

Brussels, 1st June 2021

PU Europe contribution to the consultation on the inception impact assessment (IIA) for the revision of the REACH Regulation

PU Europe, the European Federation of PUR/PIR rigid polyurethane insulation manufacturers, appreciates the opportunity to contribute to the inception impact assessment for the revision of the REACH Regulation. Our industry acknowledges the non-disputable role that REACH Regulation has played over the last decades and stands ready to help achieving a higher level of protection of citizens and the environment against hazardous chemicals. PU Europe therefore supports the headline objectives of the Chemicals Strategy for Sustainability (CSS).

However it is necessary to highlight that the European Green Deal is not only flanked by a Chemicals Strategy for Sustainability for a toxic-free environment, but also by the Renovation Wave Strategy. As part of the ambitious objectives on many fronts which have been set by the European Commission, the Climate Neutrality one by 2050 is for sure the most critical one. A number of products, like the ones manufactured by our members, are urgently needed to curb GHG emissions from the building sector even if certain of those products rely on substances exhibiting hazardous characters. The mere presence of chemicals labelled as hazardous does not translate into risks for workers and/or end-users of those articles. A risk management approach is central to protecting health & environment while meeting other societal challenges. PU Europe would like to recall its full support to article 68(1) of the REACH Regulation, which clearly states that the objective of REACH is to apply restrictions when there is an "unacceptable risk to human health or the environment (...) which needs to be addressed on a community-wide basis".

Furthermore, before a targeted review of REACH (world-leading regulatory framework for chemicals) is launched, PU Europe and its members find it necessary to restate their support to sound science for underpinning any decision under REACH. In that regards, in order to implement the CSS action plan, speed (or sticking to tight deadlines) shall not be privileged at the expense of quality and proper impact assessments shall be performed.

While our sector agrees that there are areas requiring further improvement, we would like to comment on some of the initiatives listed in the REACH IIA:

Mixture assessment factor (MAF) – The EC wants to tackle the effect on unintentional combination of chemicals via the introduction of a MAF. There are research projects indicating that the risk of combined exposure in Europe are driven by a very limited number of chemicals. Therefore, we believe that the MAF approach should **only apply to substances where there is a potential concern for unintentional mixtures**, and for sure this approach should not cover substances for which an action under the **Workers Protection legislation** (OSH) has been or will be introduced (like the setting of a binding OEL for diisocyanates).

Restriction process – Although we believe that reforming the restriction process can bring improvements in terms of efficiency, the proposal in the CSS for a **hazard-based** "generic approach to risk management" is oversimplifying the complexity of the problems at stake. PU Europe urges the decision-makers to pursue that route only for substances and/or downstream uses where adequate control of risk has not been demonstrated, fully in line with the proportionality principle. Concerning the proposal to extend the generic risk approach to products marketed for **professional uses** so professional

workers are protected in the same way as consumers, we would like to highlight that professional users are already required to implement the correspondent risk management measures such as the personal protective equipment and training. For diisocyanates, the recently adopted Commission Regulation 2020/1149 imposes a training to workers in factories and professionals that is currently being implemented. This regulation being at the interface of REACH/OSH, national and EU authorities shall support its full implementation now to bring certainty to market actors. In relation to the introduction of the **concept of “essential use”** in the restriction process, there are too many questions around this issue, including on its the legal grounds, that require clarifications. While the debate on this highly complex issue has started at CARACAL level (which we are not a member of) as well as within the EC services, we want to share our concerns about the potential negative consequences (including unintended) that this concept would have on downstream users. PU Europe members strongly advise to properly consult stakeholders in a transparent decision-making process. We fear that the process of setting criteria for this concept will anyway fail to assess the benefits and costs to society of complex value chains. In that context, we would like to share our views that granting exemptions (which could use a life cycle approach) during the scoping phase of the “Regulatory management option analysis” process is a far more efficient and practical way of working than applying a blanket approach to ban substances unless meeting the forthcoming “essential use” concept criteria.

Authorisation process –The EC is considering improving connections between the Authorisation and the Restriction processes as well as the interface with other pieces of legislation. PU Europe welcomes any efforts in making the Regulatory framework as coherent as possible by avoiding overlaps or over-regulation (notably with OSH).

Registration of polymers and Polymer of Concern (PoC) – PU Europe agrees that the REACH Regulation presents gaps in knowledge for many substances including polymers, however we believe that the current legislation is not fit for registering polymers. In addition, it appears that PoC are the exception rather than the norm in the European market. Consequently, the work of legislators & ECHA shall focus on those PoC while exempting the others polymers, notably those for which combination and exposure in an occupational safety context are already known like polyurethanes. Furthermore, the currently discussed (in a rushed way) Polymers Requiring Registration scheme should include a grouping approach to address issues related to substance identity and complex chemistry, and should exempt from registration polymers of low concern while granting exemptions for low exposure polymeric precursors.

Polyurethane thermal insulation products are made out of a cellular polymer material in which chemical substances are therefore fully reacted (with the exception of gas trapped into the rigid matrix). Our products are urgently needed to curb GHG emissions from the European building sector, from dwellings to industrial facilities, and reach Climate Neutrality by 2050.

About us:

PU Europe is the European voice of the polyurethane (PUR / PIR) insulation industry. The 110 manufacturing sites and more than 20,000 direct jobs in the PU rigid foam sector contribute to tackling the carbon footprint of the buildings stock responsible for around 36% of the CO2 emissions of the European Union (more information about us via www.pu-europe.eu and lobbying transparency register ID number 27993486325-38).

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