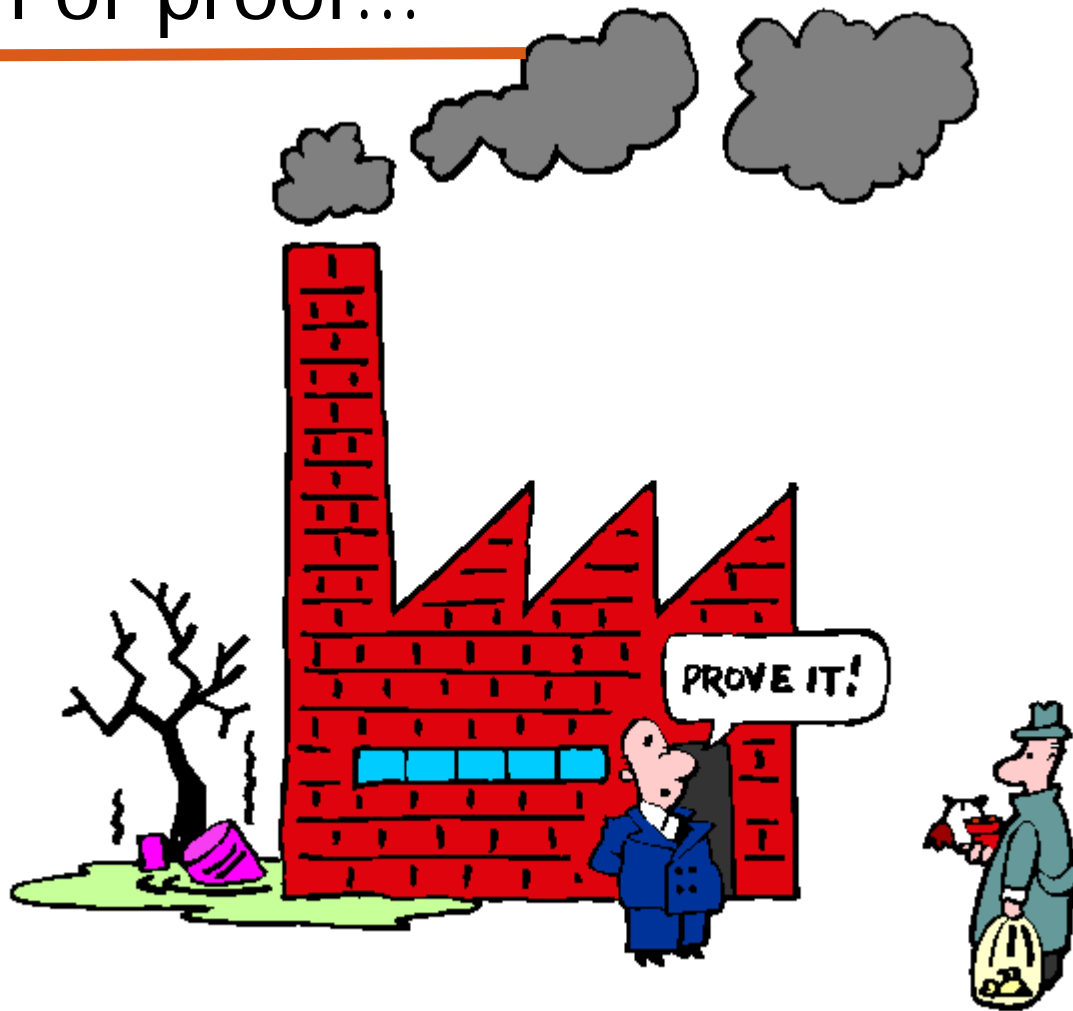
...producer responsibility

...scope - chemicals in articles excluded

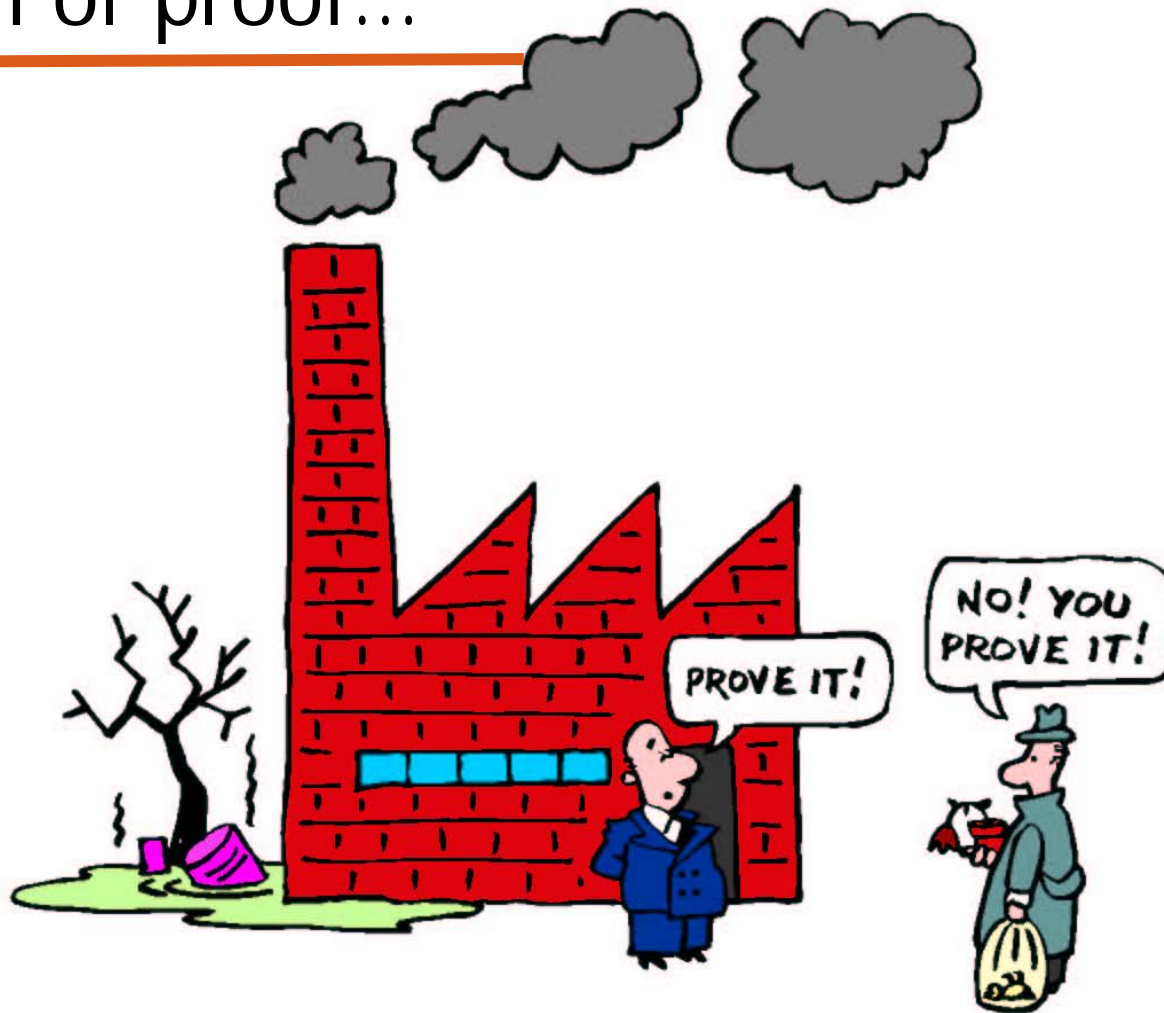
...info access – no public “Right-to-know”

...efficiency: “*Paralysis by Analysis*”

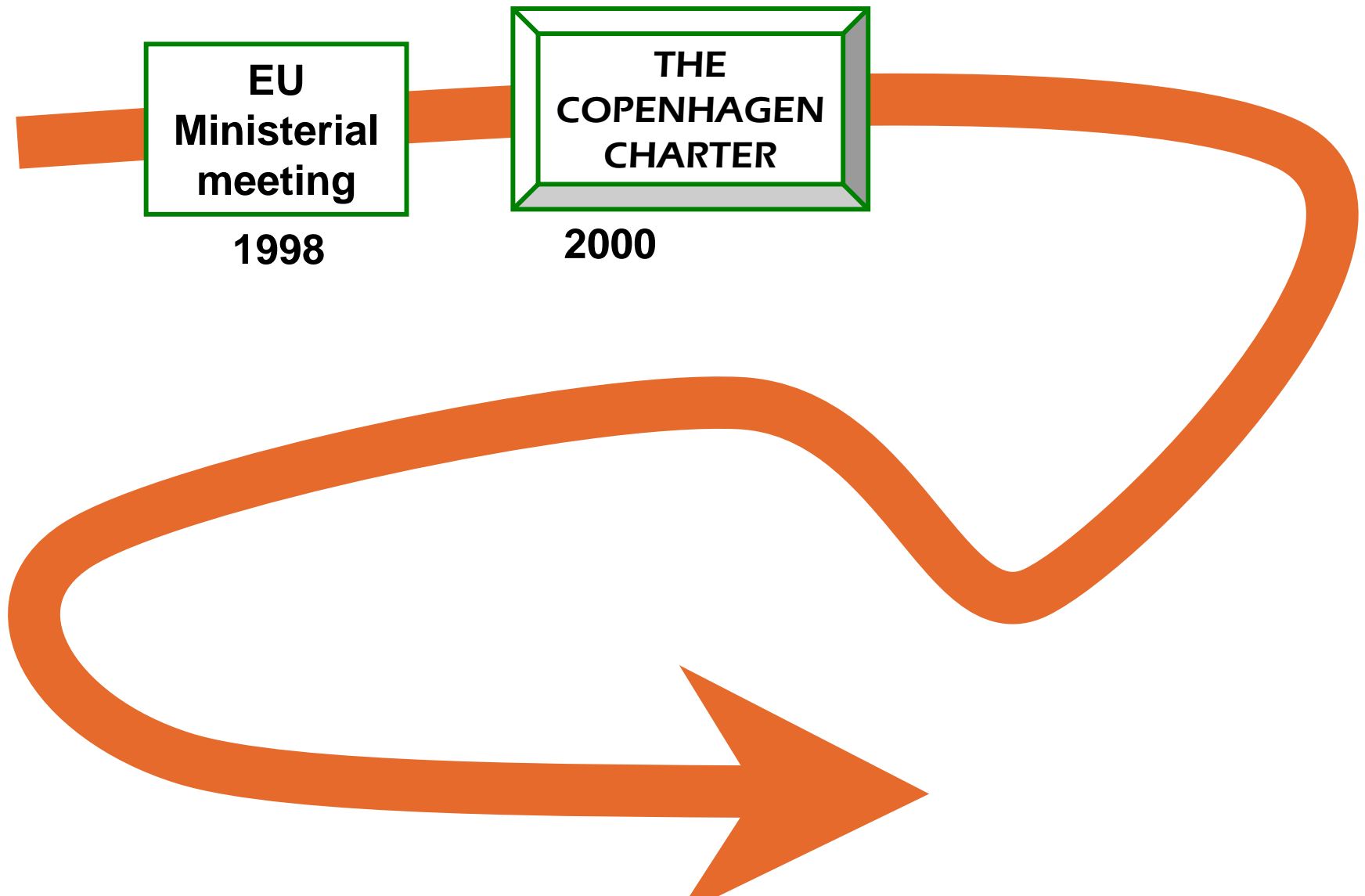
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Burden of proof...



REACH – a road movie:

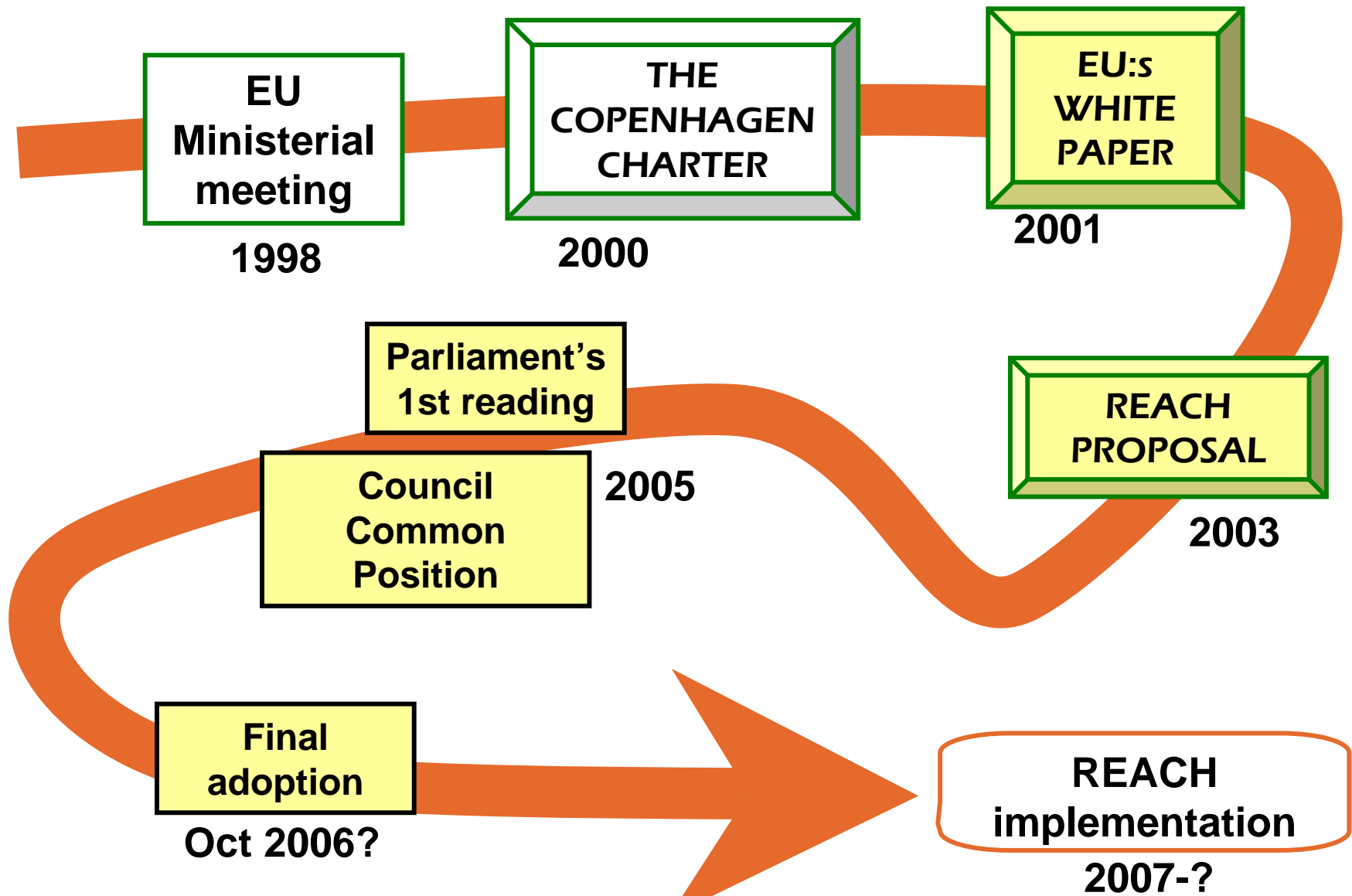


Copenhagen Chemicals Charter (2000)

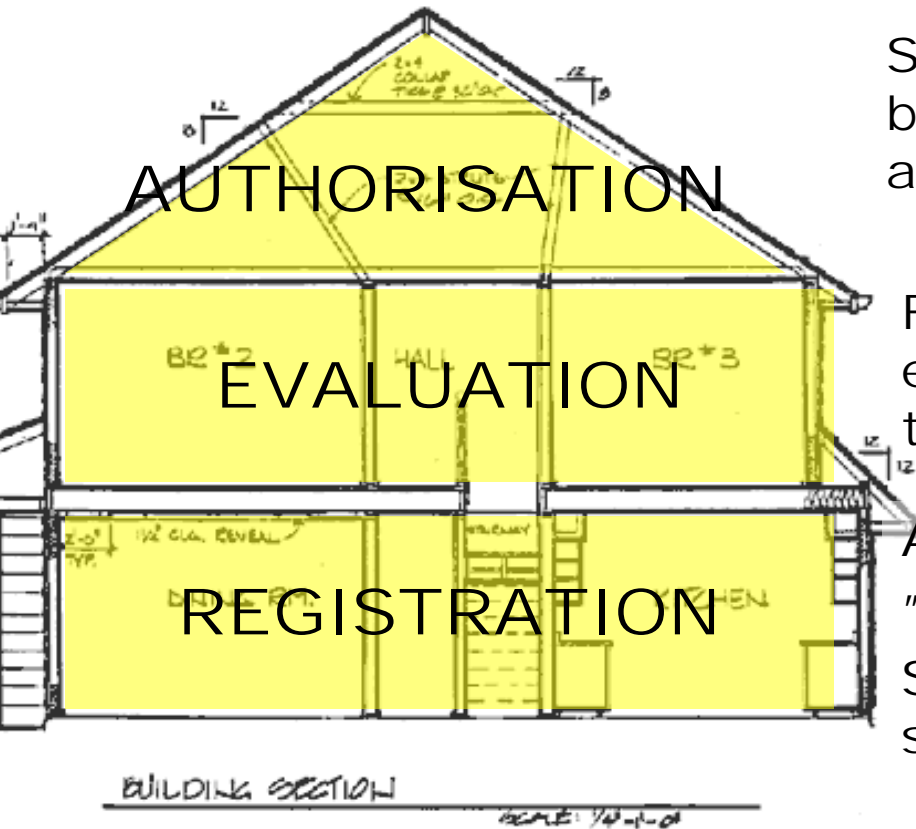
Key NGO demands for a better EU chemicals policy

- 1. A full right to know – including what chemicals are present in products.**
- 2. A deadline by which all chemicals on the market must have had their safety independently assessed. All uses of a chemical should be approved and should be demonstrated to be safe beyond reasonable doubt.**
- 3. A phase out of persistent or bioaccumulative chemicals.**
- 4. A requirement to substitute less safe chemicals with safer alternatives.**
- 5. A commitment to stop all releases to the environment of hazardous substances by 2020**

REACH – a road movie:



Building a new legislative framework in EU: REACH

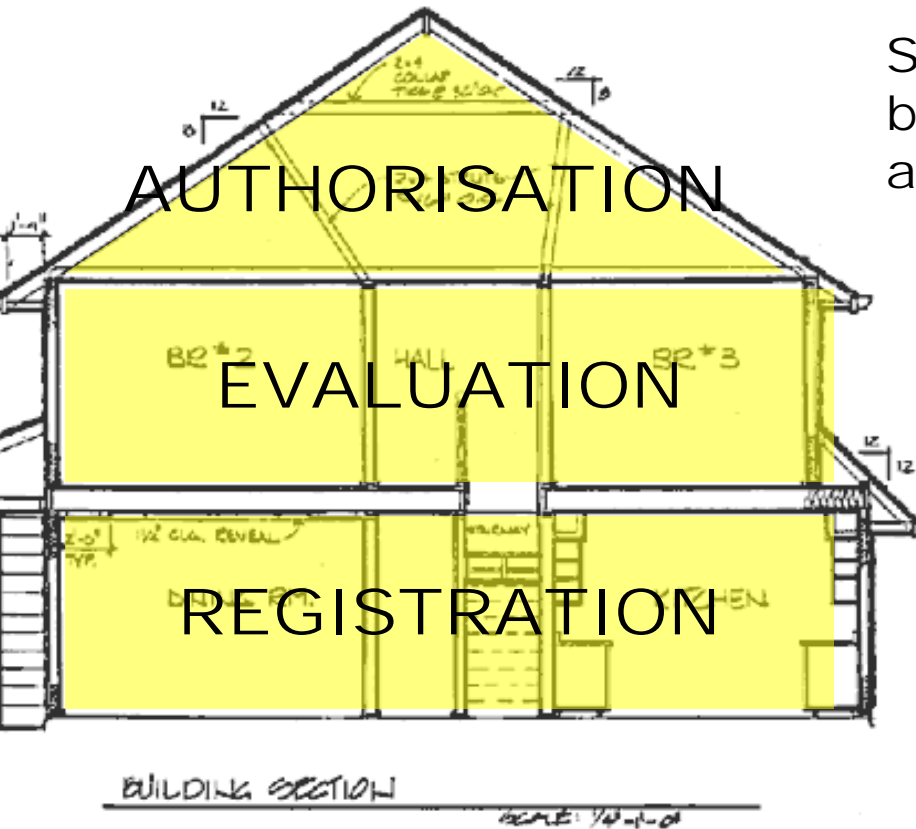


Substances of "very high concern" blacklisted - only allowed under authorisation

For subs. >100 t/a: Data evaluated and more tests can be requested

All substances > 1 t/a to be tested
"No data - No market"
Same rules for new and existing substances.

Building a new legislative framework in EU: REACH



Substances of "very high concern" blacklisted - only allowed under authorisation

Carcinogenic
Mutagenic
Toxic to reproduction
Persistent, Bioacc. & toxic
vPvB
Endocrine disruptors
"Substances of equivalent concern"

REACH – Some positive aspects

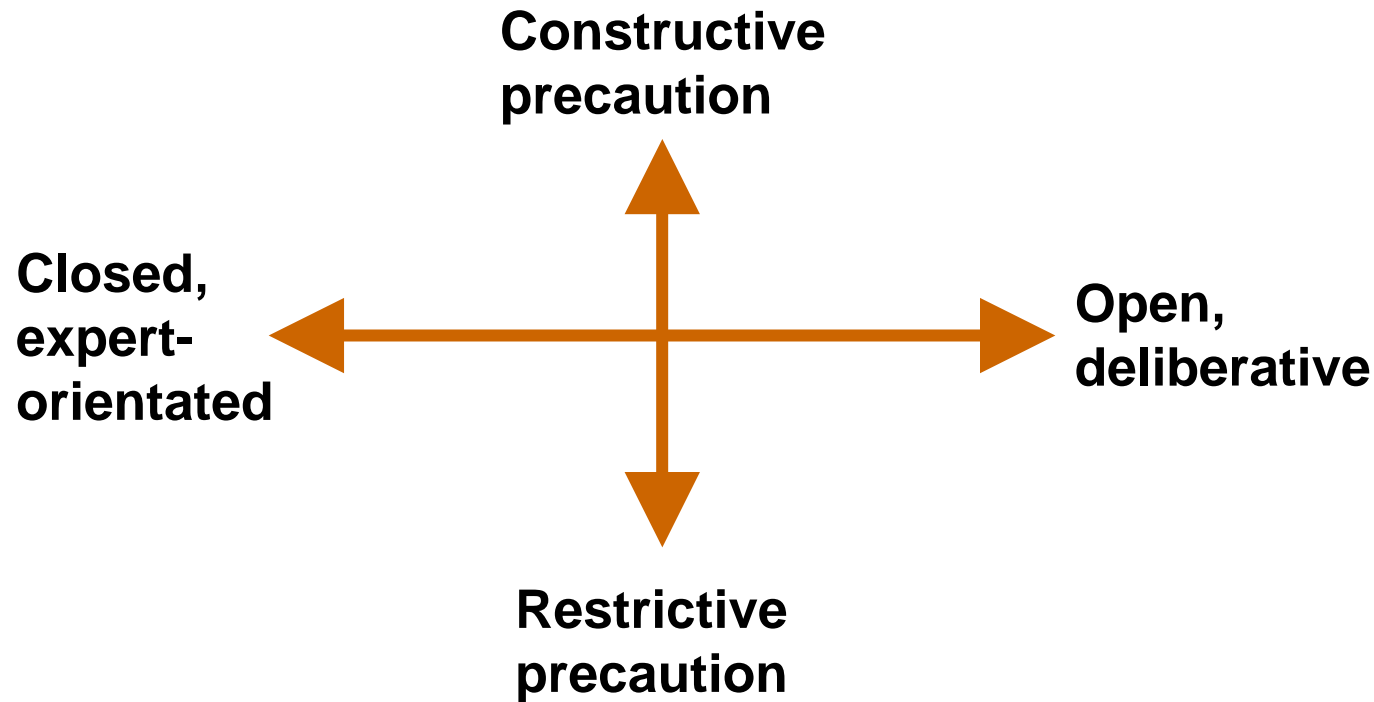
- ❑ Inventory of substances > 1 tonne
- ❑ Better info on some substances 1-10 tonnes and all substances > 10 tonnes
- ❑ More information in the supply chain
- ❑ Stronger control system for substances of very high concern
- ❑ Burden of proof partially shifted to industry

Substitution – key issue in final negotiations

European Parliament position:

- ❖ Mandatory assessment of alternatives
- ❖ Mandatory substitution of substances of very high concern:
Authorisation only if:
 - 1) there are no safer alternatives, *and*
 - 2) socio-economic advantages outweigh the risks, *and*
 - 3) the risk is “adequately controlled”
- ❖ Authorisations time-limited to 5 years

Precautionary principle - shifts in the discussion



Thank you

Fundamentals of a more appropriate chemical legislation

The **Precautionary Principle**

Reducing problems at the **source**

Reducing hazards by **toxic use reduction**

Obligation to choose safer alternatives when available – **Substitution Principle**

Making **producers responsible** to act, inform, take precautions, and clean up - “Polluter Pays Principle” -

Chemicals in products included in legislation

Right to Know – free access to information

Giving direction: **Green Chemistry**

Substitution – key issue in final negotiations

Council position:

- ❖ Candidate list and mandatory assessment of alternatives
- ❖ Mandatory authorisation if “adequately controlled” for substances where an effect threshold is established
- ❖ Mandatory substitution of PBT/vPvB/non-threshold CMR of very high concern that are not adequately controlled:

Authorisation given if:

- no safer alternatives available, *and*
- socio-economic advantages outweigh the risks

Time-limited authorisation on a case-by-case basis

Sweden's generation goal

to be achieved by 2020:

- The concentrations of substances that naturally occur in the environment are close to the background levels.
- The levels of foreign substances in the environment are close to zero.