

Consultation response

Consultation response to the Commission's Roadmap on the Chemical Strategy for Sustainability

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AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €3 trillion in 2019, directly supports more than 4.8 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

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AmCham EU supports the Commission's ambition to simplify and strengthen the existing framework for EU chemical policy, to improve its effectiveness and efficiency, whilst maintaining the highest and most rigorous safety standards for chemicals globally. Such a framework allows for the continued protection of human health and the environment, paramount in all EU chemical legislation. However, we would caution against only focusing on "chemicals essential to society". There is currently no EU legal definition of an "essential use", thus it would be inappropriate and confusing to use such a concept before it is defined. Instead, focus should remain on promoting and maintaining existing standards, creating optimal conditions for the export-oriented EU chemical industry to innovate and prosper in Europe. In this context, please find below some further issues that we believe need to be tackled by this strategy.

We consider work remains in aligning waste and product policy. Currently, issues around the definitions of waste, by-products and residues, plus barriers in waste and product legislation (eg, lengthy procedures, various interpretations by local authorities) may deter some by-products or waste streams from being further used or recycled. To ensure regulatory alignment, remove barriers, and apply a circular approach, the definition and legal status of recycled materials should be clarified and applied in a consistent and coherent manner across all Member States.

AmCham EU is also closely following the ongoing work on Endocrine Disruptors (EDs). In our view, potential incoherence may occur, in future, as more substance assessments are conducted by different EU Agencies for different regulations. Horizontal criteria and/or guidance in line with the WHO definition for identification of EDs could help to avoid this. In this context, once a substance is identified as an ED, the risk assessment can be conducted based on uses and potential exposure, with risk management at sector level.

AmCham EU urges the Commission to develop, in consultation with all stakeholders, suitable and transparent criteria to identify, assess and regulate very persistent chemicals. In this respect, we have concerns with the grouping approach taken in the case of PFAS substances. PFAS are a huge and diverse group of chemical compounds consisting of approximately 4,700 individual substances. They are not the same and should not be characterized or regulated as one group. AmCham EU urges the EU Commission to consider distinct PFAS classes tempered by physicochemical properties in any PFAS-related proposal.

With regard to combination effects of different chemicals, it is essential that an effective framework to address this issue is proportionate, balancing regulatory pragmatism and scientific complexity.

AmCham EU supports the Commission's 'one substance – one assessment principle, as a means to promote coherent and consistent regulation of chemicals under different pieces of EU legislation. Greater focus should be on ensuring that the outcomes of comprehensive assessments carried out under REACH and CLP are recognised and used for sectoral assessments under product legislation, eg Food Contact Materials and RoHS. RoHS is a good example of product policy that opens the door to more circularity. It promotes the highest standards globally, setting a reference point with similar laws introduced in more than 40 jurisdictions outside the EEA, while ensuring a level playing field between EU manufacturing and imports. When it comes to substance risk and disclosure management of products, we consider sectoral approaches to be the way forward.

We welcome the Commission's focus on innovation in light of the chemical industry's ongoing work to find suitable alternatives to chemicals of concern. However, these efforts should be supported by an enabling regulatory framework and reasonable timelines, which consider the trade-offs between performance requirements and chemical content.