

Brussels, 15 November 2021

Position Paper on the Revision of the CLP Regulation

BeST

The Beryllium Science and Technology Association (BeST) represents the suppliers of beryllium metal, beryllium oxide and beryllium containing alloys in the EU market. BeST has the objective of promoting sound policies, regulations, science and actions related to the safe use of beryllium and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications.

Introduction

In the frame of the Chemicals Strategy for Sustainability (CSS), the European Commission has published a public consultation on the review of Regulation (EC) No 1272/2008 on hazard classification, labelling and packaging of chemicals (the CLP Regulation).

Our observations

BeST takes this opportunity to submit additional comments to Question n. 33 of the questionnaire – *“Currently economic operators (manufacturers, importers, downstream users, distributors) are not allowed to submit a proposal to ECHA to revise an existing harmonised classification for an Annex VI entry. Only Member states can submit such proposal”*.

While BeST has expressed preference for option n. 3 – *“The revision request by a stakeholder should be allowed and provided to ECHA against the payment of a fee covering all expected costs”* -, BeST submits the following additional observations:

1. The procedure to allow industry stakeholders to request reclassification should be clearly defined to assure certainty and predictability. Specifically, the following elements should be addressed:
 - The definition of applicant – which requirements stakeholder should fulfil to qualify as legitimate applicant to submit a reclassification request should be clearly defined.
 - Industry involvement – in line with the above statement, industry representatives should be actively engaged in all stages of the procedure. This should include cooperation between industry and the evaluating authority with clearly defined “exchange of views” opportunities in the frame of the process.
 - Data – the reclassification procedure should be based solely on the most recent and reliable scientific evidence and research. Industry is often best equipped to provide this information.
2. For many substances, research has evolved to now allow the identification of differing potential health outcomes for different forms of the same basic substance, such as the differences in health risks between soluble and insoluble forms.

The above should be taken into consideration in the frame of a reclassification procedure. The dissemination of the correct data according to the form of a substance is fundamental, for example, to allow workers to know more precisely the potential health risks of the substance they are working with rather than general health risks that may or may not apply to the form they are processing. Providing more scientifically accurate classification information will help employers focus on the most relevant necessary controls to best protect their workers.

3. In reference to the above statement, several existing CLP classifications should be revised to reflect the most recent and reliable scientific evidence.¹ In the specific case of beryllium, its CLP classification classifies insoluble forms of beryllium as having the same health risks of soluble beryllium forms, while more recent scientific evidence demonstrates that the bioavailability and toxicity of insoluble metallic forms and soluble compounds are clearly not the same.
4. The evaluating authority should not only be formed by scientific experts and should instead also include industry experts and civil society.

Conclusions

BeST welcomes the possibility of industry submitting a reclassification proposal to ECHA.

Several key elements of the procedure, however, should be considered to ensure that the proposed modifications of the CLP allow for more adequate classifications of substances, based on the most recent and available scientific data, and provide more accurate information to the general public.

¹ Alan R. Boobis et Al. - Classification schemes for carcinogenicity based on hazard-identification have become outmoded and serve neither science nor society (2016).