

The Consumer Voice in Europe

## HORMONE-DISRUPTING CHEMICALS: WHEN WILL THE EU ACT AGAINST THESE EVERYDAY TOXICANTS?

BEUC Position on the Regulation of Endocrine Disruptors



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## Endocrine Disruptors: Why it matters

Hormone-disrupting chemicals or EDCs for short have been linked to severe human health problems, including infertility, genital malformations, early puberty, obesity, cancer and neuro-behavioural disorders.

Consumers may encounter these harmful chemicals in many commonly-used products. Examples include skin creams containing propylparaben, phthalates in toys and textiles, furniture with brominated flame retardants, and bisphenol A used in everything from plastic flooring and paper receipts to food containers.

In theory, EDCs are regulated by several EU laws. In practice, however, implementation of these laws falls short as the EU lacks concrete criteria that define what an 'endocrine disruptor' is. Moreover, current risk evaluation methods largely overlook a chemical's *possible* endocrine disrupting properties. As a result, EDCs escape control despite the urgent need to reduce consumer exposure.

## Recommendations

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For more than two decades, the EU has debated how to reduce public exposure to endocrine-disrupting chemicals (EDCs). Conclusive evidence links EDCs to a range of severe diseases and disorders. Therefore a renewed political commitment to protect people and the environment against these toxic chemicals is urgent.

BEUC calls on EU leaders to:

- **Adopt scientific EDC criteria applicable to all relevant EU laws.** EDC criteria must identify both those chemicals we know are endocrine disruptors and those we suspect. This would allow the EU to act on early warning signs and prevent potential harm to its citizens and the environment.
- **Reject the Commission's flawed proposal on criteria for endocrine disruptors** which will fail to adequately protect consumers.
- **Apply a precautionary approach in all relevant legislation.** The possible public health implications of EDC exposures and the uncertainties in risk assessment underscore the need to replace EDCs with safer alternatives whenever possible.
- **Place the burden of proof on the economic operator, not the public.** Companies should be made responsible for demonstrating the safety of their products. The evidence they provide should be assessed by scientific committees.
- **Make the presence of EDCs in consumer products more visible.** Better information about the use of known and suspected EDCs in products would allow consumers to make informed choices on how to protect their health.
- **Update risk assessment and risk management methods** to take into account low-dose effects and the cumulative impact of different chemicals.
- **Increase funding for research to address knowledge gaps.** It is crucial to better understand the negative health effects of endocrine-disrupting chemicals on human health and on the environment.

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## 1. An ubiquitous threat to consumer health

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As consumers, we are all unwitting participants in a dangerous experiment with potentially sweeping consequences for our health. Endocrine disruptors<sup>1</sup> refer to a group of chemicals that interfere with the body's sensitive hormonal system. Given their capacity to mimic, interfere and block natural hormones, exposure to even tiny amounts of these chemicals can cause severe and irreversible effects on humans and wildlife, such as infertility or hormone-related cancers.<sup>2</sup>

Exposure to endocrine-disrupting chemicals (EDCs) occurs at home and at work, through the air we breathe, the food we eat, and the water we drink. Because chemicals with endocrine-disrupting properties are found in many of the products we use every day, this is a risk that concerns us all. Evidence from six product tests undertaken by BEUC's members illustrates the scope of our exposure:

**Exposure to endocrine-disrupting chemicals (EDCs) occurs at home and at work, through the air we breathe, the food we eat, and the water we drink**

- **Five out of eight** cans of peeled tomatoes tested<sup>3</sup> by the Danish Consumer Council contained bisphenol A, a known endocrine disruptor.
- UFC Que-Choisir, our French member, found<sup>4</sup> known or suspected endocrine disruptors, such as ethylhexyl methoxycinnamate, in **7 out of 17** sunscreens.
- The phthalate DIBP was found in **two soft toys** tested<sup>5</sup> by German Stiftung Warentest.
- **1 in 2** beauty balms tested<sup>6</sup> by Altroconsumo in Italy contained either known or suspected endocrine disruptors, such as propylparaben or butylparaben.
- PFOA, a chemical with known endocrine-disrupting properties, was found in **three out of six** children's jackets tested<sup>7</sup> by the Norwegian Consumer Council.
- The Danish Consumer Council found<sup>8</sup> that in **4 out of 5** 'loombands', a popular children's toy, concentrations of the phthalate DEHP exceeded legal limit values.

In all of these tests, however, **risky chemicals were found in some but not in all tested products**. Much of our exposure could be avoided as in many cases use of these chemicals do not seem necessary for the final product. (The annexed test results from our members corroborate this conclusion.)

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<sup>1</sup> According to the accepted World Health Organization/International Programme on Chemical Safety (WHO/IPCS) definition, an **endocrine disruptor** is an *exogenous substance or mixture that alters function(s) of the endocrine system and consequently causes adverse health effects in an intact organism, or its progeny, or (sub)populations*. <http://www.who.int/ipcs/publications/en/ch1.pdf?ua=1>

<sup>2</sup> See e.g. Andrea C. Gore *et al.*, Introduction to Endocrine Disrupting Chemicals (EDCs). A Guide for Public Interest Organizations and Policy-Makers, Endocrine Society and IPEN, December 2014.

<sup>3</sup> [https://www.motherjones.com/files/introduction\\_to\\_endocrine\\_disrupting\\_chemicals.pdf](https://www.motherjones.com/files/introduction_to_endocrine_disrupting_chemicals.pdf)

<sup>4</sup> <http://kemi.taenk.dk/bliv-groennere/test-bisphenol-still-found-canned-peeled-tomatoes>

<sup>5</sup> <https://www.quechoisir.org/comparatif-creme-solaire-n697/>

<sup>6</sup> <https://www.test.de/Kuscheltiere-Zwei-Drittel-fallen-durch-den-Sicherheits-und-Schadstofftest-4947548-4947558/>

<sup>7</sup> <http://emagazine.altroconsumo.it/?paper=testsalute&selDate=20141001>

<sup>8</sup> <http://www.forbrukerradet.no/vi-mener/2015/fpa-mat-og-handel-2015/helseskadelige-stoffer-funnet-i-norske-barnejakker/>

<sup>8</sup> <http://kemi.taenk.dk/bliv-groennere/test-kemi-i-vedhaeng-til-loombands>

Although the long-term impact of this ubiquitous exposure is not fully understood, scientists warn that EDCs may cause severe diseases and disorders.<sup>9</sup> In the EU, the cost of EDC exposure has *conservatively* been estimated at an astronomic €157 billion per year.<sup>10</sup> Against this background, the World Health Organisation and the UN Environmental Programme have called the impacts of endocrine disruptors a “global threat” that needs to be resolved.<sup>11</sup>

## 2. Broken Promises: EDCs escape effective control

The 7<sup>th</sup> Environmental Action Programme (EAP) commits the European Union to **develop by 2015 horizontal measures to ensure “the minimisation of exposure to endocrine disruptors.”**<sup>12</sup> Yet, to date, the pace of EU action to protect consumers against EDCs remains inexcusably slow – or altogether absent. While several EU laws regulate EDCs *in theory*, their practical implementation falls short as they lack concrete criteria that define what an ‘endocrine disruptor’ is. As a result, EDCs escape effective control under current EU laws despite the urgent need to minimise consumer exposure.

Under EU pesticides laws,<sup>13</sup> the European Parliament and Council set December 2013 as a deadline for the European Commission to adopt scientific criteria to determine endocrine-disrupting properties. In line with the 7<sup>th</sup> EAP, these laws oblige the Commission to develop hazard-based EDC criteria based exclusively on scientific evidence related to the endocrine system.

In summer 2013, the Commission was about to publish draft EDC criteria.<sup>14</sup> But a coordinated lobby attack by the chemicals and pesticides industries derailed the democratic decision-

### BOX 1 Four options for EDC criteria

The 2014 Commission Roadmap considers four options for possible EDC criteria:

- Option 1:** no formal criteria are specified, but the interim criteria set in EU pesticides laws could continue to apply.
- Option 2:** use the WHO/IPCS definition to identify EDCs.
- Option 3:** use the WHO/IPCS definition combined with three categories based on the different strength of evidence for fulfilling the WHO/IPCS definition.
- Option 4:** use the WHO/IPCS definition and include potency as an element of hazard characterisation.

**BEUC supports Option 3** as it would allow the EU to respond to early warning signs and prevent potential harm to its citizens and the environment.

**BEUC rejects Option 4** which modifies the accepted scientific WHO definition by introducing the vague notion of ‘potency.’ As expressed in the landmark BfR consensus statement\* “potency is not relevant for identification of a compound as an endocrine disruptor.”

\* Roland Solecki *et al.*, Scientific principles for the identification of endocrine disrupting chemicals – a consensus statement. Outcome of an international expert meeting organized by the German Federal Institute for Risk Assessment (BfR), Berlin, 4 May 2016. <http://www.bfr.bund.de/cm/349/scientific-principles-for-the-identification-of-endocrine-disrupting-chemicals-a-consensus-statement.pdf>

<sup>9</sup> See e.g. A. C. Gore *et al.*, EDC-2: The Endocrine Society’s Second Scientific Statement on Endocrine-Disrupting Chemicals, November 2015. <https://www.endocrine.org/~media/endosociety/files/publications/scientific-statements/edc-2-scientific-statement.pdf?la=en>

<sup>10</sup> This estimate includes *direct* costs such as hospital stays, physicians’ services, nursing-home care and other medical costs as well as *indirect* costs resulting from lost worker productivity, early death and disability, and loss of intellectual abilities caused by prenatal exposure. This estimate however does not cover *intangible* cost such as a loss of life-quality. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4399291/>

<sup>11</sup> United Nations Environment Programme and the World Health Organization, State of the Science of Endocrine Disrupting Chemicals 2012. Summary for Decision-Makers, 2013. [http://apps.who.int/iris/bitstream/10665/78102/1/WHO\\_HSE\\_PHE\\_IHE\\_2013.1\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/78102/1/WHO_HSE_PHE_IHE_2013.1_eng.pdf?ua=1)

<sup>12</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386>

<sup>13</sup> Respectively, the Plant Protection Products Regulation (EC) No 1107/20092 and the Biocidal Products Regulation (EU) No 528/20123.

<sup>14</sup> [http://www.environmentalhealthnews.org/ehs/news/2013/pdf-links/2013.06.11%20EDC\\_Recommendation%20Commission%20Draft.pdf](http://www.environmentalhealthnews.org/ehs/news/2013/pdf-links/2013.06.11%20EDC_Recommendation%20Commission%20Draft.pdf)

making process.<sup>15</sup> Rather than adopt EDC criteria as required by the law, the Commission instead decided to first conduct an assessment of possible socio-economic impacts, deliberately ignoring the deadlines set in the law.

The Commission subsequently published a roadmap<sup>16</sup> (see BOX 1) that compares various options for EDC criteria and also considers changes to existing laws. A compulsory review of the Cosmetics Regulation with respect to EDCs was meanwhile shelved and is now one and a half years overdue.

**The Commission's failure to adopt scientific criteria is unlawful** as established by the General Court of the European Union in December 2015. Notably, the Court ruled<sup>17</sup> that criteria to determine endocrine-disrupting properties must be based on science relating to the endocrine system only – independent of economic considerations.<sup>18</sup> The Court further found that the decision to carry out an impact assessment does not exonerate the Commission from complying with the December 2013 deadline set in the Biocides Regulation.

BEUC welcomes the Court's landmark decision as a victory for European consumers. Our everyday exposure to endocrine-disrupting chemicals – in our homes, workplaces and communities – must stop in order to protect the health of current and future generations.<sup>19</sup>

### 3. EDC criteria must identify all substances that *may* harm consumers

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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. Similar to chemicals that cause cancer, change DNA or are toxic to reproduction (CMRs), EDCs should be classified and regulated. BEUC therefore supports the introduction of a strict hazard-based classification system, where a distinction is made between *known*, *presumed*, and *suspected* EDCs. Such a system would facilitate a simple classification scheme based on available evidence. It would further enable

**Similar to chemicals that cause cancer, change DNA or are toxic to reproduction, EDCs should be classified and regulated**

authorities to prioritise chemicals for regulatory attention.<sup>20</sup> **Compared to the policy option presented in the Commission Roadmap,<sup>21</sup> this is equivalent to 'Option 3'.**

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<sup>15</sup> [http://corporateeurope.org/sites/default/files/toxic\\_lobby\\_edc.pdf](http://corporateeurope.org/sites/default/files/toxic_lobby_edc.pdf)

<sup>16</sup> [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2014\\_env\\_009\\_endocrine\\_disruptors\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_env_009_endocrine_disruptors_en.pdf)

<sup>17</sup> <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-12/cp150145en.pdf>

<sup>18</sup> <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d58da361001f9141699c35f1e0bf49014d.e34KaxiLc3eQc40LaxqMbN4OchqSe0?text=&docid=173067&pageIndex=0&doclang=SV&mode=Ist&dir=&occ=first&part=1&cid=639996>

<sup>19</sup> See Rémy Slama *et al.*, Open letter to Commissioner Andriukaitis, The European Commission's approach to chemicals which can disturb the hormonal system, Brussels, 2 February. [http://www.beuc.eu/publications/beuc-x-2016-011\\_ec\\_approach\\_to\\_chemicals\\_which\\_can\\_disturb\\_the\\_hormonal\\_system.pdf](http://www.beuc.eu/publications/beuc-x-2016-011_ec_approach_to_chemicals_which_can_disturb_the_hormonal_system.pdf)

<sup>20</sup> See Rémy Slama *et al.*, Scientific Issues relevant to Setting Regulatory Criteria to Identify Endocrine Disrupting Substances in the European Union, Environmental Health Perspectives, 25 April 2016. <http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2016/4/EHP217.acco.pdf>

<sup>21</sup> European Commission, Roadmap: Defining criteria for identifying Endocrine Disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation, June 2014. [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2014\\_env\\_009\\_endocrine\\_disruptors\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_env_009_endocrine_disruptors_en.pdf)

Our position aligns with the recommendations of international scientists,<sup>22</sup> the European Parliament<sup>23</sup> and the EDC-Free Europe coalition.<sup>24</sup> It is likewise in line with the judgment of the European Court of Justice.<sup>25</sup> In their review of the four criteria options proposed by the Commission, epidemiologist Rémy Slama and colleagues for example conclude:<sup>26</sup>

*"Only options 2 and 3 comply with science. [...] We believe that, because of the parallel with definitions of carcinogenic hazards (which have different categories based on evidence levels) and because it calls for the identification of suspected EDs, Option 3 is more relevant."*

#### 4. The Commission disregards the need for precaution on EDCs

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On 15 June 2016, after a delay of almost three years, the European Commission announced a set of proposed criteria for the identification of endocrine disruptors.<sup>27</sup> BEUC welcomes that the Commission acknowledges<sup>28</sup> the scientific consensus<sup>29</sup> that **potency is not relevant for scientific criteria to identify endocrine disruptors.**

**BEUC nonetheless strongly opposes the proposed criteria as the Commission's approach contradicts the precautionary principle,** namely that protective action should prevail in the face of scientific uncertainty. The proposed criteria will force regulators to await evidence that a chemical beyond doubt causes harm, before they can take protective action – but by then the harm to human health and the environment would already have occurred.<sup>30</sup> **BEUC in consequence urges Member States and the European Parliament to reject these flawed criteria and to demand that the Commission amends its proposal in line with Option 3.**

**If the proposed criteria were applied, bisphenol A – a widely acknowledged endocrine disruptor – would not be recognised as such**

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<sup>22</sup> See Jean-Pierre Bourguignon *et al.*, Science-based regulation of endocrine disrupting chemicals in Europe: which approach? *The Lancet Diabetes and Endocrinology*. 13 June 2016.

[http://www.thelancet.com/journals/landia/article/PIIS2213-8587\(16\)30121-8/](http://www.thelancet.com/journals/landia/article/PIIS2213-8587(16)30121-8/)

<sup>23</sup> European Parliament resolution of 14 March 2013 on the protection of public health from endocrine disruptors (2012/2066(INI)), notably proposing **"the introduction of 'endocrine disruptor' as a regulatory class, with different categories based on the strength of evidence."** <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0091+0+DOC+XML+V0//EN>

<sup>24</sup> <http://www.edc-free-europe.org/>

<sup>25</sup> <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-12/cp150145en.pdf>

<sup>26</sup> Rémy Slama *et al.*, Scientific Issues relevant to Setting Regulatory Criteria to Identify Endocrine Disrupting Substances in the European Union, Environmental Health Perspectives, 25 April 2016.

<http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2016/4/EHP217.acco.pdf>

<sup>27</sup> [http://europa.eu/rapid/press-release\\_IP-16-2152\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2152_en.htm)

<sup>28</sup> Communication from the Commission to the European Parliament and the Council on endocrine disruptors and the draft Commission acts setting out scientific criteria for their determination in the context of the EU legislation on plant protection products and biocidal products (COM/16/0350)

<sup>29</sup> Roland Solecki *et al.*, Scientific principles for the identification of endocrine disrupting chemicals – a consensus statement. Outcome of an international expert meeting organized by the German Federal Institute for Risk Assessment (BfR), Berlin, 4 May 2016. <http://www.bfr.bund.de/cm/349/scientific-principles-for-the-identification-of-endocrine-disrupting-chemicals-a-consensus-statement.pdf>

<sup>30</sup> See Endocrine Society, Endocrine Society Experts Concerned EU Chemical Criteria Will Not Protect Public, July 2016. <https://www.endocrine.org/news-room/current-press-releases/endocrine-society-experts-concerned-eu-chemical-criteria-will-not-protect-public>

Against the advice of international scientists,<sup>31 32</sup> the Commission proposes an unprecedented burden of proof for a chemical to be defined as an endocrine disruptor. The Endocrine Society, which speaks on behalf of the world's preeminent EDC experts, concludes<sup>33</sup> that this restrictive definition sets "the bar so high that it will be challenging for chemicals to meet the standard, even when there is scientific evidence of harm." As a result, few chemicals will be identified and regulated as endocrine disruptors. **In effect, the Commission's proposal would prevent the EU from effectively protecting its citizens and the environment against the threat of EDCs.**

Specifically, the Commission's proposal is fundamentally flawed because:

- ✘ **The criteria demand an onerous level of proof** for a substance to be defined as an endocrine disruptor. The Commission proposes to identify chemicals as endocrine disruptors only when evidence of *known adverse effects* in humans and wildlife exists. This is a notably stricter approach than current EU practice for chemicals that cause cancer, change DNA or are toxic to reproduction (CMR). Proving a causal relationship between a chemical and its effect in humans is notoriously difficult. In fact, most CMR substances are only presumed to cause these effects.<sup>34 35</sup> In contrast, the proposed criteria replace expert judgement of presumed effects with the much stronger demand that a chemical is *known* to cause an endocrine-disrupting adverse effect relevant for human health.<sup>36</sup>

Few substances will meet this unprecedented standard of proof, including some that are already recognised to be endocrine disruptors. The French, Danish, and Swedish governments for instance conclude<sup>37</sup> that if the proposed criteria were applied, bisphenol A – a widely acknowledged endocrine disruptor that the EU for example has banned in plastic baby bottles – would not be recognised as such. The health impacts of EDCs can take years or even generations to appear, and the Commission's approach would allow chemicals to cause significant harm before they finally are regulated.<sup>38</sup>

- ✘ **It would hinder an effective EU response to substances suspected of endocrine disruption.** Systematic identification of chemicals that may cause endocrine disruption would allow the EU to act on early warning signs and prevent potential harm to its citizens and the environment. Consistent with EU practice for substances of equal concern, such as CMR substances, endocrine disruptors should be classified and regulated using categories that express the degree of concern based on

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<sup>31</sup> Marlene Ågerstrand *et al.*, Open letter in response to the proposed criteria for identification and regulation of endocrine disrupting chemicals, under the PPP and Biocides Regulations, 6 July 2016.

<http://policyfromscience.com/wp-content/uploads/2016/07/Open-Letter-to-Andriukaitis-about-EDC-Criteria.pdf>

<sup>32</sup> Andreas Kortenkamp *et al.* EU regulation of endocrine disruptors. A missed opportunity, *The Lancet Diabetes and Endocrinology*. 1 July 2016. [http://thelancet.com/journals/landia/article/PIIS2213-8587\(16\)30151-6/fulltext](http://thelancet.com/journals/landia/article/PIIS2213-8587(16)30151-6/fulltext)

<sup>33</sup> <https://www.endocrine.org/news-room/current-press-releases/european-commissions-overreaching-decision-fails-to-protect-public-health>

<sup>34</sup> ClientEarth, How will the EU identify EDCs and ban or approve their use? The Commission cannot change the scope and basis of the mechanism through the back door, July 2016.

<http://www.documents.clientearth.org/wp-content/uploads/library/2016-07-08-summary-of-analysis-of-european-commission-proposals-and-legal-requirements-concerning-the-determination-of-scientific-criteria-to-identify-endocrine-disruptors-coll-en.pdf>

<sup>35</sup> Substances presumed to cause endocrine disruption were in fact included in the original 'Option 2' outlined in the Commission roadmap, see [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2014\\_env\\_009\\_endocrine\\_disruptors\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_env_009_endocrine_disruptors_en.pdf)

<sup>36</sup> Andreas Kortenkamp *et al.* EU regulation of endocrine disruptors. A missed opportunity, *The Lancet Diabetes and Endocrinology*. 1 July 2016. [http://thelancet.com/journals/landia/article/PIIS2213-8587\(16\)30151-6/fulltext](http://thelancet.com/journals/landia/article/PIIS2213-8587(16)30151-6/fulltext)

<sup>37</sup> <http://www.regeringen.se/globalassets/regeringen/dokument/miljo--och-energidepartementet/pdf/vytenisandriukaitis.pdf>

<sup>38</sup> See Endocrine Society, Endocrine Society Experts Concerned EU Chemical Criteria Will Not Protect Public, July 2016. <https://www.endocrine.org/news-room/current-press-releases/endocrine-society-experts-concerned-eu-chemical-criteria-will-not-protect-public>



available evidence.<sup>39</sup> The Cosmetics Regulation and the Toy Safety Directive for example prohibit use of known, presumed *and* suspected CMR substances. A parallel approach should be taken for chemicals with endocrine-disrupting properties.

The Commission concludes<sup>40</sup> that EDC criteria must define only what an endocrine disruptor is, not what it may be. We fundamentally disagree. EU pesticides laws expressly address chemicals with endocrine-disrupting properties that *may cause adverse effects* or for which scientific evidence of *probable serious effects* to human health or the environment exists. The proposed criteria thus run counter to the democratic decision of the European Parliament and Member States. Moreover, by excluding potential endocrine disruptors, the Commission disregards the need for precaution on EDCs.

- ✘ **The Commission exceeds its mandate by proposing changes to the law:** first, the Commission proposes to change the wording in the Plant Protection Products Regulation from the conditional 'may cause adverse effects in humans' to the affirmative 'having endocrine disrupting properties with respect to humans'. This change however contradicts the precautionary approach that the co-legislators deliberately chose to underpin the law.

Second, the Commission proposes to broaden the derogation in the Plant Protection Products Regulation from 'negligible exposure' to 'negligible risk'. If this risk-based derogation is adopted, toxic substances that otherwise would be banned under the law's hazard-based approach could be allowed to stay on the market. In effect, the Commission's proposal would thus lower the level of protection sought by the co-legislators. By proposing to change a crucial approval mechanism, the Commission in short exceeds the limits of its delegated powers.<sup>41</sup>

- ✘ **It ignores the political commitment to develop horizontal EDC criteria** applicable to all current and future laws set out in the 7<sup>th</sup> Environmental Action Programme. The Commission's proposal is developed exclusively based on a sectoral view (pesticides). It is however unclear if the proposed criteria can be applied to other sectors or product groups, such as for example cosmetics. Unlike data-rich pesticides, the EU ban on animal testing of cosmetics ingredients means that in many cases insufficient evidence is available to meet the standard of proof proposed by the Commission. If applied to cosmetics and other consumer products, the Commission's proposal could jeopardize the need to protect consumers against chemicals with endocrine-disrupting properties.

As a result of the unprecedented burden of proof and the proposed legal changes, few chemicals will be defined and regulated as endocrine disruptors, even when there is compelling scientific evidence of harm. **We again insist that the Commission amends its proposal according to the recommendations outlined above.**

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<sup>39</sup> See Rémy Slama *et al.*, Scientific Issues relevant to Setting Regulatory Criteria to Identify Endocrine Disrupting Substances in the European Union, Environmental Health Perspectives, 25 April 2016. <http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2016/4/EHP217.acco.pdf>

<sup>40</sup> Communication from the Commission to the European Parliament and the Council on endocrine disruptors and the draft Commission acts setting out scientific criteria for their determination in the context of the EU legislation on plant protection products and biocidal products (COM/16/0350).

<sup>41</sup> See ClientEarth, How will the EU identify EDCs and ban or approve their use? The Commission cannot change the scope and basis of the mechanism through the back door, July 2016. <http://www.documents.clientearth.org/wp-content/uploads/library/2016-07-08-summary-of-analysis-of-european-commission-proposals-and-legal-requirements-concerning-the-determination-of-scientific-criteria-to-identify-endocrine-disruptors-coll-en.pdf>

## 5. How the EU can better protect consumers against EDC

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A renewed political commitment to reduce consumer exposure to EDCs is urgent. The possible public health implications of EDC exposures and the uncertainties in risk assessment underscore the need to respond to early warning signals and to replace EDCs with safer alternatives whenever possible. **BEUC therefore calls on EU leaders to draw up an ambitious agenda on regulating EDCs in all consumer goods with clear objectives and observable deadlines.**

**Where health concerns are raised, it should automatically trigger risk evaluation across legislative 'silos' to ensure swift action in the absence of scientific certainty**

A precautionary approach should be applied in all consumer relevant legislation to reduce exposure to EDCs. This approach needs to include overarching principles on how to reduce EDC exposures, combined with targeted strategies for all product categories, from cosmetics to food contact materials, textiles and toys. Where health concerns are raised in one sector or for one product, it should automatically trigger risk evaluation across legislative 'silos'<sup>42</sup> to fully assess the impact of cumulative exposures and to ensure swift action in the absence of scientific certainty. The EU should systematically make industry responsible for providing sufficient evidence to demonstrate safety. All evidence provided by industry needs to be verified and assessed by independent scientific committees.

The EU should aim for a more holistic and coherent approach to risk management through greater reliance on grouping of chemicals.<sup>43</sup> This would also help avoid situations where a chemical with endocrine-disrupting properties is substituted with chemically related substances with similar hazardous properties. Growing evidence for example suggests that bisphenol F and bisphenol S, two common substitutes for the endocrine disruptor bisphenol A, are also endocrine disruptors.<sup>44</sup> Such 'regrettable substitutions' clearly undermine efforts to protect people and the environment.

Once adopted, **future EDC criteria must be implemented without delay.** Implementing criteria according to our recommendations will for instance contribute to reducing consumer exposure to EDCs found as pesticide residues in food or as active ingredients in e.g. antiseptic hygiene products, insect sprays or antibacterial cleaning products.<sup>45</sup> Based on the criteria, a systematic screening of existing product specific legislation is needed to ensure that all relevant consumer legislation takes EDCs into account. Here we highlight six areas where improvements in particular are urgent.

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<sup>42</sup> Richard M. Evans *et al.*, Should the scope of human mixture risk assessment span legislative/regulatory silos for chemicals? *Science of the Total Environment* 543, November 2015.

<sup>43</sup> <http://www.sciencedirect.com/science/article/pii/S0048969715309785>  
<http://www.oecd.org/chemicalsafety/risk-assessment/groupingofchemicalschemicalcategoriesandread-across.htm>

<sup>44</sup> <http://ehp.niehs.nih.gov/1408989/>

<sup>45</sup> See CHEM Trust and Health and Environment Alliance, Challenges and solutions in the regulation of chemicals with endocrine disrupting properties, no date. [http://www.env-health.org/IMG/pdf/36-\\_heal\\_ct\\_edc\\_criteria\\_briefing\\_paper.pdf](http://www.env-health.org/IMG/pdf/36-_heal_ct_edc_criteria_briefing_paper.pdf)

## 1. Streamline existing REACH processes with regard to EDCs

Chemicals with endocrine-disrupting properties should be subject to **stricter control under REACH**. Based on the EDC criteria, authorities need to assess the endocrine-disrupting potential of registered substances and, where necessary, pursue appropriate risk management measures. Priority should be given to substances likely to come into contact with the public, particularly with vulnerable populations such as infants, women of childbearing age and pregnant women.

**The EDC criteria should also play an important role in determining how many and which EDCs become subject to restrictions or authorisation under REACH.<sup>46</sup> EDCs identified as Substances of Very High Concern (SVHC) should be included on the REACH Authorisation List and phased out without delay.** Member States and the Commission likewise need to consider more restrictions on EDCs in consumer products, especially in imported goods.

**By 2020, the EU has committed to ensure that all relevant substances of very high concern, including those with endocrine-disrupting properties, are placed on the REACH candidate list**

We thus welcome the French government's intention<sup>47</sup> to classify bisphenol A (BPA) as a SVHC on the basis of its CMR *and* endocrine-disrupting properties. Sufficient evidence links BPA to endocrine disruption and it should be phased out in all consumer products.<sup>48</sup> Immediate action is likewise required against the 32 substances with scientifically demonstrated endocrine-disrupting properties included on the SIN ('Substitute It Now') List.<sup>49</sup> The European Chemicals Agency, ECHA, and Denmark have recently proposed<sup>50</sup> extensive restrictions on phthalates in consumer products, including those imported into the EU. We strongly support this proposal.

Under the 7<sup>th</sup> Environmental Program, the EU has committed to "ensure that, by 2020, all relevant substances of very high concern, including substances with endocrine-disrupting properties, are placed on the REACH candidate list."<sup>51</sup> To achieve this goal, Member States need to advance their efforts to identify substances with endocrine-disrupting properties and depending on the outcome to nominate those substances for the candidate list. Member States should also demand that inclusion of SVHCs on the Authorisation List is accelerated.<sup>52</sup>

Against this background, we regret the recent decision to authorise use of the toxic phthalate DEHP in recycled PVC despite the existence of safer alternatives. This decision notably ignores the recommendation<sup>53</sup> of the European Parliament which calls for a swift

<sup>46</sup> See CHEM Trust and Health and Environment Alliance, Challenges and solutions in the regulation of chemicals with endocrine disrupting properties, no date. [http://www.env-health.org/IMG/pdf/36-heal\\_ct\\_edc\\_criteria\\_briefing\\_paper.pdf](http://www.env-health.org/IMG/pdf/36-heal_ct_edc_criteria_briefing_paper.pdf)

<sup>47</sup> <http://echa.europa.eu/registry-of-current-svhc-intentions/-/substance-rev/12537/term>

<sup>48</sup> BEUC, Bisphenol A Should Be Phased Out from Consumer Products, March 2011.

<http://www.beuc.eu/publications/2011-00248-01-e.pdf>

<sup>49</sup> See ChemSec, The 32 to leave behind. The most well-founded list of EDCs relevant for REACH, no date.

[http://chemsec.org/images/The\\_32\\_to\\_leave\\_behind\\_-\\_EDC\\_folder.pdf](http://chemsec.org/images/The_32_to_leave_behind_-_EDC_folder.pdf)

<http://echa.europa.eu/registry-of-submitted-restriction-proposal-intentions/-/substance-rev/13107/term>

<sup>51</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386>

<sup>52</sup> See European Environmental Bureau, A Roadmap to Revitalise REACH, November 2015.

<http://www.eeb.org/index.cfm/library/a-roadmap-to-revitalise-reach/>

<sup>53</sup> European Parliament resolution of 25 November 2015 on draft Commission Implementing Decision XXX granting an authorisation for uses of bis(2-ethylhexyl) phthalate (DEHP) under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (D041427 – 2015/2962(RSP))

end to the use of DEHP in all remaining applications. This decision risks setting a dangerous precedent that could compromise the EU's commitment to replace toxic substances with safer alternatives.<sup>54</sup>

## 2. Amend the Cosmetics Regulation with regard to EDCs

Substances with endocrine-disrupting properties are widely used as ingredients in cosmetic products, for example as preservatives. In joint test<sup>55</sup> of 66 cosmetic products, BEUC and International Consumer Research and Testing (ICRT), in collaboration with our British, Danish, French and Swiss members, found high levels of substances known to have endocrine-disrupting properties. Similarly, the Norwegian Consumer Council found<sup>56</sup> that one in two lip balms contained one or more suspected EDCs. Although in all cases within legal concentration limits, **EU laws do not consider or regulate the cumulative chemicals exposure from daily use of multiple cosmetic products. This suggests that the health of consumers is potentially placed at unacceptable risk.**<sup>57</sup>

**The Commission has failed to assess whether the Cosmetics Regulation is fit to protect consumers against cosmetics ingredients with endocrine-disrupting properties**

The Cosmetics Regulation instructs the Commission to review the regulation when Community or internationally agreed criteria for identifying substances with endocrine-disrupting properties are available, or **at the latest by 11 January 2015**.<sup>58</sup> Despite this clear deadline, the Commission has so far failed to assess whether the Cosmetics Regulation is fit to protect consumers against cosmetics ingredients with endocrine-disrupting properties. We strongly criticise this delay which may create unnecessary health risks for consumers.

The Austrian government has called on the Commission to present before the end of 2016 a concrete proposal for amending the EU Cosmetics regulation with regard to endocrine disruptors.<sup>59</sup> BEUC strongly supports this initiative.

**It is paramount that a future amendment to the Cosmetics Regulation with regard to endocrine disruptors protect consumers effectively, including from cumulative exposures.** Once EDC criteria have been adopted, the Commission should therefore

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<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2015-0409+0+DOC+PDF+V0//EN>

<sup>54</sup> See e.g. European Environmental Bureau, Stop! EEB sees red over DEHP authorisation application for PVC, no date. <http://www.eeb.org/index.cfm/library/stop-eeb-sees-red-over-dehp-authorisation-application-for-pvc/>

<sup>55</sup> BEUC & ICRT, Endocrine disrupting chemicals – analysis of 66 everyday cosmetic and personal care products, 21 June 2016. <http://www.beuc.eu/publications/2013-00461-01-e.pdf>

<sup>56</sup> <http://www.forbrukerradet.no/test/tester/leppepomade/>

<sup>57</sup> See BEUC & ICRT, Endocrine disrupting chemicals – analysis of 66 everyday cosmetic and personal care products, 21 June 2016. <http://www.beuc.eu/publications/2013-00461-01-e.pdf>

<sup>58</sup> Art. 15(4) of the Cosmetics Regulation instructs the Commission to review the regulation with regard to substances with endocrine-disrupting properties when "Community or internationally agreed criteria for identifying substances with endocrine-disrupting properties are available, or at the latest on 11 January 2015."

<sup>59</sup> [http://www.ots.at/presseaussendung/OTS\\_20160129\\_OTS0092/oberhauser-fordert-aenderung-der-eu-kosmetikverordnung-und-schutz-vor-hormonell-wirksamen-stoffen](http://www.ots.at/presseaussendung/OTS_20160129_OTS0092/oberhauser-fordert-aenderung-der-eu-kosmetikverordnung-und-schutz-vor-hormonell-wirksamen-stoffen)

launch a comprehensive screening of all ingredients approved for use in cosmetic products to assess their known *and* potential endocrine-disrupting properties. Where a substance can plausibly be linked to adverse effects, its use in cosmetics should be restricted – or prohibited altogether.

### 3. Strengthen sector and product legislation

Robust chemical provisions are non-existent for many consumer products.<sup>60</sup> REACH will not compensate for these deficits as consumer goods – particularly imported ones – are barely covered under REACH. Moreover, current EU chemicals-related legislation regulating consumer products largely fail to set sufficiently ambitious thresholds to ensure adequate protection of consumer health.

BEUC urges the Commission to review all consumer relevant legislation to ensure that the risks associated with EDCs are adequately controlled. We in particular see a need to strengthen requirements on chemicals with endocrine-disrupting properties in the Toy Safety Directive<sup>61</sup> and under the Regulation on Food Contact Materials,<sup>62</sup> while special precautions for EDCs in medical devices are needed.<sup>63</sup> A product-specific approach to tackle EDCs in textiles must also be considered.<sup>64</sup> A clear deadline for this exercise is required to guarantee that current loopholes are closed without delay.

### 4. Protect consumers through a powerful EU Market Surveillance System

Enforcement of EU consumer and chemicals-related laws remains inadequate. In 2015, **25 per cent of total of notifications to the EU RAPEX system were related to chemical risks**,<sup>65</sup> including toys containing phthalates, a category of industrial chemicals known for their endocrine-disrupting properties.

**Good laws are irrelevant if they are not enforced**

However, as a result of inefficient and ineffective market surveillance activities and a lack of clear rules with regard to chemicals in consumer products, **this figure likely represents only the tip of the iceberg**. From a consumer perspective, it is unacceptable that no EU harmonised market surveillance system is in place to ensure meaningful controls in all Member States. Stricter market surveillance rules are urgently needed.

In February 2013, the European Commission proposed a Consumer Product Safety Regulation and a Market Surveillance Regulation. This package contains important innovations to enhance product safety, such as new rules on better traceability throughout product supply chains.<sup>66</sup> Despite backing from the European Parliament, Member States continue to block this badly needed overhaul of the system. We regret this standstill which

<sup>60</sup> See ANEC, Hazardous chemicals in products - The need for enhanced EU regulations, June 2014. <http://www.anec.eu/attachments/ANEC-PT-2014-CEG-002.pdf>

<sup>61</sup> ANEC and BEUC, EU Subgroup on chemicals in toys fails its mission. Critical review, November 2012. <http://www.beuc.eu/publications/2012-00799-01-e.pdf>

<sup>62</sup> See e.g. Health and Environment Alliance (HEAL), Food contact materials and chemical contamination, February 2016. [http://www.env-health.org/IMG/pdf/15022016\\_-\\_heal\\_briefing\\_fcm\\_final.pdf](http://www.env-health.org/IMG/pdf/15022016_-_heal_briefing_fcm_final.pdf)

<sup>63</sup> BEUC, Position on the Regulations on medical devices, March 2013. [http://www.beuc.eu/publications/beuc-x-2013-031\\_ipa\\_medical\\_devices-beuc\\_updated\\_position-final.pdf](http://www.beuc.eu/publications/beuc-x-2013-031_ipa_medical_devices-beuc_updated_position-final.pdf)

<sup>64</sup> ANEC and BEUC, Protecting consumers from hazardous chemicals in textiles, March 2016. [http://www.beuc.eu/publications/beuc-x-2016-020\\_protecting\\_consumers\\_from\\_hazardous\\_chemicals\\_in\\_textiles.pdf](http://www.beuc.eu/publications/beuc-x-2016-020_protecting_consumers_from_hazardous_chemicals_in_textiles.pdf)

<sup>65</sup> European Commission, Press release. Protecting European consumers: toys and clothing top the list of dangerous products detected in 2015, Brussels, 25 April 2016. [http://europa.eu/rapid/press-release\\_IP-16-1507\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1507_en.htm)

<sup>66</sup> ANEC and BEUC, Position Paper on European Commission proposal for a Consumer Product Safety Regulation, June 2013. <http://www.beuc.eu/publications/2013-00394-01-e.pdf>

places consumers at unnecessary and unacceptable risk. Good laws are irrelevant if they are not enforced. **Member States should promptly agree to a common European market surveillance framework that will ensure a coherent and consistent approach to the presence of dangerous chemicals, such as phthalates, in consumer goods.**

## 5. Improve transparency about EDCs in consumer products

At present, there is a serious lack of information on which products contain chemicals with endocrine-disrupting properties. As a result, it is almost impossible for consumers to avoid these harmful chemicals. **More transparency about EDCs is essential in particular for products which consumers come in direct, close or regular contact with**, such as bed mattresses or textiles.

Article 33 of REACH establishes the consumers' right to be informed about substances of very high concern present in products. It is however generally recognised that this mechanism falls short and needs to be strengthened.<sup>67</sup> Research<sup>68</sup> undertaken by BEUC and our members for example found that consumers experience severe difficulties in accessing information and that companies rarely have sufficient knowledge of their obligations under REACH. At the same time, of the close to 800 chemicals with known or suspected endocrine-disrupting properties,<sup>69</sup> only a tiny fraction is included on the REACH Candidate list. Consumers are in short denied reliable information about the vast majority of chemicals that may present a risk to their health, including those suspected of being EDCs.

**Given the little information available, it is almost impossible for consumers to avoid products that contain EDCs**

The European Parliament has urged "the Commission and the Member States to take greater account of the fact that consumers need to have reliable information – presented in an appropriate form and in a language that they can understand – about the dangers of endocrine disrupters, their effects, and possible ways of protecting themselves."<sup>70</sup> We strongly support this recommendation.

The EU should increase funding for organisations that work to inform the public about EDCs, where they can be found and how they can be avoided. The Danish Consumer Council has for example created a smartphone app, 'kemiluppen', which helps consumers avoid cosmetics and personal care products with undesirable substances.<sup>71</sup> By scanning the product barcode consumers can access a chemical database and get answers immediately. At present, this database contains information on more than 6.900 products, some 1.800 of which contains risky substances.<sup>72</sup> To date, the app has been downloaded more than

<sup>67</sup> See ECHA, Report on the Operation of REACH and CLP 2016, May 2016.

[http://echa.europa.eu/documents/10162/13634/operation\\_reach\\_clp\\_2016\\_en.pdf](http://echa.europa.eu/documents/10162/13634/operation_reach_clp_2016_en.pdf)

<sup>68</sup> BEUC, Chemicals, Companies and Consumers - How much are we told? October 2011.

<http://www.beuc.eu/publications/2011-09794-01-e.pdf>

<sup>69</sup> See e.g. Andrea C. Gore *et al.*, Introduction to Endocrine Disrupting Chemicals (EDCs). A Guide for Public Interest Organizations and Policy-Makers, Endocrine Society and IPEN, December 2014.

[https://www.motherjones.com/files/introduction\\_to\\_endocrine\\_disrupting\\_chemicals.pdf](https://www.motherjones.com/files/introduction_to_endocrine_disrupting_chemicals.pdf)

<sup>70</sup> European Parliament resolution of 14 March 2013 on the protection of public health from endocrine

disrupters (2012/2066(INI)). [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0091+0+DOC+XML+V0//EN)

[//EP//TEXT+TA+P7-TA-2013-0091+0+DOC+XML+V0//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0091+0+DOC+XML+V0//EN)

<sup>71</sup> <http://kemi.taenk.dk/bliv-groennere/kemiluppen-runder-2-millioner-scanninger>

<sup>72</sup> If a product is not in the database, consumers can via the app submit snapshots of the product and its ingredient list and ask that the product is assessed. When the product is assessed, the consumer receives an email with the answer. The answer is also accessible to all others who scan the product.

100,000 times, and consumers have scanned more than 2 million products.<sup>73</sup> We encourage EU leaders to provide funding to allow this and other innovative tools to be replicated by NGOs in other countries.

**Greater transparency about known and suspected EDCs in consumer products would in short allow consumers to make informed choices on how to protect their health.** Above all, however, we emphasise that improved transparency under no circumstance should shift responsibility to the consumer for avoiding exposure. Only far reaching regulatory measures as set out above are an acceptable solution to protect consumer health and safety.

## 6. Revise the Community EDC Strategy

Given the mounting evidence<sup>74</sup> unequivocally linking EDCs to chronic diseases and severe disorders, the EU needs to revise the outdated 1999 Community EDC strategy<sup>75</sup> on how to protect the health of current and future generations. A primary policy objective must be to lower human and environmental exposures to EDCs. A reinvigorated EDC strategy should increase support for research to address data gaps and to develop the scientific understanding regarding thresholds and low-dose adverse effects.<sup>76</sup> BEUC would in particular welcome initiatives that will achieve a better scientific understanding of the effects of exposures during critical windows of development such as fetuses, young children and pregnant women.

Risk assessment and risk management methods further need to be updated to take into account low-dose effects of EDCs as well as the combined effect of different chemicals.<sup>77</sup> Current EU legislation does not support a comprehensive and integrated assessment of the cumulative effects of different chemicals. In its 2012 Communication on Combination effects of Chemicals,<sup>78</sup> the Commission committed to develop by June 2014 technical guidelines to promote a consistent approach to the assessment of priority mixtures across different EU laws. This has not happened.

BEUC urges the Commission to publish as soon as possible guidance documents promoting an integrated and coordinated assessment across all relevant EU laws. Testing requirements should also be updated to fully assess the impact of total EDC exposures and of cumulative impacts, corresponding to the reality of our exposure.

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<sup>73</sup> <http://kemi.taenk.dk/bliv-groennere/kemiluppen-runder-2-millioner-scanninger>

<sup>74</sup> See e.g. A. C. Gore *et al.*, EDC-2: The Endocrine Society's Second Scientific Statement on Endocrine-Disrupting Chemicals, November 2015. <https://www.endocrine.org/~media/endosociety/files/publications/scientific-statements/edc-2-scientific-statement.pdf?la=en>

<sup>75</sup> Communication from the Commission to the Council and the European Parliament - Community strategy for endocrine disruptors - A range of substances suspected of interfering with the hormone systems of humans and wildlife (COM/99/0706).

<sup>76</sup> See Genon K. Jensen and Lisette van Vliet, Revising the EU Strategy on endocrine disruptors: nearing a decisive moment, *Journal of Epidemiology & Community Health*, 9 November, 2012. [http://www.env-health.org/IMG/pdf/jech\\_commentary\\_eu\\_edc\\_strategy\\_heal\\_website\\_.pdf](http://www.env-health.org/IMG/pdf/jech_commentary_eu_edc_strategy_heal_website_.pdf)

<sup>77</sup> See Andrea C. Gore *et al.*, Introduction to Endocrine Disrupting Chemicals (EDCs). A Guide for Public Interest Organizations and Policy-Makers, Endocrine Society and IPEN, December 2014. [https://www.motherjones.com/files/introduction\\_to\\_endocrine\\_disrupting\\_chemicals.pdf](https://www.motherjones.com/files/introduction_to_endocrine_disrupting_chemicals.pdf)

<sup>78</sup> European Commission, Communication from the Commission to the Council. The combination effects of chemicals Chemical mixtures, May 2012. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0252&from=EN>

## 6. Industry must assume responsibility and phase out EDCs

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Chemicals with endocrine-disrupting properties must be replaced with safer alternatives. Chemicals manufacturers and their downstream customers therefore need to phase out the use of such substances in all consumer products. The evidence from our members' comparative product tests tells a compelling story: across diverse product groups, EDCs are present in some but not in all products. (See annex) Moreover, neither price nor brands appear to be a decisive factor. For example, in a test<sup>79</sup> of 16 BB creams, Test-Achats/Test-Aankoop, our Belgian member, found EDCs in three expensive brand creams, but none in the cheaper alternatives. In a test of anti-aging creams, UFC-Que Choisir likewise found EDCs in some expensive products, but not in the cheaper alternatives.<sup>80</sup> **The evidence provided by our members thus demonstrate that more often than not safer alternatives do exist.**

**Expensive does not necessarily mean 'EDC free'. Our French and Belgian members found EDCs in some expensive brand creams, but not in the cheaper alternatives**

Industry needs to live up to its repeated claims of safety and social responsibility. **Our recommendation is clear: invest in safer alternatives and phase out chemicals with endocrine-disrupting properties whenever possible.** Progressive companies have already committed to substitution.<sup>81</sup> Danish retailer company, COOP, has for example announced<sup>82</sup> that it will remove bisphenol A from food cans in all the Group's own brands. H&M, IKEA, Kingfisher and Skanska are global companies dedicated<sup>83</sup> to identify and phase out substances with endocrine disrupting properties in their products. This shows that choosing peoples' health and the environment over profit is not only the responsible approach; it is good for business!

## 7. TTIP and Better Regulation distract the EU from regulating EDCs

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Against the backdrop of scandalous delays in regulating EDCs, the EU and the U.S. entered the TTIP negotiations with a focus on reducing non-tariff barriers. BEUC sees a clear risk that **current TTIP proposals would freeze progress on reducing consumer exposure to EDCs.**<sup>84</sup> Regrettably, the threat that strong EDC criteria would jeopardise TTIP appears already to have had an adverse effect on the EU decision-making process.<sup>85</sup> The unambitious and inadequate criteria proposed by the Commission on 15 June only confirm these concerns. We expect that with the conclusion of a formal agreement, this regulatory freeze will intensify.

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<sup>79</sup> <https://www.test-achats.be/sante/soins-du-corps/news/bb-et-cc-cremes-pas-de-miracles>

<sup>80</sup> <https://www.quechoisir.org/comparatif-creme-antiride-n103/>

<sup>81</sup> ChemSec, The bigger picture. Assessing economic aspects of chemicals substitution, February 2016. [http://chemsec.org/wp-content/uploads/2016/03/The\\_bigger\\_picture\\_160217\\_print.pdf](http://chemsec.org/wp-content/uploads/2016/03/The_bigger_picture_160217_print.pdf)

<sup>82</sup> <https://om.coop.dk/presse/pressemeddelelser.aspx?nyhedid=13766>

<sup>83</sup> <http://chemsec.org/wp-content/uploads/2016/06/Company-letter-to-the-Commission-2016-06.pdf>

<sup>84</sup> BEUC, The incompatible chemistry between the EU and the US. BEUC position on chemicals in TTIP, January 2016. [http://www.beuc.eu/publications/beuc-x-2016-007\\_beuc\\_ttip\\_and\\_chemicals\\_position\\_paper.pdf](http://www.beuc.eu/publications/beuc-x-2016-007_beuc_ttip_and_chemicals_position_paper.pdf)

<sup>85</sup> Stéphane Horel and Corporate Europe Observatory, A Toxic Affair: How the Chemical Lobby Blocked Action on Hormone Disrupting Chemicals, May 2015. [http://corporateeurope.org/sites/default/files/toxic\\_lobby\\_edc.pdf](http://corporateeurope.org/sites/default/files/toxic_lobby_edc.pdf)



In parallel, the Commission has launched a fitness check of EU chemicals legislation (except REACH) and a separate REFIT evaluation of the REACH regulation. Much like the TTIP negotiations, these REFIT exercises focus narrowly on identifying regulatory burdens to industry, quantifying costs, and eliminating redundancies.<sup>86</sup> This unbalanced emphasis on regulatory costs diverts attention from a progressive agenda on regulating chemicals of concern in consumer products, such as EDCs.

The Commission has repeatedly claimed that neither the TTIP negotiations nor its Better Regulation agenda threaten the EU's high standards of protection. Given that the primary objective of both agendas is the elimination of regulatory costs to businesses<sup>87</sup> – not the development of more ambitious EU policies to protect consumers – these claims have never been particularly convincing.

TTIP and the Better Regulation drive must not serve to distract the EU from an ambitious agenda on better protecting consumers against chemicals with endocrine-disrupting properties. We remind EU leaders that safety delayed is all too often safety denied. If we are serious about protecting people's health and the health future generations, Europe's inaction on endocrine disruptors must come to an end.

**If we are serious about protecting people's health and the health of future generations, Europe's inaction on endocrine disruptors must come to an end**

END

<sup>86</sup> ANEC and BEUC, Regulatory fitness check of chemicals legislation except REACH – a consumer view, May 2016. [http://www.beuc.eu/publications/beuc-x-2016-048\\_anec\\_beuc\\_chemicals\\_refit.pdf](http://www.beuc.eu/publications/beuc-x-2016-048_anec_beuc_chemicals_refit.pdf)

<sup>87</sup> See e.g. Pieter de Pous, Better Regulation. TTIP under the Radar? European Environmental Bureau, January 2016. <http://www.eeb.org/index.cfm/library/better-regulation-ttip-under-the-radar/>



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## ANNEX - Non-exhaustive list of BEUC members' comparative product tests, 2013-2016

BEUC Member	Country	Product/ Product group	No. tested products	Products with unwanted substances	Substance(s) found
<b>Altroconsumo</b>	Italy	Anti-aging creams	15	5	Propylparaben, butylparaben and/or octyl methoxycinnamate
<b>Altroconsumo</b>	Italy	BB creams	14	7	Propylparaben, butylparaben and/or octyl methoxycinnamate
<b>Danish Consumer Council</b>	Denmark	Canned peeled tomatoes	8	5	Bisphenol A
<b>Danish Consumer Council</b>	Denmark	'Loombands' (toy)	5	4	DEHP <sup>i</sup>
<b>Danish Consumer Council</b>	Denmark	Food contact materials (paper)	16	4	Fluorinated substances
<b>Danish Consumer Council</b>	Denmark	Chewing gum	150	92	BHA <sup>ii</sup> or BHT <sup>iii</sup>
<b>Danish Consumer Council</b>	Denmark	Baby sleeping bags	8	2	DEHP and fluorinated substances
<b>Danish Consumer Council</b>	Denmark	Headphones	16	2	Phthalates (DEHP, DIBP <sup>iv</sup> and DINP <sup>v</sup> )
<b>Danish Consumer Council</b>	Denmark	Prams	7	3	DEHP, TCEP <sup>vi</sup> and/or TDCP <sup>vii</sup>
<b>Danish Consumer Council</b>	Denmark	Pushchairs	8	4	TCP <sup>viii</sup> or chlorinated paraffins
<b>Danish Consumer Council</b>	Denmark	Microwave popcorn	9	9	Fluorinated compounds
<b>Danish Consumer Council</b>	Denmark	Schoolbags	9	3	Phthalates (DEHP, DBP <sup>x</sup> and DPHP <sup>x</sup> ) and/or chlorinated paraffins
<b>Danish Consumer Council</b>	Denmark	Winter mittens	11	9	Fluorinated substances and/or nonylphenol ethoxylates
<b>Danish Consumer Council</b>	Denmark	Pesto	8	1	DEHP
<b>Danish Consumer Council</b>	Denmark	Vitamins	12	3	BHT

BEUC Member	Country	Product/ Product group	No. tested products	Products with unwanted substances	Substance(s) found
<b>Danish Consumer Council</b>	Denmark	Game controllers	12	4	Phthalates (DPHP, DEHP and DINP), chlorinated parafins and/or TCPP
<b>Danish Consumer Council</b>	Denmark	Child restraints	52	2	DINP or TCPP
<b>Danish Consumer Council</b>	Denmark	Lip balms	89	24	Benzophenone-3, BHA, BHT, propylparaben, ethylparaben, methylparaben and /or ethylhexyl methoxycinnamate
<b>Danish Consumer Council</b>	Denmark	Sunscreens	66	13	Ethylhexyl methoxycinnamate, benzophenone-3, ethylparaben, methylparaben, BHT, and /or cyclopentasiloxane
<b>Danish Consumer Council</b>	Denmark	Personal care products (From the App 'Kemiluppen')	6.944	1.741	Parabens, BHT, triclosan, BHA, ethylhexyl methoxycinnamate and/or benzophenones
<b>Danish Consumer Council</b>	Denmark	Toothpastes	32	4	Triclosan, methylparaben and/or propylparaben
<b>DECO PROTESTE</b>	Portugal	Deodorants	15	1	Ethylhexyl methoxycinnamate
<b>Norwegian Consumer Council</b>	Norway	Children's jackets	6	3	PFOA <sup>xi</sup>
<b>Norwegian Consumer Council</b>	Denmark	Lip balms			Benzophenone-3, ethylhexyl methoxycinnamate, ethylparaben, methylparaben, propylparaben and/or BHT
<b>Norwegian Consumer Council</b>	Norway	Cleaning wipes	18	4	Propylparaben and/or methylparaben
<b>Norwegian Consumer Council</b>	Norway	Sunscreens	35	11	Propylparaben, methylparaben and/or ethylhexyl methoxycinnamate
<b>Norwegian Consumer Council</b>	Norway	Deodorants	40	10	Cyclometicone, BHT and/or cyclopentasiloxane
<b>Stiftung Warentest</b>	Germany	Soft toys	30	2	DIBP
<b>Stiftung Warentest</b>	Germany	Anti-aging creams	9	3	Methyl, propyl and/or ethylparaben
<b>Stiftung Warentest</b>	Germany	Fan make-up (cosmetic)	12	4	Phthalates (DEHP, DIBP, DBP and/or BBP <sup>xii</sup> )

BEUC Member	Country	Product/ Product group	No. tested products	Products with unwanted substances	Substance(s) found
<b>Test-Achats/Test-Aankoop</b>	Belgium	BB creams	16	7	Propylparaben
<b>Test-Achats/Test-Aankoop</b>	Belgium	Anti-aging creams	17	5	Propylparaben, butylparaben and/or octyl methoxycinnamate
<b>UFC Que-Choisir</b>	France	Sunscreens	17	7	Ethylhexyl methoxycinnamate and/or cyclopentasiloxane
<b>UFC Que-Choisir</b>	France	Anti-aging creams	15	3	Ethylhexyl methoxycinnamate and/or cyclopentasiloxane
<b>UFC Que-Choisir</b>	France	Baby wipes	21	4	Propyl and/or butylparaben
<b>UFC Que-Choisir</b>	France	Make up set for kids	8	4	Propylparaben
<b>UFC Que-Choisir</b>	France	Carnival kits	10	5	Propylparaben and/or lead
<b>UFC Que-Choisir</b>	France	Deodorants (Men)	6	4	Cyclopentasiloxane
<b>UFC Que-Choisir</b>	France	Deodorants (Women)	16	5	Cyclopentasiloxane and propylparaben
<b>UFC Que-Choisir</b>	France	Toothpastes	16	2	Triclosan or propylparaben
<b>UFC Que-Choisir</b>	France	Personal care products	237	126	Benzophenones, BHA, ethylhexyl methoxycinnamate, cyclopentasiloxane, cyclotetrasiloxane, sodium propylparaben, propylparaben and/or butylparaben

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- i Bis(2-ethylhexyl) phthalate
  - ii Butylated hydroxyanisole
  - iii Butylhydroxytoluene
  - iv Diisobutyl phthalate
  - v Diisononyl phthalate
  - vi Tris (2-chloroethyl) phosphate
  - vii Tris (1,3-dichloro-2-propyl) phosphate
  - viii Tris (1,3-dichloroisopropyl) phosphate
  - ix Dibutyl phthalate
  - x Di(2-Propyl Heptyl) phthalate
  - xi Perfluorooctanoic acid
  - xii Benzyl butyl phthalate