

The Consumer Voice in Europe

TOWARDS A MORE COMPREHENSIVE EU FRAMEWORK ON ENDOCRINE DISRUPTORS

BEUC comments to Commission roadmap



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Summary

BEUC, The European Consumer Organisation welcomes the European Commission's **commitment** to develop a "strategy to minimise exposure of EU citizens to endocrine disruptors." Sufficient evidence¹ links endocrine disrupting chemicals (EDCs) to a range of severe diseases and disorders. We urge the Commission to draw up an ambitious agenda on regulating EDCs in *all* consumer goods based on clear objectives and observable deadlines.²

We recommend that the forthcoming strategy identifies actions to

- **Achieve an overarching EU framework on endocrine disruptors** that will reduce human and environmental exposures. Based on the precautionary principle, this framework should promote a prompt, systematic response to endocrine disruptors across all relevant EU laws. As a matter of urgency, the forthcoming strategy also needs to outline how gaps in the current legal framework can be addressed.
- **Clarify how an EU definition of endocrine disruptors can be incorporated in relevant EU laws.** A horizontal EU definition must identify both those chemicals we know are endocrine disruptors and those we suspect. This would allow the EU to act on early warning signs and prevent potential harm to its citizens and the environment.
- **Modernize risk assessment methods** to account for low-dose effects and the cumulative impact of different chemicals. More research funding is required to address knowledge gaps on how to better protect the health of current and future generations.
- **Make the presence of EDCs in consumer products more visible.** Better information about the use of known and suspected EDCs in products would allow consumers to make informed choices on how to protect their health.
- **Create synergies with the Commission's Circular Economy action plan and the Plastics Strategy** to ensure that increased recycling do not perpetuate use of harmful chemicals, such as endocrine disruptors.

The Commission should **convene a stakeholder platform** to ensure systematic follow-up on actions set out in the strategy. A stakeholder platform on endocrine disruptors, composed of authorities, civil society, industry and academia could facilitate identification of new initiatives as well as a broader dialogue on how to reduce exposure to endocrine disruptors.

Endocrine disruptors: why it matters to consumers

Endocrine disrupting chemicals have been linked to severe human health problems, including infertility, genital malformations, early puberty, obesity, cancer and neuro-behavioural disorders.

Consumers may encounter endocrine disruptors in many commonly-used products: examples include skin creams containing propylparaben, phthalates in toys and textiles,

¹ See e.g. A. C. Gore et al., EDC-2: The Endocrine Society's Second Scientific Statement on Endocrine Disrupting Chemicals, November 2015. <https://www.ncbi.nlm.nih.gov/pubmed/26544531>

² For our detailed proposals on how the EU can reduce consumer exposure to EDCs, see BEUC, Hormone Disrupting Chemicals: When Will the EU Act Against These Everyday Toxicants? July 2016. http://www.beuc.eu/publications/beuc-x-2016-077_beuc_regulation_of_edcs.pdf

furniture with brominated flame retardants, and bisphenol A used in everything from plastic flooring and paper receipts to food containers.

In theory, EDCs are regulated by several EU laws. In practice, however, these laws fail to systematically protect consumers against endocrine disruptors, in part as current risk evaluation methods largely overlook a chemical's possible endocrine disrupting properties. To date, no endocrine disruptor has for example been identified and restricted under EU cosmetics legislation, despite long-standing concerns over certain ingredients.³ EDCs in short escape effective control despite the urgent need to reduce consumer exposure.

Towards a comprehensive EU framework on endocrine disruptors

For more than two decades, the EU has debated how to protect consumers and the environment against endocrine disrupting chemicals. Sufficient [evidence](#) now links EDCs to a range of severe diseases and disorders. If we are serious about protecting people's health and the health future generations, Europe's inaction on endocrine disruptors must come to an end.

BEUC therefore welcomes the European Commission's [commitment](#) to develop a "strategy to minimise exposure of EU citizens to endocrine disruptors." While several EU laws regulate EDCs in theory, their practical implementation falls short, in part as current risk evaluation methods largely overlook a chemical's possible endocrine disrupting properties. **The forthcoming strategy needs to offer a horizontal perspective on how the EU can systematically address these shortcomings to reduce our cumulative exposures.** We urge the Commission to draw up an ambitious agenda on regulating EDCs in *all* consumer goods with clear objectives and observable deadlines.

To ensure systematic follow-up on actions and commitments set out in the forthcoming strategy and to monitor its implementation, **BEUC recommends that the Commission convenes a stakeholder platform on endocrine disruptors.** The [Danish Chemicals Forum](#) could serve as inspiration. A stakeholder platform on endocrine disruptors, composed of authorities, civil society organisations, industry, and academia could facilitate knowledge-sharing and dialogue on possible future actions to reduce the exposure of EU citizens and the environment. The stakeholder platform could, in collaboration with the Commission and Member States, disseminate information about new measures to enterprises and consumers, and could also contribute to voluntary phasing-out and substitution of chemicals with endocrine disrupting properties.

A comprehensive framework for endocrine disruptors needs to establish overarching principles on how to reduce EDC exposures, combined with targeted strategies for all product categories, from cosmetics to food packaging, textiles and child care products. Based on the precautionary principle, **the forthcoming strategy should promote a more holistic and coherent approach to risk management:** where health concerns are raised in one sector or for one product, it should thus automatically trigger risk evaluation across legislative 'silos' to fully assess the impact of cumulative exposures and to ensure swift action in face of scientific uncertainty.

BEUC here highlights five areas that needs to be prioritised in the forthcoming strategy.

³ See e.g. opinions of the Scientific Committee on Consumer Safety on parabens (SCCS/1514/13) and 3-benzylidene camphor (SCCS/1513/13).

Enhance and extend the safeguards for chemicals in consumer products

Robust chemicals provisions are absent for most consumer products, while the implementation and enforcement of current rules too often falls short. An extensive study for the European Commission thus recently **found** that “legislation preventing the presence of toxic substances in products (where possible) is scattered, neither systematic nor consistent and applies only to very few substances, articles and uses, often with many exemptions.” Existing EU legislation regulating consumer products moreover largely fail to set sufficiently ambitious thresholds for harmful chemicals to ensure adequate protection of consumer health, including for vulnerable groups, such as pregnant and breast-feeding women, children and persons with compromised immune responses.⁴

In line with the **7th Environmental Action Programme**, the forthcoming strategy on endocrine disruptors needs to identify clear actions that will allow the EU to achieve a “comprehensive approach to minimising exposure to hazardous substances, including chemicals in products.” **We here insist on the need for concrete actions, including legislative proposals, to ensure that a coherent legal framework exists to protect consumers against endocrine disruptors in all consumer goods**; in particular, this framework must enhance consumer protection against harmful chemicals for products not covered by harmonized EU legislation, such as child care products, clothing, and personal hygiene products. A clear deadline for this exercise is required to guarantee that current loopholes are closed without delay.

Where rules do exist today, **enforcement moreover remains weak and patchy**, often since it is not prioritized by national governments. To illustrate, a recent joint EU **enforcement project** found that one in five toys contained dangerous phthalates – despite a ban in effect on these known endocrine disruptors for close to two decades.

Good laws are irrelevant if they are not enforced. **The forthcoming strategy must outline how the EU can achieve a comprehensive approach to enforcement while ensuring that adequate resources are available for market surveillance authorities.** A common European market surveillance framework that will ensure a coherent and consistent approach to the presence of dangerous chemicals, such as phthalates, in consumer goods, therefore remains a priority.⁵

Develop a horizontal EU definition of endocrine disruptors applicable to all sectors

In 2017, the EU became the first jurisdiction globally to agree legal criteria for the identification of biocides with endocrine disrupting properties (the EDC criteria), paving the way for a long overdue regulatory response to these harmful chemicals found in many everyday consumer products, such as cosmetics, toys, or food packaging.

Despite the commitment set out in the 7th Environmental Action Programme, the EDC criteria are however intended solely for the specific legal context of biocides and pesticides. As **acknowledged** by the Commission, the EDC criteria are not directly applicable to other sectors. **The forthcoming strategy on endocrine disruptors therefore needs to clarify how the criteria can be adapted and incorporated in other legal frameworks.**

An EU definition of endocrine disruptors applicable to other sectors needs to capture *all* chemicals that *may* disrupt the hormonal system; that is, both those chemicals we know

⁴ See ANEC and BEUC, Regulatory fitness check of chemicals legislation except REACH – a consumer view, May 2016. http://www.beuc.eu/publications/beuc-x-2016-048_anec_beuc_chemicals_refit.pdf

⁵ ANEC and BEUC, Position Paper on European Commission proposal for a Consumer Product Safety Regulation, June 2013. <http://www.beuc.eu/publications/2013-00394-01-e.pdf>

are endocrine disruptors and those we suspect. **Horizontal EDC criteria will facilitate systematic identification of endocrine disruptors compared to the burdensome sector-by-sector identification process today; this would further allow the EU to act on early warning signs and prevent potential harm to its citizens and the environment.**

Consistent with EU practice for substances of equal concern, such as CMR substances, endocrine disruptors should be classified and regulated using categories that express the degree of concern based on available evidence.⁶ The Cosmetics Regulation and the Toy Safety Directive for example prohibit use of known, presumed and suspected CMR substances. A parallel approach should be taken for chemicals with endocrine disrupting properties.

As a priority, the forthcoming strategy therefore needs to outline how criteria for the classification of endocrine disruptors can be incorporated into the CLP Regulation as such criteria would ensure a harmonized EU approach across downstream legislative frameworks. In parallel, the EU should promote a proposal for the classification of endocrine disruptors at international level in the context of the globally harmonised system (GHS) for classification and labelling of chemicals.

Modernize risk assessment methods and close the knowledge gaps

BEUC welcomes the Commission's **commitment** to increase funding for new research on endocrine disruptors in the next Horizon 2020 work programme. We in particular see a need for initiatives that will achieve a better scientific understanding of the effects of exposures during critical windows of development such as foetuses, young children and pregnant women. More research is likewise needed to close the knowledge gaps regarding thresholds, low-dose and intergenerational adverse effects as well as to better assess how cumulative exposure impacts consumers and the environment. Nonetheless, sufficient evidence⁷ already links endocrine disrupting chemicals to a range of severe diseases and disorders; existing gaps in our knowledge must therefore not serve to excuse a failure to protect the health of current and future generations.

A comprehensive EU framework on endocrine disruptors must in particular ensure that existing risk assessment methods are modernized to account for low-dose effects of EDCs as well as the combined effect of different chemicals. Current EU legislation does not support a comprehensive and integrated assessment of the cumulative effects of different chemicals. Instead, chemicals are assessed on a substance-by-substances basis, largely neglecting that outside the laboratory we are always exposed to multiple chemicals simultaneously.

The forthcoming strategy should promote a consistent approach to the assessment of priority mixtures across different EU laws. Such an approach should as foreseen in the Commission's 2012 **Communication on Combination effects** combine the development of technical guidelines with amendments to relevant chemicals legislation to ensure that **testing requirements are updated to fully assess cumulative impacts, corresponding to the reality of our exposure.**

⁶ See BEUC, Hormone Disrupting Chemicals: When Will the EU Act Against These Everyday Toxicants? July 2016. http://www.beuc.eu/publications/beuc-x-2016-077_beuc_regulation_of_edcs.pdf

⁷ See e.g. A. C. Gore et al., EDC-2: The Endocrine Society's Second Scientific Statement on Endocrine Disrupting Chemicals, November 2015. <https://www.ncbi.nlm.nih.gov/pubmed/26544531>

Improve transparency about EDCs in consumer products

At present, there is a serious lack of information on which products contain chemicals with endocrine disrupting properties. As a result, it is almost impossible for consumers to avoid these harmful chemicals. **A comprehensive framework on endocrine disruptors must remedy this unacceptable situation to ensure that consumers have access to reliable information** – presented in an appropriate form and in a language that they can understand – about the dangers of endocrine disruptors, their effects, and possible ways of protecting themselves. The forthcoming strategy should in particular outline how existing disclosure obligations for chemical ingredients can be extended to products which consumers come in direct, close or regular contact with, such as clothing, food packaging, or personal hygiene products.

BEUC further recommends that the forthcoming strategy increases funding for organisations that work to inform the public about EDCs, where they can be found and how they can be avoided. Our Danish member, Forbrugerrådet TÆNK has for example created a smartphone app, '[kemiluppen](#)', which helps consumers avoid cosmetics and personal care products with undesirable substances, such as suspected endocrine disruptors. By scanning the product barcode consumers can access a chemical database and get answers immediately. At present, this database contains information on 10.000+ products. To date, the app has been downloaded more than 280,000 times. BEUC member, UFC-Que Choisir recently launched a [similar smartphone app](#) to help French consumer avoid unwanted substances in cosmetic products. **We encourage the Commission to allocate funding to allow these and other innovative tools to be replicated by public interest groups in other countries.**

Greater transparency about known and suspected EDCs in consumer products would in short allow consumers to make informed choices on how to protect their health. Above all, however, **we emphasise that improved transparency under no circumstance should shift responsibility to the consumer for avoiding exposure.** Only regulatory measures as set out above are an acceptable solution to protect consumer health and safety.

Endocrine disruptors and the Circular economy: caught in the cycle?

Addressing endocrine disruptors takes on new urgency as the EU's transition to a (more) circular economy begins to gain momentum. Many consumer goods contain chemicals with endocrine disrupting properties. This is true for new products, as well as for those already in use. As the European Commission plans to 'close the loop' on an EU circular economy, suspected endocrine disruptors could become caught in the circle and be given a second – and third and fourth, *ad infinitum* – lease on life in consumer products. [Research](#) for example suggests that even after a complete ban on the use of the endocrine disruptor, bisphenol A in paper receipts, it will remain in recycled paper for up to 30 years.

Against this background, BEUC strongly encourage the Commission to ensure that the forthcoming strategy on endocrine disruptors facilitates the transition to a (more) circular EU economy. From a consumer perspective,⁸ **it is thus paramount that new EU rules to encourage materials recycling do not perpetuate use of harmful chemicals, such as endocrine disruptors.** While it may be tempting to set more lenient standards for the chemical content of secondary raw materials to promote their market uptake, we must resist this temptation. The EU needs to ensure the same level of protection for human health and the environment, whether products are made of recovered or virgin materials.

⁸ See further BEUC, How to detoxify the circular economy, July 2017. http://www.beuc.eu/publications/beuc-x-2017-084_how_to_detoxify_the_circular_economy.pdf

Double standards will in contrast only stigmatize recycled materials in the eyes of consumers. As the European Environment Agency correctly [observes](#): "Clean materials are crucial for maintaining material performance and quality in recycling processes. Material performance and trust in the safety of the materials - in addition to the price - will largely determine whether or not consumers will buy recycled materials and derived products. Keeping material cycles clean is therefore essential for the circular economy."

A more holistic and coherent approach to risk assessment and management of endocrine disruptors is in short vital to a long-term, *sustainable* circular economy. Better upstream chemicals management is in particular essential to detoxify the circular economy and to speed up the implementation of legislation meant to protect consumers. It also represents a practical and efficient response to chemicals in material lifecycles: [research](#) for example indicates that improved sorting of recycled paper and board only decreases the content of BPA and DEHP, two known endocrine disruptors, by 19% and 3% respectively, while chemical removal can get rid of 9% and 46% respectively. A complete end to using these substances would mean 100% removal.

A well-designed circular economy could become a vehicle to minimise the exposure of EU citizens to endocrine disruptors. Sound, non-toxic material loops demand that we close the loopholes that could give harmful chemicals a second lease on life in consumers' homes. **The forthcoming strategy on endocrine disruptors thus in short needs to create synergies with the Commission's Circular Economy action plan and the Plastics Strategy** to encourage sustainable resource use and ensure that endocrine disruptors and other harmful chemicals are removed from consumers' lives.

ENDS



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