

EU consultation Harmful chemicals – endocrine disruptors, review of EU rules HWE Contribution

Concerns about endocrine disruptors (EDCs) have been growing since the 90's.

The 1999's Community Strategy for Endocrine Disruptors¹, already advocated "to *identify appropriate policy action on the basis of the precautionary principle in order to respond quickly and effectively to the problem, thereby alleviating public concern.*" It was already acknowledged that "given the potential scale and seriousness of endocrine disruptor effects, it will be necessary to consider whether substances can be controlled more comprehensively, by considering for example their endocrine disrupting effects through existing legislative instruments". In 2018, the Commission itself concluded in its communication "Towards a comprehensive European Union framework on endocrine disruptors"² that "almost twenty years after the Community Strategy for endocrine disruptors of 1999, endocrine disruption remains a global challenge and a source of concern for many EU citizens. While significant progress has been achieved over the past two decades to better understand and manage endocrine disruptors, it is important to step up the EU's efforts."

Reading the existing pieces of EU legislation dealing with endocrine disruptors, the first surprise is the absence of comprehensive framework despite the "need to update the EU approach on EDCs, to coherently address the substances across the different areas" recalled in 2018. Afterwards, one can wonder how "the EU regulatory framework is already working with the notion of endocrine disruptor albeit without criteria set in the EU legislation to define what is an endocrine disruptor"³

"Endocrine disruptors is a global threat that needs to be resolved". WHO 2012⁴.

It is time to act. "In view of its role in protecting EU citizens and the environment, and because of the potential seriousness of the concerns, the European Commission must adopt a strategy in line with the precautionary principle in which Community actions are entirely transparent. The strategy should include actions in the short-, medium- and long-term and at each stage take account of existing policies in the areas of consumer, health as well as environmental protection"⁵.

- The EU needs to adopt **harmonised common criteria** for the identification of endocrine disruptor, **independently of the sector of activity**. Sectoral legislation

¹ [COM\(1999\) 706 final](#)

² [COM\(2018\) 734 final](#)

³ [COM\(2016\) 350 final](#)

⁴ [State of the science of endocrine disrupting chemicals](#) - 2012

⁵ [COM\(1999\) 706 final](#)

could create a system with two weights two measures and unlevel playing field among the sectors whereas the overall aim is to deliver high protection of health and the environment. For sake of consistency, it would be counter productive if substance identified as EDC under one piece of legislation is not under another one. Because EDC are a global challenge, they need an integrated and cross sectoral approach meaning the EU has to elaborate a **EU horizontal and comprehensive framework**.

- EDC must have their own **hazard category** in the CLP regulation to assess their specific concerns. Having this mirrored at the international level in the GHS level would for sure enhance international coordination. EDC present some specificities that are not taken into account in the CMR's classification. *"Agreed test methods for effects such as reproductive toxicity and carcinogenicity already exist but these are not considered to be sufficiently specific to detect all the effects, which have been associated with endocrine disruption⁶"*
- *"The properties which make a chemical to be classified as an endocrine disruptor, do not depend on the use which is made of this substance⁷."* **The EU should keep its approach to ban ED on the basis of hazard**, without undergoing a specific risk assessment on the basis of consideration exposure. Indeed the complexity of this topic makes it difficult to assess the different modes of action and also to take into account the windows of vulnerability. To embrace the globality of the topic, a hazard based approach is safer. This is all the more relevant, as when these product will become waste, there will always remain some uncertainties regarding their final destination. *"Precise knowledge on the intrinsic properties as well as on the exposure arising as a result of a particular use and of the disposal is an indispensable prerequisite for decision making on the safe management of chemicals. Reliable knowledge on intrinsic properties is important because it also constitutes the basis for the classification of chemicals⁸".*

An adequate management of the EDC will contribute to the Commission's goal to reach a zero pollution ambition and promote clean material cycles. As an EU association calling for **non toxic materials cycles**, we are convinced that it is key to identify substances of concern and track them all along the life cycle of a products, until its final treatment as waste. The interface between chemicals, products and waste legislation is key to ensure safe and sustainable circular economy.

In this regards, HWE calls for:

- an **extensive definition of substances of concern** harmful for health and the environment, beyond the current 205 substances of very high concern. It should include all the substances for which a level has been set in the legislation as substances identified within POP regulation 2019/1021 on persistent organic pollutants; or product specific legislation, but also to introduce the new hazards as

⁶ [Endocrine Disruptors: from Scientific Evidence to Human Health Protection. PE 608.866 - March 2019. Study requested by the PETI Committee](#)

⁷ [ANSES 2019. Cahier de la recherche 13 - perturbateurs endocriniens](#)

⁸ [COM\(2001\) 88 final](#)

the specific hazard of endocrine disruptor. Finally, other types of hazards on waste, microplastics and nanomaterials have to be defined and integrated in the legislative package.

- **a grouping approach.** Because similar substances are likely to present similar threats, substances should be assessed by grouping, instead of substance by substance.
- **a record of information** regarding the presence of substances of concern in waste throughout the whole value chain (from the product to the waste operator). We fully support the SCIP database (information on Substances of Concern In articles as such or in complex objects (Products) currently developed by ECHA (the European Chemicals Agency) in accordance with the revised waste framework directive. It will present a valuable tool to identify and track substances of concern in the products that become waste for the waste management operators.
- **a decontamination step prior to recycling or recovery operations**, in compliance with the provision of the waste framework directive 2018/851 (article 10.5). This principle will ensure clean material cycles called by the EU Green deal. Everything unwanted in the material cycles, included substances of concern, should not come back in the recycling loop. The objective is not to reach zero contaminants, but to ensure prior to recycling or recovery, that substances of concern contained in end of life materials/products/goods beyond the regulated thresholds in the different legislations are extracted and disposed of in an environmentally sound way, in accordance with the regulation. This will boost secondary raw materials markets thanks to high quality recycling.

“Legislative action takes too long before yielding a result”⁹, but so do the scientific tests. They require time, resources and money. The harmfulness of EDCs also cost of a lot of money, with an estimation around > 1% of the gross domestic product in the European Union¹⁰. “Whenever reliable scientific evidence is available that a substance may have an adverse impact on human health and the environment but there is still scientific uncertainty about the precise nature or the magnitude of the potential damage, decision-making must be based on precaution in order to prevent damage to human health and the environment”¹¹.”

⁹ Strategy for a future Chemicals Policy, [COM\(2001\) 88 final](#)

¹⁰ [https://www.thelancet.com/journals/landia/article/PIIS2213-8587\(16\)30275-3/fulltext](https://www.thelancet.com/journals/landia/article/PIIS2213-8587(16)30275-3/fulltext)

¹¹ [COM\(2001\) 88 final](#)