

REACHforLIFE Roundtable

Summary of Roundtable discussion – 23rd February



On the fringes or centre stage: where do risk assessments sit within EU public policy? REACHforLIFE Roundtable, 23 February 2009, Brussels

Introduction

The first in a series of REACHforLIFE Roundtable discussions took place on 23rd February 2009 and brought together a range of interested stakeholders to discuss the question “On the fringes or centre stage: where do risk assessments sit within EU public policy?”

This document serves as a summary of the points discussed at the event and has been agreed upon by all of the participants of the Roundtable. We would like to thank the following individuals for their participation in the discussions:

- Joel Hasse Ferreira Member of the European Parliament (PES, Portugal)
- Phil Newton European Crop Protection Association (ECPA)
- Dr Leonor Sierra Sense about Science - an independent charitable trust which works with scientists and civic groups to promote evidence and scientific reasoning in public discussion.
- Anne Eckstein Europolitics – Daily newspaper based in Brussels
- Steve Kozlen Makhteshim-Agan – pesticides manufacturer and distributor

REACHforLIFE were represented at the event by the spokespersons Willem Hofland and Guillaume Artois and the Campaign Director Jessica Adkins. Claudio Mereu of Field, Fisher Waterhouse LLP and Holly Fox of Associated Press (AP) sent their apologies for being unavailable to attend. We contacted a number of representatives from environmental NGOs, but none were available to attend.

Please find below a brief summary of each participant’s contribution to the debate.

Summary

Willem Hofland, REACHforLIFE spokesperson, delivered the opening statement which broadly introduced the campaign and the founding members. He commented that the REACHforLIFE campaign was borne out of moves to ban certain flame retardants, particularly the recent court case at the European Court of Justice (ECJ) which banned deca-BDE from electrical and electronic equipment on procedural grounds. He questioned why decision-makers go to the financial trouble of going through risk assessments when in the end the conclusions are ignored in the decision-making process. Industry has every interest in bringing to the market products which are safe from environmental and health perspectives and which are substantiated by EU risk assessments. Observation shows, however, that some products compliant with the scientific criteria given in regulations such as REACH are being banned through the backdoor via political decisions. Moreover, he questioned the impact this will have on REACH and the industry’s confidence in the process emphasised that REACHforLIFE firmly supports REACH and wants everyone, including decision-makers, NGOs and other engaged parties, to abide by its rules. Throughout the Roundtable Mr Hofland sought to make clear that the risk assessment debate was not restricted to deca-BDE or flame retardants and was a much broader discussion.

Guillaume Artois, REACHforLIFE spokesperson, highlighted the fact that REACH is a science-based Regulation, but that some of its principles are being disregarded even before the Regulation has

had time to be implemented. He raised the point that tens of thousands of chemicals are to go through REACH, but already some of the small number of substances which have undergone EU risk assessments, and come out with no recommendation for restriction on their use, have actually gone on to be banned. Is it either science or politics which is the proper ground to protect the health of the consumer and the environment when it comes to chemical substances? Mr Artois stated that MEPs appear to take decisions which run contrary to recommendations from official EU scientific bodies, and that this is largely a result of green lobbyists within and outside of the European Parliament. Mr Artois mentioned the fact that discussions on the revision of the Restriction of Hazardous Substances Directive (RoHS) in the European Parliament will be led by the Committee on Environment (ENVI) and that the Committee on Industry (ITRE) will not even be consulted. This comes despite the fact that the revision of this Directive could have a significant effect on industry and the consumer.

Joel Hasse Ferreira MEP asserted that risk assessments were very important. He espoused the view that the Science and Technology Assessment Options Panel (known as STOA) in the European Parliament believe MEPs do not have enough scientific expertise and are influenced by a broad range of lobbyists. Unlike the Commission, the Parliament does not have the scientific support, and environmental NGOs are very “pressing.” He recommended to the participants of the roundtable to give as much information as they can and as quickly as possible to aid the decision-makers in their decisions. Mr Hasse Ferreira wondered why some MEPs complain about some chemicals but not others. Regarding the deca-BDE issue and the fact that the European Parliament was not consulted in the initial proposal (which led to the court case), he questioned why the Commission does not follow the procedure when they must be aware of it.

Anne Eckstein, Europolitics, stated that as far as she knew, the problem with the deca-BDE case was that the Commission took its decision and published it in the Official Journal before sending the documents to the European Parliament for information. Ms Eckstein questioned why the Commission had not respected the comitology procedure and had acted in this way? Is it because there is something to hide? She said she had a natural suspicion of industry motives as they needed to sell a product, but she also does not trust environmental NGOs. Ms Eckstein referred to the prominent MEP Guido Sacconi who has complained about the strong lobbying on both sides of the environment debate. During the discussions she also spoke about the issue of bisphenol-A traces found in baby bottles, that was widely covered in the international press in recent months. She asked the participants whether young mothers should use such plastic bottles. Ms Eckstein emphasised that it is very hard to evaluate decisions when the scientific advice is not easily comprehensible for decision-makers and journalists, and in her opinion scientists should more clearly explain their evidence.

Steve Kozlen, Makhteshim-Agan asked where Parliamentarians can go for impartial advice “except to the Commission”. In the EU the Commission is both “poacher and gamekeeper” in that it can establish its own political agenda with regard to chemical policy and pesticide policy. He reiterated that risk is a combination of hazard and exposure, and that there is now a move to regulate pesticides by hazard-based rather than risk-based criteria “to make things easier.” Instead of being “smart”, this is merely “reaching for simplicity.” He stressed three major differences between the US and the EU tradition regarding pesticide regulation:

1. In the US there is more transparency than in the EU about regulatory decisions taken over pesticides. In addition, the US EPA has independent review boards and independent review panels at their disposal, as arbiters to their internal conclusions. In addition, the full basis for all risk management decisions and scientific data concerning pesticides are communicated to the public through regular publications and subject to full public disclosure (through freedom of information regulations, that do not exist in the EU to a similar degree of right).
2. The US EPA makes a greater effort to educate the American public about the distinction between hazard and risk, therefore American public are certainly more at ease with the necessity and benefits that crop protection brings to society: and
3. In the US there is full consideration of risk versus benefits of pesticides as part of the formal regulatory review procedure. When existing pesticides come under review for environmental and human health concerns, no decisions are taken to withdraw or restrict a pesticide without first weighing up the benefits of the product to society versus the risks. Whereas in the EU this does not exist in any aspect of the pesticide registration legislation.

Phil Newton, European Crop Protection Association, said that in the European Parliament there was a lack of an independent, accredited scientific reference point for legislation. He also stressed the need for MEPs to show “restraint” in taking measures which affect the entire food production sector since

advanced pest management is one of the main pillars of food production. Nevertheless some decision-makers still pounce on potential hazards and politicize them. Mr Newton mentioned the fact that the MEP Rapporteur for the pesticide regulatory review continues to refer to an “EU blacklist of pesticides” when the legislation mentions no such thing, creating a climate of fear and sensationalism. Furthermore, he pointed out that the legislation is launching Europe into uncharted waters due to the fact that no comprehensive impact assessment was carried out and also that the European Food Safety Authority (EFSA) was never consulted on the issue. Mr Newton said that there was a veritable disconnect between public perceptions regarding chemicals and their actual, daily positive contribution to society, leading to a distinct “demonisation” of chemicals in general, even though they are “everywhere and everything”. As well, the EU is inconsistent in its application of the hazard principle in that it currently applies only to a narrow range of “demons du jour” chemicals, including pesticides. For instance, he asserted that chlorine and its compounds can be very hazardous but, when used safely, have many widely recognized health benefits for society in the prevention of disease. Likewise, pesticides used safely provide intrinsic health essentials as they are the foundation for the production of 95 percent of Europe’s food needs, ensuring proper nutrition, freshness, flavour, variety, availability, home production and, above all, affordability. Europe deserves a proper framework for the scientific evaluation of science related issues, one which is capable of weighing risks and advantages and does not flee into simplistic political safe zones.

Dr Leonor Sierra, Sense About Science, entered the debate, saying that “it’s not what you know, it’s what questions you ask”. She encouraged decision-makers to ask questions and seek advice when they are presented with scientific evidence. Such questions which decision-makers should ask include has the scientific evidence been peer reviewed? Dr Sierra observed that politicians have been badly burnt by the BSE case in the UK, saying that it had led to the overuse of the precautionary principle.

Mr Hofland, commented that given the justified concern about the health effects of BSE, he was puzzled why there was not the same level of anxiety about fire safety since an estimated 1000 lives in Europe every year could be saved by ensuring that furniture contains flame retardants. Moreover he questioned the sense of replacing substances which have passed EU risk assessment by alternatives which have not been as rigorously assessed.

Mr Hasse Ferreira, reflecting on what he had heard, said he would elaborate on this debate when he spoke with his colleagues in the European Parliament. He also stressed that most dossiers in the Parliament are only followed by a reduced number of MEPs and that specialities are spread thinly throughout the institution. He ended by saying that a REACHforLIFE event in the new Parliament would be an excellent way to bring the debate on the proper use of risk assessments to a wide range of Brussels-based decision-makers.
