UNIE VAN WATERSCHAPPEN

vewin association of Dutch water companies

Position Paper REACH Revision

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Towards a stronger EU chemicals policy to protect water resources

The European Commission is currently revising the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation, with the aim of streamlining the regulatory framework, modernizing the legislation, and strengthening protection of human health and the environment.

Dutch drinking water companies (united in Vewin) and Dutch water authorities regularly detect hazardous chemicals in surface water and drinking water sources. These pollutants degrade water quality, harm human health and the environment, and complicate water purification. Addressing pollution at the source, in line with important EU principles like the precautionary and polluter-pays principles, is therefore essential.

The omnipresence of substances like Melamine and PFAS in the Rhine and Meuse rivers highlight the need for stronger regulation of chemical discharges. This includes improved market-entry conditions, granting of permits, supervision and enforcement. Due to the transboundary nature of water, this has to be coordinated at the EU level.

The current revision of the REACH Regulation, and its link to other EU legislation that targets (harmful) emissions and substance classification offers an opportunity to create a more coherent and efficient regulatory framework to protect European waters, as well as providing clarity to EU businesses.

Strengthening REACH legislation is essential to achieve the goals of the Water Framework Directive (WFD), Groundwater Directive (GWD), and Environmental Quality Standards Directive (EQSD), and is vital to protect (sources of) drinking water and promote source-based pollution control.
Proper classification within the Classification, Labelling and Packaging (CLP) Regulation, emission control via the Industrial Emissions Directive (IED) and well-functioning restriction and authorization procedures under REACH form the foundation for identifying hazardous substances and preventing water pollution and regrettable substitutions. Better alignment simplifies the implementation of the framework, as well as provides clarity to businesses, governments and citizens. The new CLP hazard classes for persistent and mobile substances (e.g., PMT, vMvP) present opportunities for strengthened regulatory action.

Our key-messages are:

- **Introduce a grouping assessment and implement a Mixture Assessment Factor (MAF) to improve risk assessment and prevent future chemical crises like PFAS.**
- **Ensure that substances classified as PMT and vMvP are designated as Substances of Very High Concern (SvHC) under REACH similar as substances of article 57a-e.**
- **Extend REACH Article 68.2 to fast-track restrictions on these hazardous substances.**
- **Insist on a strict and rapid implementation of a universal PFAS restriction.**
- **Lower the current 1-tonne threshold required for substance registration.**

These recommendations are further explained below.

Introduce a grouping assessment, implement a mixture assessment factor (MAF) and lower the current threshold for substance registration.

REACH aims to assess the risks of chemical substances before they reach the market. This assessment is very important to protect water quality and drinking water resources and is in line with the precautionary principle. However, regrettable substitutions—like replacing one specific regulated PFAS with another, similarly toxic, but not yet formally restricted PFAS, —continue to occur. Improvements are needed to avoid a repeat of such crises:

- **Group Similar Substances**: Assessing and regulating chemical groups rather than individual substances will reduce harmful substitutions and encourage safer alternatives.
- **Introduce a Mixture Assessment Factor (MAF):** This will account for the combined effects of chemical mixtures, which are currently overlooked. MAFs have already been developed[1], demonstrating that these instruments are viable tools.
- **Lower the 1-tonne threshold:** this will lead to the registration of more potentially harmful substances that are currently avoiding registration under REACH.

Optimize procedures for identification and restriction within reach

REACH is the main EU tool to protect human health and the environment from risks that can be posed by chemicals, but we have to make sure it serves that purpose effectively. This is done by better and earlier identification of the intrinsic properties of chemical substances and by taking measures, such as phasing out or restricting substances of very high concern (SVHC). In the current regulation hazardous groups of substances for water (PMT, vPvM substances) are overlooked and procedures to restrict these according to article 57-f are too slow, causing chemicals with hazardous properties to continue polluting the environment.

To better protect health and the environment while providing clarity to industry, REACH should be streamlined:

- **Add the Hazard classes PMT (persistent, mobile, toxic) and vPvM (very persistent, very mobile) to article 57 a-e:** By this they are automatically regarded as substance of very high concern (SVHC), providing the regulatory basis for local authorities to minimize these emissions.
- **Extend the fast track restriction process of article 68.2 to the most hazardous chemical classes for faster, simpler prohibitions.** To prevent future regrettable substitutions, as we have seen happen with different PFAS types, it is crucial that PBT/vPvB AND PMT/vPvM substances are regulated with highest priority, as originally planned by the Commission. Without this, we risk repeating the mistakes of the past, allowing hazardous chemicals to accumulate in the environment and cause irreversible and widespread harm.

The need for swift procedures and a universal PFAS ban

The omnipresence of PFAS substances in the environment has become a major concern for citizens and European governments. They are found in soil, air, rain, seawater, surface water, groundwater and drinking water. This is why the European water sector fully support the REACH restriction proposal the Netherlands submitted together with other EU Member States. A universal ban on PFAS

[1] https://www.sleutelfactortoxiciteit.nl/key-factor-toxicity-introduction

substances is necessary to prevent further contamination of the aquatic environment and drinking water sources. The proposal aims to swiftly and fully restrict the use of PFAS. An universal ban will not only halt pollution and contribute towards the promised toxic-free environment and protect the health of EU citizens, it will also provide the necessary clarity for EU industries, which is crucial for their resilience and competitiveness. The fact that the REACH procedures takes almost 10 years between initiative and implementation illustrate the need for a fast track restriction process. We strongly emphasise the necessity of rapidly implementing a comprehensive and universal ban of these toxic ‘forever chemicals’.