

Object: DUCC views on the most relevant topics from the report on Fitness Check on Chemicals legislation excluding REACH

INTRODUCTION

In the context of the Fitness Check on chemicals legislation excluding REACH, the following topics have been identified as the most relevant for DUCC members:

1. Regulatory labels
2. Risk vs. hazard
3. Bridging principles and mixture classification

DUCC asks the European Commission to take the following comments into account in its further considerations regarding the Fitness Check and in formulating its position regarding any future changes to legislation, including the CLP Regulation (EC) No. 1272/2008.

DUCC VIEWS ON THE MOST RELEVANT TOPICS FROM THE REPORT ON FITNESS CHECK

1. Regulatory labels

DUCC, as a platform of industry sectors formulating chemical mixtures for use by consumers and workers, is committed to ensuring the safe use of these products through effective hazard communication. In recent years the amount of information, particularly text, on product labels has grown as a result of increasing legislative requirements. Experience and studies, conducted by both industry and authorities/EU institutions (Art. 34 CLP Commission Report, Eurobarometer on chemicals etc.), have however shown that users typically prefer a simpler graphic format instead of text. They will be deterred even further by longer and smaller text and information which is not meaningful or useful to the reader. The issue of information overload on labels, and consequently reduced consumer attention to these, is well documented in case studies 5 and 9 of the Fitness Check evaluation report.

Cognizant of these problems, in 2017 DUCC has launched an initiative to propose and test ideas for the improvement of safety communication by **simplifying labels**, especially (but not exclusively) for consumer products. Ideas to be explored in this collaborative programme include, but are not limited to:

- Replacing precautionary text with symbols which can be readily understood irrespective of language or literacy level (for the most important messages)
- Focusing on the information needed by the user at the point of purchase or use, and making other information (needed e.g. for compliance or market surveillance) available through channels other than the product label
- Making use of modern technology, including the internet, to provide some of the latter information as appropriate.

The DUCC initiative will involve both development of ideas on paper and also practical pilot projects on actual products, in co-operation with supply chain partners such as retailers or end user sectors. DUCC is willing to share the results of its initiative in order to find solutions to the aforementioned issues, and calls on the Commission to make this a priority in any next steps arising from the Fitness Check.

2. Risk vs. hazard

The Study on the regulatory fitness of the legislative framework governing the risk management of chemicals¹ did not consider that issues of Generic Risk Considerations vs. Specific Risk Assessment are inherent to the setup of the chemical regulations framework (CLP vs vertical legislation). DUCC suggests the consideration of the principles of Generic Risk Considerations and Specific Risk Assessment in the relationship between the CLP and vertical legislations and the description of the scenarios under which they are used in the chemicals legislation framework, taking into account the following:

- where the exposure to a substance or mixture is unknown (e.g. undefined /not clearly defined use), tailored risk assessment and risk management cannot be put into place. In these cases, CLP hazard information (pictograms, risk phrases) is the only available tool for informing the user about the hazard, which the user will apply to his/her use/exposure. In such a scenario “Generic risk considerations” are applied out of necessity and will lead to over-management of the actual risk.
- where the use of a substance or mixture is clearly defined, a Specific Risk Assessment can be carried out that puts the CLP/hazard information into the context of a specific use or exposure. Consequently, relevant risk management measures can be set at the most proportionate and adequate level for the risk considered. This approach is the basis of many pieces of vertical legislation in the overall chemicals management framework.
- A Generic Risk Consideration approach can also be taken as a policy choice, even in cases where the information required for a Specific Risk Assessment is available. In this approach, exemptions may be granted based on a Specific Risk Assessments.

3. Bridging principles and mixture classification

DUCC supports any effort aimed at improving a harmonized application of CLP criteria across Europe. The Fitness Check evaluation report highlights a number of key issues related to the classification of mixtures, among which is a lack of clarity on how some of the UN GHS bridging principles are to be applied under CLP. This leads to inconsistent interpretation and acceptance between Member States of industry’s approaches to classification of its mixtures. The need for clarification on the application of bridging principles is highlighted in case study 5 of the Fitness Check evaluation report.

DUCC is ready to engage further with the European Commission, ECHA and any other interested party in order to find a practical way to harmonise the application of bridging principles across the EU (the session scheduled for 12 October 2017 at the meeting of the CARACAL sub-group on ATPs to CLP is a first positive step in this direction). In addition, ongoing activities at UN GHS level on this topic should also be duly considered.

¹ <https://publications.europa.eu/en/publication-detail/-/publication/7e26e205-18f9-11e7-808e-01aa75ed71a1>



Downstream Users of Chemicals Co-ordination group

About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under REACH and CLP.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, lubricants and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, the vast majority being SMEs. The calculated turnover of these companies is more than **215 billion euros** in Europe.

For more information on DUCC: www.ducc.eu

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