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15 December 2016

Re: The European Commission's flawed approach to endocrine disruptors gambles with consumers' health

Dear Attaché,

At the 21 December meeting of the Standing Committee on Plants, Animals, Food and Feed, Member State experts may be asked to vote on the European Commission's revised proposal for criteria to identify endocrine disruptors. On behalf of BEUC, The European Consumer Organisation, **we urge your government to reject the revised criteria** and instead **insist that the Commission amends its proposal to ensure effective protection of human health and environmental integrity.**

On 15 June 2016, the European Commission announced a set of criteria for the identification of endocrine disruptors. BEUC strongly opposes the Commission's approach which contradicts the precautionary principle, namely that protective action should prevail in the face of scientific uncertainty.ⁱ Although the Commission on 7 December presented a third revised proposal,ⁱⁱ it includes only superficial changes that fail to correct the fundamental flaws in the Commission approach. We in particular criticize that:

- * **The revised criteria demand an onerous level of proof.** Against the advice of international scientists,ⁱⁱⁱ the Commission continues to insist on an unprecedented and unrealistic burden of proof for a chemical to be defined as an endocrine disruptor. In effect, the Commission's approach would prevent the EU from effectively protecting its citizens and the environment against the threat of EDCs.^{iv}
- * **The Commission exceeds its mandate** by proposing to broaden the derogation in the Plant Protection Products Regulation from 'negligible exposure' to 'negligible risk'. As the European Parliament's legal service has concluded, this change concerns 'essential elements' of the Regulation that cannot be altered in an implementing act. Moreover, and despite claims to the contrary, the Commission has so far failed to present any evidence to demonstrate that the change from 'negligible exposure' to 'negligible risk' will better protect human health and the environment.^v

.../...

- * **The Commission ignores the political commitment to develop horizontal EDC criteria** set out in the 7th Environmental Action Programme. The Commission's proposal is developed exclusively based on a sectoral view (pesticides). If applied to for example cosmetics or other consumer products, the Commission's approach could jeopardize the need to protect consumers against chemicals with endocrine-disrupting properties.^{vi}

An EU definition of endocrine disruptors needs to capture all chemicals that may disrupt the hormonal system; that is, both those chemicals we know are endocrine disruptors and those we suspect. BEUC in consequence **urges your government to only adopt EDC criteria** that

- ✓ defines a reasonable burden of proof for identification;
- ✓ introduces multiple classification categories similar to current EU practice for chemicals that cause cancer, change DNA or are toxic to reproduction; and
- ✓ retains 'negligible exposure' as the basis for derogations of pesticides to the EDC ban.

In response to criticism from Member States, the Commission has twice revised its June 2016 proposal. Both revisions however represent only cosmetic adjustments that fail to correct the fundamental flaws in the Commission's approach. **Unless Member States insist otherwise, the Commission will continue to introduce minor tweaks to its inherently flawed proposal. This will not result in criteria fit to protect consumers from endocrine disruptors.** Rather, it will only serve to further delay needed regulation of these toxic chemicals.

Together, Member States and the Commission have a huge responsibility to protect the health of current and future generations. We trust that you will put them first when making this important decision.

Kind regards,

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ⁱ See enclosed BEUC position paper on the regulation of endocrine disruptors for additional details.

ⁱⁱ http://ec.europa.eu/health/endocrine_disruptors/next_steps_en

ⁱⁱⁱ See for example the Endocrine Society, European Commission Proposal on Endocrine-disrupting Chemicals Fails to Protect Public. Press release, 15 November 2016. <https://www.endocrine.org/news-room/current-press-releases/european-commission-proposal-on-endocrine-disrupting-chemicals-fails-to-protect-public>

^{iv} 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

^v See HEAL, EDCs Criteria. Technical briefing for Member States, November 2016 http://env-health.org/IMG/pdf/07.12.2016_-_technical_briefing_for_member_states_edc_criteria_final.pdf

^{vi} 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