

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. The workshop involved 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 the background documents prepared before the workshop, the discussions during the workshop and the policy paper summarising the workshop outcomes.

Recommendations are divided into subject areas related to legislation and enforcement, voluntary instruments, education and innovation. Better use of information technology (IT) is a thread that runs through many of the recommendations.

Legislation and enforcement

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

Harmonise existing legislation to refer to the same list of hazardous substances: Ensure that requirements on hazardous substances in legislation are not contradictory, that the 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 legislation governing public procurement must take better consideration of hazardous substances and actively promote procurement strategies which support chemical-smart choices by professional consumers (i.e. public procurement specialists). Greater transparency in the supply chain (e.g. full material disclosure) would facilitate this process.

Fix REACH Article 33: 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: The inspection and enforcement process could be made more efficient by changing the control approach to checking implementation systems for legal requirements rather than individual products. All inspection reports (both positive and negative) should be made publicly available so as to make the process more transparent 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 that complement regulation and enforcement actions to support substitution. Most of these instruments are designed to support other “green” issues. Voluntary instruments could be made more attractive for enterprises if they created rewards or benefits in other areas, e.g., by creating links to legislation and enforcement, raising awareness of hazardous substances amongst private and professional consumers when making purchasing decisions and better integration of hazardous substances into broader environmental decision making.



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Raise the profile of hazardous substances in eco-labelling schemes: Credible eco-labelling schemes with independent third-party verification are an important consumer awareness raising tool. Existing schemes need to take better consideration of hazardous substances. This can be accomplished directly (e.g. with EU-Flower) or through collaboration (with, e.g., Nordic Swan). To increase transparency on the label criteria (and their ambition), concise guidance needs to be developed which identify criteria for judging whether a label is credible or if it may be deceptive or misleading.

Increase transparency on the content of 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 any 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 communication standards as well as instruments to implement them.

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 so as to produce a more informed citizenry. Sustainability education must stress that assessing the impacts of hazardous substances use is an important aspect of the ecological dimension of sustainability.

Green chemistry and green production training for specialists: There needs to be a better focus on green chemistry and green production in the training of engineers, chemists, and other specialists. Green chemistry and green production also needs to be a part of the education of business students and students training for a career in the public sector.

Innovation

The public sector, civil society and NGOs lack the necessary competence 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 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.

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