

# Eurima Position Paper

## Revision of the EU legislation on hazard classification, labelling and packaging of chemicals (CLP)

Brussels, 10 November 2021

The European Insulation Manufacturers Association (Eurima) supports the Commission's ambitious goals under the Chemicals Sustainability Strategy and the aims of the European Green Deal. Our members manufacture bio-soluble mineral wool fibres which are exempted from classification under the Note Q of Annex VI to Regulation (EC) 1272/2008 on hazard classification, labelling and packaging of chemicals (CLP). We would like to stress the following points regarding the upcoming revision of CLP.

### **CLP must be the central legislation for hazard assessment**

As underlined in our contribution to the Inception Impact Assessment, Eurima believes in a harmonised and consistent approach when further integrating regulatory processes under CLP, REACH and 'downstream' chemicals legislation. Other legislation that makes use of CLP classifications such as the Waste Framework Directive should be taken into account.

Eurima considers that CLP should be the central piece of legislation to initiate hazard assessments on hazard classification of substances involving the RAC at ECHA. In our view, 'downstream' pieces of legislation are the most appropriate framework to then inform specific risk assessment on exposure and uses and to adopt risk management measures. For example, the derivation of DNELs for the specific purpose of OELs under the Chemicals Agents Directive should continue to be discussed by Member State experts on workplace exposure and involve interested parties (trade union, employers and trade associations) in accordance with agreed methodology and guidance. We support a bigger role for RAC and believe this can be best achieved by having the relevant Member States representatives under each area of expertise. It is also important that any legal definition as hazard substance under other legislations directly stems from CLP classifications and not from a parallel methodology.

In our opinion, transparency should be the guiding principle for any procedural change to the opinion and decision making procedures on the risk assessment of chemicals. A right of initiative of the European Commission to initiate classifications for certain substances risks complicating the picture by creating unclear roles for the responsibility of the authorities. We believe opinion making should rest at Member State and Agency level.

Eurima agrees with the Commission on the need to bring legal clarity concerning UVCBs<sup>1</sup>, and multi-constituent substances. We remind the Commission that this is of particular interest to our industry as Mineral Wool fibres are registered as UVCBs.<sup>2</sup> We take note of the proposal to classify 'complex substances' and believe that such efforts under CLP must align with the legal definitions and the objectives of the REACH Regulation. It is also necessary to involve the relevant actors of the supply chain to set criteria that are fit for purpose.

<sup>1</sup> Substances of unknown or variable composition or complex reactions as per ECHA's Guidance for identification and naming of substances under REACH and CLP May 2017 Version 2.1

<sup>2</sup> See <https://echa.europa.eu/registration-dossier/-/registered-dossier/15509/1/1>

## The CLP revision must be aligned with the EU policy objectives under the European Green Deal

The revision of the CLP Regulation must also take due account of the important role of CLP hazard classifications for waste management and the broad objectives of the European Green Deal to foster a circular economy and higher recovery rates. It is important for the insulation sector to maintain the high level of protection of environment and human health provided by the current classifications. Legal clarity should be ensured when it comes to legacy materials re-entering product streams. At the same time, CLP classifications should not become a barrier to recovery. Rather the correct risk management measures should be determined to minimize exposure to hazardous substances in waste operations. We remind the Commission that under the Circular Economy Action Plan that '[a]s part of the revision of the recovery targets for construction and demolition waste, the Commission will pay special attention to insulation materials, which generate a growing waste stream.'<sup>3</sup>

## Alternative Test Methods must continue to be supported

Eurima notes that, at this stage of the consultation, the European Commission makes explicit mention of the fact that 'to know if a chemical is harmful, and hence to be able to take the appropriate protective measures, tests will have to be done on some species of animals (mainly rats, mice, fishes and invertebrates)'.

Our members understand this reality but are also committed to engage with the Commission to innovate and bring solutions to prepare a future where animal testing has a smaller role in the risk assessment of chemicals. We are coordinating several projects to develop ways to measure the dissolution rate (one of the parameters to determine bio-solubility) of mineral wool fibres via in-vitro methods.<sup>4</sup> We believe in scientific dialogue between authorities, industry and academia to advance alternative test methods. In this spirit, we are eager to engage in such dialogue and exchange information to develop in a coordinated manner future protocols on the testing of mineral wool fibres.

## CLP needs to be consistent with the UN framework

Eurima would welcome more clarity on the way the European Commission plans to introduce new categories of hazard classes. We caution against moving away from categories established under the UN GHS in order to give clarity to the EU regulators and our trading partners, and ensure a consistent and coherent application of rules for European companies and importers.

Eurima underlines in addition that the establishment of classification criteria under CLP should preserve existing working methods. It is important to retain in particular the strong links<sup>5</sup> between IARC recommendations of the WHO and CLP classifications. We remind the European Commission that since 2002 Man Made Mineral Wool Fibres have been considered non-classifiable as carcinogens under [IARC Monograph 81](#). For example under CLP Annex I, point 3.6.2.2.3 'Sufficient human evidence' can inform whether a substance is classified or not.

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<sup>3</sup> See COM(2020) 98 final

<sup>4</sup> See Emma Innes, Humphrey H. P. Yiu, Polly McLean, William Brown & Matthew Boyles (2021) Simulated biological fluids - a systematic review of their biological relevance and use in relation to inhalation toxicology of particles and fibres, *Critical Reviews in Toxicology*, 51:3, 217-248, DOI: 10.1080/10408444.2021.1903386

<sup>5</sup> See p378 ECHA Guidance on the Application of the CLP Criteria Version 5.0 - July 2017

## About Eurima

Eurima was established in 1959 and represents European Mineral Wool Insulation Manufacturers. These bio-soluble mineral wool fibres (glass wool, stone wool and slag wool) manufactured by Eurima members are exempted under the Note Q to Annex VI to the CLP Regulation (the 'Note Q'). The Note Q was established under the Dangerous Substances Directive as recognition of the low toxicity profile of highly bio-soluble mineral fibres that manufacturers had developed, scaled up and elevated to an industry gold standard.

Parallel to this legislative development, Eurima members have made a commitment to report to the European Commission on the safe production and use of their mineral wool products in Europe via the data collected through Safe Use Instruction Sheets (SUIS). Manufacturers have also agreed to use a unified set of pictograms instructing workers and consumers on the proper use and risk management measures of mineral wool products.

The independently certified EUCEB scheme grants a label guaranteeing the compliance of mineral products to the Note Q bio-solubility exoneration criteria. EUCEB is well known and respected in the construction industry as the proof of safety of mineral wool fibres for markets inside and outside the EU. Because the scheme is directly linked to CLP criteria, Eurima stresses the importance of safeguarding the robustness of the current framework.

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