



EU's never-ending story on protective criteria to identify hormone disruptors continues

Brussels, 22 December 2016

EDC-Free Europe, a coalition of NGOs, welcomes the fact that the Commission's proposals on hormone disrupting chemicals (or EDCs), which have been heavily criticised, failed to obtain enough support yesterday from Member States.

After years of debate and delay, EU member states (through their pesticide officials) met in Brussels to discuss and potentially approve the drafts on identification criteria and a derogation allowing use of Endocrine Disrupting pesticides. But the Commission shied away from putting their most recent proposals (8 December) to an official vote, because they would not have obtained the sufficient qualified majority from Member States.

The proposal for identification criteria contained some sudden significant text changes derived from Hungarian and German comments. The proposal for a change to the existing derogation from the prohibition of ED pesticides remains mostly unchanged since June.

Despite 3 versions since mid-June, the Commission's proposals on identification and derogation continue to meet well-founded opposition from countries such as France, Sweden, Denmark, Finland, and the Netherlands, as well as strong criticism from scientific professional and public interest groups, including the EDC-Free coalition¹. In parallel, over [260,000 EU citizens](#) have signed a petition calling on Member States to reject the EU Commission's proposal on EDCs.

Several Member States have been repeatedly calling for important improvements to the identification criteria since June, notably on the need to use terms and categories already well-established in chemicals management at both EU and international levels². Member states have also been calling for criteria that identify EDCs solely on a chemical's inherent capacity to disrupt hormones, and for criteria that can be applied across all relevant EU laws, to both of which the EU is committed in its 7th Environmental Action Plan in 2013³. On December 19th, the EU Environment Council issued conclusions on chemicals management which re-affirmed these 7th EAP criteria commitments.

¹ The Endocrine Society positions here: <http://press.endocrine.org/doi/abs/10.1210/er.2015-1093>; recent responses: <https://www.endocrine.org/news-room/current-press-releases/european-commission-proposal-leaves-public-exposed-to-harmful-endocrine-disrupting-chemicals> ; EDC-Free coalition here: <http://www.edc-free-europe.org/>

² Phrasing such as 'known or presumed' which is used in the EU Classification of carcinogens, mutagens, and reproductive toxicants; and the different categories to rank chemicals according to the totality of evidence, for instance the categories used in the EU Classification of carcinogens, or similar to the categories used in the EU Priority List of EDCs for further assessment.

³ General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (the 7th EAP) , <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386>

Since June, the NGOs have also heavily criticised the sequential versions of the proposal for not addressing several key issues. While the NGO coalition has consistently asked for swift adoption of high quality scientifically sound criteria, in order to accelerate actions to reduce peoples' exposure to EDCs, the coalition emphasizes that the speed of decision making should not be achieved at the cost of the quality and soundness of the criteria.

The NGO coalition continues to criticise the criteria, for the same reasons the coalition highlighted to ministers on [December 15 2016](#)⁴;

- The amount of evidence needed to identify EDCs is too high and will leave people and wildlife under threat because some EDCs will not be identified⁵.
- the proposed change to the derogation fundamentally alters the balance of risk management set by Council, Parliament and Commission in agreeing the law in 2009⁶. This change widens an existing limited exemption into a major loophole that can easily be exploited to allow continued widespread use of endocrine disrupting pesticides. Recent LeMonde investigations have shown that the scientific justification that the Commission uses to alter the derogation are based on a contrived conclusion⁷.
- Recent proposals for new exemptions from identification which would set an automatic and large escape route for EDCs that 1) affect the moulting and growth of bystander (non-pest) species (Hungarian proposal); or 2) that intentionally disrupt the hormones of any bystander species (species not targeted by the pesticide or biocide), (German proposal).

The NGO Coalition commends those Member States opposing these defective criteria, and urges the Commission to finally take on board these key elements so that the criteria are finally legally and scientifically sound, and can finally rightfully gain the Member States' support. The EU needs to move on to identifying and phasing out endocrine disrupting pesticides and biocides, in order to reduce people's exposures. These actions will help prevent EDC-related diseases and the combat the rising costs of healthcare associated with EDCs-related illnesses as well as the damage to wildlife. Sound criteria can drive innovation for safer chemicals and safer products, which can create a healthier future for us all.

⁴ Prior letters here: <http://www.edc-free-europe.org/edc-free-europe-letter-to-eu-ministers-on-revised-edc-criteria/>

⁵ The criteria are very difficult to fulfil because of the requirement to prove a *consequential* link between the adverse effect and the endocrine mode of action. In particular, the 'biological plausibility' is not included in the three main conditions of identification for bringing together the adverse effect and the alteration of the function of the endocrine system. In addition, the draft does not include categories in order to reflect the different levels of scientific evidence available, in spite of the fact that both EU Biocides and Pesticides Laws require the identification of EDCs that 'may' cause adverse effects (i.e. suspected/probable EDCs)

⁶ The proposed change to the derogation from 'negligible exposure' to 'negligible risk' introduces new risk elements to the legislation. The Commission is using a flawed justification of adaptation to scientific progress. This change can easily be exploited to get endocrine disrupting pesticides authorised for widespread use. But this change touches on an 'essential element' of the law, something the Commission is not allowed to change in a committee procedure (for an implementing act). Such changes must be done involving Parliament and Council in a fully transparent and democratic 'co-decision' legislative process. See <http://www.environmentalhealthnews.org/ehs/news/2016/dec/endocrine-disruptors-the-manufacture-of-a-lie>

⁷ See <http://www.environmentalhealthnews.org/ehs/news/2016/dec/endocrine-disruptors-the-discreet-but-major-gift-to-the-pesticides-lobby>