



FitforREACH in Brief – Findings and recommendations

1 Aim of the work

All project activities aimed at supporting Baltic companies in reducing the use of substances of concern, in particular via substitution. This FFR in Brief on findings and recommendations should condense all learnings to inform national and EU policymakers, as well as other stakeholders of opportunities to improve the framework conditions for chemicals risk management in companies in general and for substitution more specifically.

2 What was done and how?

The project team implemented a wide range of activities (cf. FFR in Brief on project activities) for companies regarding chemicals risk management. Amongst other activities, the project experts consulted more than 80 companies and many more contacts were established through information days, seminars, conferences and trainings. Based on a compilation of observations from all activities, specific findings and recommendations were derived (cf. final project report). This FFR in brief condenses the large number of findings and recommendations into broader issues and more general recommendations.

3 Lessons learned and recommendations for policymakers

3.1 Ensure greater quality of safety data sheets

It is a core finding from the project that the usefulness of safety data sheets (SDS) is limited by their quality and the lack of competences on the side of the downstream users to understand and apply the information. Observed deficits in SDSs include mistakes in classification, outdatedness, and lack of translations into the national language. Despite quality shortcomings, downstream users often do not contact their suppliers for clarification or request improved SDSs. This is partly due to the feeling of being too small a customer to request such information, while some were even afraid to lose suppliers if perceived as being too impertinent. Downstream users who did contact their suppliers, reported a reluctance to engage in individual communication.

The findings on deficient SDSs support the regulatory measures already implemented by ECHA and the EU-Commission (COM) on improving registration dossiers – increasing compliance checks, clarification of updated requirements, and a review of information requirements. To further support these measures:

- ECHA and the industries should develop standardised approaches to **ensure registration information is translated into precise and understandable instructions** for safe use to the downstream user, in particular for mixtures, in the **main body of the SDS**.
- Enforcement should **step up efforts to control** at least the correctness of the classification of mixtures and their ingredients on **product labels and in SDSs** – this information is the very basis of risk management at DU level.
- ECHA and the COM should **start a discussion on how information** can become **an integral part of the supply of (high quality) chemicals**, as was initially envisaged under REACH.
- Member State (MS) authorities, trade schools, trade unions, industry associations, consultants and other organisations should develop and provide **training for downstream users on classification and labelling, safety data sheets and chemical inventories** that is attractive for companies. This should include targeting specific needs, hosting in locations beyond national capitals, hands-on and practical;
- MS authorities should ensure they have a **“list of all relevant companies”** to address including those that have not yet been targeted.

3.2 Enhance the use of chemical information in downstream user companies

At present, SDSs and other information on chemicals is frequently archived in DU companies (except formulators) without making any particular use of it. Although legally required, inventories are either missing or not populated with sufficient and correct data. Information on chemicals is therefore not accessible for risk management decisions and implementation in the companies. A result of using this information prevents the identification of drawbacks within SDSs to be communicated with suppliers (cf. above), which in turn hinders rectification.

- National authorities should consider **revising the requirements on chemical inventories** and ensure that the information that needs to be included is sufficient to support risk management decisions and implementation at company level.
- In company inspections, **enforcement** authorities from any relevant legislation – including worker protection or installation permitting – should always assess **if a chemical inventory exists that fulfils the legal requirements**.
- Universities, training institutions, industry associations and consultants should provide more **training to companies on** how to build and maintain **chemical inventories**. This should include indicating which tasks could benefit from structured and accessible chemical information.
- Industries should develop and implement **standardised and digitalised SDSs** to decrease burdens of using information therein, e.g. in chemical inventories.

3.3 Consider stricter legal requirements to push for safe use

Although many of the participating companies ranked environmental protection as high value in their policies, only few front-runners implement a strategic chemicals risk management and a foresighted substitution approach. Compliance with all requirements is the basis of current economic activities, but in the Baltic States it was observed that not all requirements are known and/or implemented. In some of the substitution cases alternatives were chosen in the same substance group, despite the risk of similar hazards. The project findings support the measures of the Chemicals Strategy for Sustainability, which intend to restricting the most hazardous chemicals through grouping to prevent regrettable substitution. Likewise, the introduction of new hazard categories aimed at clearer hazard communication via the classification system, would support the identification of risks by downstream users. In addition to these, measures should include:

- National policymakers should consider the implementation of **legal requirements on SDS literacy** in companies, e.g. via the need to assign a responsible person and regular participation in trainings.
- ECHA and Member States should **speed up the identification of further SVHCs** as these are perceived as candidates for phase out across sectors triggering substitution even before any further regulatory action.
- National authorities should consider developing a (specific) **reporting system on the use of chemicals by downstream users** to focus their enforcement actions and/or get a better overview of the companies using (hazardous) chemicals.

3.4 Support substitution with targeted and easily accessible advice, methodologies and funding

Most downstream users handle mixtures rather than substances. Therefore, comparing alternatives is complex, especially if ingredients have similar hazards, and/or the substitution changes the emission and exposure patterns. In this way a hazard comparison may not be sufficient to conclude on the best alternative.

Financing was not the main criterion in most substitution decisions for FFR downstream user companies, at least where processing auxiliaries were concerned or drop-in solutions were available. However, the offered funding enabled some changes, including investments into new technologies.

- Stakeholders should consider developing an **easy approach to compare mixtures that could be used as alternatives to a hazardous substance or mixture, where the classification is not a sufficient/unambiguous indicator**. The approach needs to be implementable by downstream users and with a minimum of information (or gives clear guidance on how to deal with information gaps). This is currently missing as most alternatives assessment approaches only deal with substances.
- The COM and ECHA should **consider in the review of information and hazard assessment requirements** under REACH, defining a **standard data set that must always be provided**, including for low volume substances, to enable comparing alternatives. This data set should include at least reprotoxicity and repeated dose toxicity, as well as indicators for PBT/vPvB indicators and DNELs (e.g. long-term inhalation derived from the most sensitive endpoint and the most hazardous end-point).
- National authorities should establish **small-scale grant programmes** to support the purchase of technologies to substitute the use of hazardous substances, or to enable financing for testing of alternatives for SMEs. Funding applications should be easy and unbureaucratic, and with preparatory support.
- EU funding programmes should **integrate requirements to consider substitution** of hazardous substances in **research and innovation projects**, and to involve SMEs into any testing of new products or processes, with full funding available to enable also those with little resources to participate.

3.5 Create market incentives for less hazardous products

In the Baltic States, business-to-business and consumer markets currently perceive market gains from substitution as low. Neither companies nor administrations have chemicals-related purchasing criteria in place, nor are the opportunities to successfully advertise products “free from ...” actually used.

- EU legislators should develop provisions to **increase the transparency on the content of hazardous substances in articles**, beyond the SVHC information requirement, and enable consumers to understand that information, as currently discussed as part of the Sustainable Product Policy Initiative. An example would be a hazard or risk-based traffic light system for labelling.
- National authorities and consumer organisations should **make eco-labels more reknown** inside the countries by creating consumer demand, **and encourage** companies to **use** them on their products.
- Official labelling organisations, such as the EU ecoflower or the Nordic Swan, should **ensure the awarded criteria include strict requirements on hazardous substances**.
- National policymakers should develop and/or more strictly implement green **public procurement guidelines** that **contain specific chemicals-related criteria**.

3.6 Establish and/or strengthen national support infrastructures

Although chemicals policy is developed mostly at EU level, the regulatory context for companies are the national infrastructures. Communication and cooperation incentivises versatile activities on the improvement of chemicals risk management, as was observed from the national roundtables, national seminars, training and related activities.

- National REACH **helpdesks** should continuously **make themselves known** as competent partners for companies and **take an active role** in initiating and coordinating national information campaigns, substitution networks or related activities **in the field of national chemicals risk management**.
- National stakeholders, including authorities, universities, consultants, industry associations, trade unions and companies, should **consider establishing national substitution centers** that could provide targeted advice at low or no cost to companies considering substitution.

3.7 A non-toxic environment needs concerted action

Chemicals are a horizontal issue and hence interlink different areas of a company's activities. The Chemicals Strategy for Sustainability appears to be a good opportunity to integrate policies at a higher level.

- The COM and the Member States should **reflect** their measures and activities **from the perspective of a company's procedures and routines** to identify synergies and pragmatic approaches for how regulation could be simplified and better interconnected. This should guide the legislation review announced by the COM in its Chemicals Strategy for Sustainability.
- Member State authorities should **highlight chemicals risk management in all relevant communication and enforcement activities** to point out its importance and show possible synergies at the level of implementing legislation.
- The International Standardisation Organisation should **develop a guidance document on how to integrate chemicals risk management into environmental management systems**. Likewise, EMAS implementers should consider guidance and training of auditors in this regard.

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