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Danielle Freilich, the Swedish Construction Federation
danielle.freilich@bygg.org

Does REACH meet the needs of the construction industry?

Introduction

Have you ever considered that a building from the beginning of last century consisted of only a few types of materials such as wood, stone, brick and that the paints were usually based on linseed oil? Today, an estimated 45,000 different materials and products are used in building and civil engineering activities in Sweden. And the consumption of chemicals is of great concern to the construction sector.

Furthermore, did you also know that very little is known about the chemicals contained in construction materials and products, and that no serious overview has ever been undertaken?

I'm Danielle Freilich from the Swedish Construction Federation. We are the trade and employers' association of the private construction companies, which represents the interests of the construction industry in Sweden.

Approximately 35 % of the chemical products used by the construction industry contain potentially dangerous substances that can cause cancer, damage genetic material or accumulate in the environment or human bodies. Substances used in construction materials and products have a long life span and can therefore have a long-term impact on the indoor and outdoor environment. More than 80% of the time the average person spends within a building, they are being subjected to continuous exposure to the various substances contained within it. Eventually all buildings are demolished and turned into waste. Forty per cent of all waste comes from the construction sector.

The large volumes of material used in construction, and generated in waste resulting from construction activities, together with the long life span of buildings and the residual effects of waste materials (which are usually land filled) further increase the impact of these substances on health and the environment.

Over the years, the construction sector has encountered a significant number of problems resulting from inadequate information about the environmental effects of chemicals used in construction products. One pertinent example is the broad use of asbestos as an insulating product; another pertinent example are products containing PCBs, used in jointing materials between concrete blocks. Up to 600 tons of PCBs have to be recovered in Sweden through painstaking and expensive procedures each year.

The Swedish Construction Federation welcomes the reform of European chemicals regulations. The current legislative structure is in great need of simplification and upgrading if we are to ensure a balance between the protection of environment and health and the competitiveness of downstream-users' industries. It is undesirable that chemicals should continue to cause concern and insecurity and lead to expensive remediation programs.

Environmental concern

The Swedish construction industry has promoted strategies that take environmental concerns into account. This has largely influenced by both market forces and our members desire to promote sound environmental policies that are beneficial to both the industry and their clients. Many companies have already adopted their own environmental policies, including the strict control of chemicals.

In 2003, Sweden's four largest construction companies and the Swedish Construction Federation joined forces to begin the gradual elimination of chemicals of very high concern from the construction sector. An R&D-project, called *BASTA*, has received financial support from the European LIFE fund. The main objective of the project is to establish an industry standard for maximum levels of dangerous substances in construction products, and to demonstrate a system for phasing out construction products that contain very dangerous substances. *BASTA* should be seen as an attempt to live up to the coming REACH-legislation.

Will the present REACH-proposal meet the construction industry's needs?

We believe that the present proposal has the potential to significantly increase health and environmental protection by both providing extensive information about the chemicals currently used in the construction sector and phasing out the most dangerous ones. However, certain aspects of the proposal need to be modified and I will concentrate on a couple of them

Duty of care

The substitution principle should form an important part of the new chemicals legislation, which the present REACH proposal does not.

The Swedish Construction Federation considers it very important to consistently substitute a toxic or otherwise dangerous chemical agent with a less toxic or less dangerous whenever possible. Over the years, experience has demonstrated that the substitution principle has contributed to the development of less dangerous construction products. This principle should therefore be a part of the new legislation and not be left to voluntary action.

Authorisation procedures

Particularly hazardous substances should be blacklisted and, accordingly, banned. Exemptions should be granted only when it is clear, after a thorough investigation, that there is no safer alternative available, and only if the social or economic advantages are greater than the risks involved in manufacturing, distributing and using the substance. Products containing particularly hazardous substances should not be authorized just because the producer or importer can show that it has been used under "adequate control". Substitutions should always be considered.

Whenever an exemption is granted, producers and users must take precautions in order to minimize the risks. All exemptions must be granted within a strict time limit.

Blacklisted substances and products or articles containing an exempted blacklisted substance must be clearly marked with information stating that they contain an exempted blacklisted substance.

Information flow and substances in articles

It is important that information about the potential environmental impact of a chemical is available to the public. Significant information on chemicals, and on products and articles manufactured from chemicals, should not be kept secret except in cases where there are very strong reasons for doing so. These cases must be clearly defined and regulated. The classification as secret must be for a limited time frame.

The Swedish Construction Federation regards the fact that the REACH proposal does not cover articles or products manufactured from chemicals as a serious deficiency. REACH must cover the use of all chemicals, even when they are part of articles, and whether or not these articles are manufactured in the EU or imported. Particularly hazardous substances must be banned, regardless of whether they are present in a pure form, in compounds with other substances or as parts of articles.

If contractors cannot obtain information on the chemical contents of construction products, they cannot make the best choice in relation to the environment and health. The Swedish construction business has adopted an ambitious environmental programme, which it may not be able to implement if the proposed REACH regulation is adopted in its present form.