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Protecting humans and wildlife from harmful chemicals

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Essential Use: Update from the working group

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Essential Use not a new concept:

➢Montreal Protocol

Used to phase out ozone-depleting chlorofluorocarbons except for certain 'essential' uses.

Identified two elements of essential use:

- **Necessary for health, safety and critical for the functioning of society.**
- **There are no available technically or economically feasible alternatives.**

➢Restrictions on Persistent Organic Pollutants pre-REACH

e.g. PCBs could only be used in closed circuit system electrical equipment, large condensers and for certain other applications.

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EU Chemical Strategy for Sustainability

The Commission will:

> ***define criteria for essential uses*** *to ensure that the most harmful chemicals are only allowed if their* ***use is necessary for health, safety or is critical for the functioning of society and if there are no alternatives that are acceptable from the standpoint of environment and health.*** *These criteria will guide the application of essential uses in all relevant EU legislation for both generic and specific risk assessments;*

Timeframe - define essential use criteria 2021-2022

On PFAS specifically:

That is why the Commission proposes a comprehensive set of actions to address the use of and contamination with PFAS. Those aim to ensure, in particular, that the use of PFAS is phased out in the EU, unless it is ***proven essential for society.***

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PFAS restriction

- Proposal by 5 EU member states to restrict all non-essential uses of PFAS chemicals based on work by Cousins et al, 2019.
- This proposal has three categories of uses:
  - Non-essential
  - Substitutable
  - Essential

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We looked at pros and cons

Potential benefits:

- **Reduces harm to people and the environment from hazardous chemicals now and in the future**

  Faster regulation

  Broader principle than socio-economic assessments

- **Accelerates substitution of hazardous chemicals with less harmful ones**

- **Political (therefore societal) decision – (cf to climate change action)**

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We looked at pros and cons…..

Potential drawbacks:

- **Governance**
  - Who takes the decision?
  - Difference in values of different actors
- **Too blunt an instrument**
  - Unintended consequences – regrettable substitution
  - Potential reduction in choice for consumers
- **Need for great data on how and where chemicals are used**
  - Need more transparency in the supply chain

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CARACAL consultation on essential use

Concept being thought of differently by stakeholders:

- Is the sector essential? (eg. medical sector vs cosmetic)
- Is the product essential ?
- Is the function essential ?(eg. greaseproof layer)
- Is the chemical or substance essential?
- Essential use of a chemical in a product for a specific function (eg. PFAS can be used in a certain product in different places for specific functions eg in smartphones)

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Next Steps

- More discussion on responses to CARACAL consultation
- Look in more detail at how this may work with a group of chemicals ie PFAS (as one furthest along in the policy debate).
- Organise a webinar/session with other experts in this area
- Questions: Anna.Watson@chemtrust.org