Downstream Users of Chemicals Co-ordination group

DOWNSTREAM USERS – 8 PRIORITIES FOR THE CLP REVISION

The EU Classification, Labelling and Packaging Regulation (CLP) is a cornerstone of the EU chemical legislation. Revising CLP means changing the foundation of one of the most comprehensive pieces of legislation in the world.

As a horizontal piece of legislation, CLP has a wide-ranging impact, with any change to likely have a knock-on effect on various sectors, including, but not limited to biocides, pesticides, detergents, cosmetics, toys, and medical devices. Thus, **DUCC strongly urges the European Commission to include evaluation of sectorial implications in CLP impact assessment**.

Consumers and professional users buy paints, detergents, glues, inks etc., not chemicals. They purchase products made by DUCC members or articles containing products made by DUCC members. Since its creation in 2001 DUCC has acted with a united objective to contribute to the successful implementation of the REACH and CLP Regulations. In the context of the revision of CLP, DUCC raises the following 8 points.

DUCC also expresses support for the points raised by CEFIC in their paper.

1 *ALLOW ADDITIONAL DATA TO CLASSIFY SUBSTANCES AS "MOBILE" UNDER CLP*

The submission of additional data must be allowed using a "weight of evidence approach" permitted to decide whether a substance is Mobile or Very Mobile. Ionisable substances consitute a significant portion of all REACH dossiers. The proposed Koc (organic carbon/water partition coefficient) end-point is not applicable as a metric to simulate Mobility for ionisables.

2 *END USER RELEVANT LABELLING*

DUCC calls for labelling requirements that are end-user relevant. Based on a number of studies, it is clear that consumers prefer simpler labels, and the value of the use of icons, should be considered. DUCC supports the work of the Commission on simplification of the label and digitalisation. For Professional and Industrial Users, it is key to note that these users also receive information through other means (e.g. safety data sheets)

To facilitate end user relevant labelling DUCC calls for an extension of the CLP labelling exemptions (e.g. use of the environmental exemption in Article 29(4)) and to retain the current exemptions currently in scope (e.g. small packaging, cosmetics, medical devices).

3 *ENSURE TRANSITION PERIODS ARE SUFFICIENT TO IMPLEMENT CHANGE*

Mixture production is a complex process. Finished product mixtures are often made with other intermediate mixtures and formulators need all new classification information on substances before they can update safety information for a mixture. DUCC members need transition periods to be sufficiently proportionate for changes to be implemented to their portfolios. As DUCC we call for a transition period to be set for downstream users that is greater than 18 months.

4 *ENSURE CRITERIA FOR ENDOCRINE DISRUPTING SUBSTANCES REFLECT THE WORLD HEALTH ORGANISATION'S (WHO) DEFINITION*

The foreseen CLP ED criteria should be similar, if not identical to those in place for plant protection products or biocides products, which are based on the WHO definition and criteria. Although DUCC would like to point out that REACH already enables sufficient identification and risk management of endocrine disruptors and that Endocrine Disruption is a mode of action.

5 *AGREE CHANGES TO HAZARD CLASSIFICATION AT THE GLOBAL LEVEL FIRST*

Potential changes to the CLP regulation should consider consistency with international regulatory instruments and definitions. The inclusion of new hazard classes should first be implemented under the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS) framework. This approach would ensure a level playing field for the European industry at a global level, as divergences from the UN GHS global standards may affect hazard communication for exported EU-manufactured chemicals.

6 *INCREASE COMPLIANCE FOR ONLINE SALES OF CHEMICAL PRODUCTS*

All companies, including those with no legal entity in the EU, are responsible for the compliance of the products they place on the market, and online platforms should be no exception. DUCC believes that online platforms should be more transparent at: sharing product information, where they are located, and making explicit reference to where they fall in the supply chain (i.e., importer, distributor, or no role within the EU). Online platforms are not precluded from being aware of the label or packaging elements that are required under REACH and CLP. They too are responsible towards consumers.

DUCC would support a guideline checklist, to be made available online (via Member State enforcement authorities), similar to that described in our DUCC factsheets.

7 *AUTHORITIES NEED EXPERTISE TO IMPLEMENT CHANGES*

ECHA and Member States will need adequate expertise to work on the new hazard classes.

8 *DO NOT EXTEND POISON CENTRE NOTIFICATION REQUIREMENTS TO SUBSTANCES*

DUCC does not support the extension of Poison Centre Notification requirements to substances. Including substances under Article 45 will not add any value. Most cases of poisoning are for mixtures not substances, and information on substances is available to physicians via other databases (including, but not limited to, the ECHA portal, Cosmetics CosIng Database, and also industry voluntary databases).