

EFCC position on the EU Commission initiative introducing new hazard classes under CLP

Brussels, the 14th of October 2022

EFCC welcomes the opportunity to participate in the public consultation on the **CLP Delegated Act for new hazard classes**.

EFCC believes that any modification of the classification rules or any inclusion of a new hazard class in the CLP should be discussed and agreed by the UN GHS SCE first. EFCC calls for a clear legal text and consistent definitions when applying new hazard classes for Endocrine Disruptors that are intended to be added to the CLP Regulation. Moreover, it is essential to have well-prepared and timely guidance available well in advance to applying new criteria, in particular for ED Category 2.

EU CLP should be aligned with the UN GHS

The EU's CLP is based on the UN GHS. Unilateral implementation of new hazard classes undermines trust in a well-functioning, global system. Moreover, it contradicts the Strategic Approach to International Chemicals Management (SAICM) that calls for all member countries to implement the global UN GHS classification.

EFCC strongly believes that any modification of the classification rules or any inclusion of new hazard classes in the CLP should first be discussed and endorsed at the UN GHS level. After agreement at the UN level, the modifications can be implemented in the CLP Regulation. This will avoid divergence from the UN GHS and contribute to harmonisation of the classification of chemicals between jurisdictions globally.

Adding new hazard classes to CLP will not only affect the chemical industry, it will also impact many downstream sectors using chemicals, such as construction chemicals, due to automatic links between CLP and sector-specific product legislation. In total, as many as 12,000 substances might be affected by the proposed changes to CLP and the Generic Approach to Risk management (GRA). As a result, many products that professionals rely on, may no longer be available on the market.

While it is possible for the EU to propose an update to the UN GHS in line with the updated CLP, there is so far no guarantee that the EU proposal will be accepted by all UN GHS SCE members.

Endocrine disruptors (ED)

Certain paragraphs and definitions of ED in the draft legal text are vague and open to interpretation, undermining legal certainty.

The CLP definitions do not consistently reflect the WHO definition as key aspects are omitted in some definitions. For example, in the general considerations part, there is reference to endocrine activity to identify an ED, however, there is no reference to adverse effects, which is a key pillar of the WHO definition.

The criteria should fully reflect the WHO definition, where the adverse effect in an intact organism is a consequence of an endocrine mode of action, with corresponding evidence available both for ED Cat 1 and Cat 2.

The criteria aimed at distinguishing between Category 1 and 2 are inconsistent and unclear, both for human health (HH) and the environment (ENV). Clarity is needed, in particular, for the wording used for Category 2.

EFCC would also like to point out that there is also a lack of sufficient data and test methods to identify endocrine disruptors.

EFCC, based in Brussels, is the European Federation for Construction Chemicals and is the European Association representing approximately 50% of the companies and national federations working in the Construction Chemicals Industry in Europe. The European construction chemicals market was valued at €15 billion in 2020. Construction chemicals are mainly used for speeding up the work in construction projects that are under development or in new projects to improve the overall sustainability of the building or construction.

Construction Chemicals are all those chemicals that are used in the construction industry, from admixtures for concrete to mortar systems, flooring applications, sealants & adhesives, waterproofing systems, anticorrosion agents and many other additives & solutions aimed at improving performance, durability, energy efficiency and the overall sustainability of construction and buildings.

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