

Policy recommendations to encourage and support enterprises to minimise the use of hazardous substances

The policy recommendations in this document arise from an international workshop held in October 23-24 in Riga with participants from three EU-funded projects: “Life Fit for REACH”, “Life AskREACH” and “INTERREG NonHazCity” as well as invited external experts. The recommendations are derived from background documents prepared before the workshop, discussions during the workshop and a summary of workshop outcomes. Recommendations are divided into subject areas related to legislation and enforcement, voluntary instruments, education and innovation. Increased transparency and better communication amongst all sectors is a thread that runs through the recommendations.

These recommendations do not necessarily represent the opinion of individual workshop attendees and this document is not the official position of any organisation participating in the workshop.

Legislation and enforcement

Legislation supports and directs the activities of all actors concerned with minimising the use of hazardous substances. Enforcement and inspections are two mechanisms by which legislation is made operational. However, only a very small fraction of enterprises can be inspected every year with existing resources. While a large increase in the number of inspections is desirable, this is unlikely given the financial constraints under which governments operate.

Harmonise existing legislation: All relevant legislation should refer to the same set of hazardous substances, e.g., the REACH candidate list. Furthermore, efforts are needed to ensure that different pieces of legislation do not have contradictory requirements for the same hazardous substance; that different legislative provisions support each other and that restrictions are developed for substance groups (instead of individual substances) whenever possible and relevant.

Incorporate hazardous substance reduction into public procurement legislation: The Public Procurement Directive and other relevant legislation should take better consideration of hazardous substances and actively promote procurement strategies which support chemical-smart choices.

Greater transparency in the supply chain Better use of information technology and a commitment to greater transparency through, e.g., full material disclosure is needed to support chemical-smart decision making in public procurement, consumer purchasing choices and supply chain management.

Fix REACH Article 33 (2): Change Article 33(2) so that companies are required to provide an answer regardless of whether or not the item or article in question contains hazardous substances.

Streamline inspections, reporting and support: Inspection and enforcement could be made more efficient by changing the control approach to focus on both individual products and the presence/performance of chemical management systems. All inspection reports (both positive and negative) should be made publicly available so as to increase transparency and to facilitate both negative “naming and shaming” and positive support of companies by NGOs and civil society.

Voluntary instruments

There are several voluntary (non-legal) instruments targeted at enterprises (e.g. ISO standards) and consumers (e.g. ecolabelling) that complement regulation and enforcement actions to support substitution. Most of these instruments are designed to support other “green” issues, e.g. energy efficiency. Voluntary instruments could be made more attractive for enterprises if they created incentives in other areas, e.g., by raising awareness of benefits linked to legislation and enforcement, consideration of hazardous substances in private and professional purchasing decisions and better

integration of hazardous substances into broader environmental decision making.

Raise the profile of hazardous substances in ecolabelling schemes: Credible ecolabelling schemes with independent third-party verification are an important consumer awareness-raising tool and an option for informed choice. Existing schemes need to take more consideration of hazardous substances. This can be accomplished directly (e.g. EU-Flower) or through collaboration (e.g., Nordic Swan). To increase transparency in eco-labelling, there needs to be greater use of criteria for judging whether a label is credible or if it may be deceptive or misleading (see, e.g. Global Ecolabelling Network). Furthermore, legal requirements to prohibit greenwashing should be more concrete.

Increase transparency about hazardous substances in chemical products and articles: Knowledge of the content and properties of hazardous substances in products along the supply chain is the very basis for informed decision making on chemical substitution and/or risk management. It is therefore of utmost importance that all supply chain actors, including those outside the EU, are aware of and competent to communicate on hazardous substances and are supported in doing so by globally harmonised and accepted standards and instruments for implementation.

Education

Hazardous substance awareness and the concept of sustainability need to be better incorporated into the education system at all levels from pre-schools to post-graduate training.

Sustainability education at all levels: All sectors of the education system must take better consideration of the social, economic and environmental dimensions of sustainability and must highlight safe management of hazardous substances. This education is needed so as to produce a more informed citizenry.

Green chemistry and green production training for specialists: A greater focus on green chemistry and green production in the training of engineers, chemists, and other specialists is needed. Such training is also needed for business students and students training for careers in the public sector.

Innovation

The public sector, civil society and NGOs often lack the necessary competence and resources to identify and implement technical and engineering solutions for hazardous substance minimisation in industrial production. Measures must be taken to support industrial research and development and to ensure better coordination of the public sector.

Support industrial research and development needed for hazardous substance reduction: Industrial research and development (R&D) targeted towards process improvement leading to hazardous substance reductions and substitution should be prioritised. It could be funded either through tax incentives or competitive grants administered by national or European funding agencies.

Strengthen connections between programme areas: Better collaboration between policy sectors at the European level is needed. Within the EU Strategy for the Baltic Sea Region (EUBSR), better collaboration between Program Area Hazard and Program Area Innovation is vital to the creation of synergies needed for success in the quest to encourage and support enterprises in the minimisation of hazardous substances. Specifically, such collaboration could identify, support and implement the technological changes needed for hazardous substance minimisation in the manufacturing process.