



Women engage for a common future

## WECF's perspective A gender approach to a revised REACH regulation

Women Engage for a Common Future, WECF, welcomes the opportunity to answer the questionnaire on the REACH revision<sup>1</sup>. WECF International is a network of over 265 eco feminist organizations who are active in 72 countries around the world. We are committed to building a healthy environment and moving towards a toxic free future for all. WECF calls on the EU authorities to strengthen the European Chemical Strategy for Sustainability, so it truly protects human health and the environment.

The REACH regulation aims at “a high level of protection of human health and environment” from chemical hazards by applying the precautionary principle, also assuring the substitution of harmful chemicals, and a commitment to increased transparency and the right to know. This “high level of protection” is more than just a principle for the European Union<sup>2</sup>. Even though the REACH regulation has proven to be a valuable tool to harmonize the trade of chemicals in the EU, it still has major failures when it comes to the protection of human health and the environment. The gap is even greater when it comes to integrating gender considerations into the chemical legislation, WECF believes this is an essential point to achieving this “high level of protection”.

### Why gender matters?

Chemicals affect women's and men's health differently. Biological factors such hormones and the different distribution of body fat but also, social factors such as occupation and socio-economic status expose women differently to chemicals<sup>3</sup>. Pregnant women are the first environment for their children. They pass on their bioaccumulated chemical cocktail unwittingly to the next generation via the placenta or through breastfeeding. Nowadays almost all children are born 'pre-polluted'. Thus, also the future generation is at risk.

These biological, social, and other gender-related factors e.g. in consumer habits play a key role in why harmful chemicals effect women differently. This must be reflected in policy making and legislation. Our recent research on gender aspects in the EU Green Deal, undertaken with the European Environment Bureau, EEB, found gender-blindness<sup>4</sup> in EU-legislation.<sup>5</sup>

From this research we believe chemical legislation should integrate gender in risk assessment evaluations i.e., gender disaggregated data especially in relation to outcomes from chemicals

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<sup>1</sup> REACH Regulation No 1907/2006, accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1907&from=en>

<sup>2</sup> Droit européen de l'environnement et de la santé L'ambition d'un niveau élevé de protection, Misonne D., LGDJ Anthemis, 2011, p 134.

<sup>3</sup> Gender Just Chemicals Policy, WECF, December 2021, <https://www.wecf.org/together-for-a-toxic-free-future/>

<sup>4</sup> Why the European green deal needs ecofeminism, EEB & WECF, 2021 <https://eeb.org/wp-content/uploads/2021/07/Report-16.pdf>

<sup>5</sup> Study for the Strategy for a non-toxic environment of the 7<sup>th</sup> Environment Action Program, European Commission, August 2017, <https://ec.europa.eu/environment/chemicals/non-toxic/pdf/NTE%20main%20report%20final.pdf>



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exposure. Notably under REACH, this would mean the integration of gender specific data in risk evaluation (notably amending Annex I to add women as a category of special attention in the data provided).

Moreover, the integration of this gender data is supported by the UN Human Rights Council Report on “Nontoxic environment”, which highlights that women in particular should be considered in chemical legislation.<sup>6</sup>The EU strategy only refers to “pregnant women” as a vulnerable group, reducing women to their reproductive status, while women can be affected by exposure to toxic chemicals throughout their life cycles including during puberty, pregnancy and menopause. And exposure to toxic chemicals is linked to chronic diseases such as endometriosis, and post-menopausal breast cancer.

Another important issue is related to women’s socio-economic status. Women occupy most of the positions in the health care sector but are in the least well-paid roles.<sup>7</sup> This creates socio-economic inequalities. Women are moreover constantly in contact with a variety of harmful chemicals. This is a particularly true in several circumstances: for example, working with household and cleaning products (because women still do most household chores after their daily jobs<sup>8</sup>).

There are also certain products with considerable amounts of harmful chemicals which are mainly used by women and others who menstruate, like single use disposable menstrual products. Women are in contact with potentially harmful chemicals found in these products such as dioxins, phthalates or micro-plastics for nearly 40 years<sup>9</sup>. This sort of data and knowledge must be considered in the REACH regulation.

To make REACH a gender integrated legislation, the protection of consumers must also be extended to workers. Preventing exposure in the workplace is key to reduce harmful chemical exposures. This should also be done when it comes to the right to know of workers (article 33 of REACH). Consumers like workers should have the access to information on the products they work with. For example, nail polish releases formaldehydes among other substances. Workers in nail salons are constantly exposed to these chemicals and should have the right to know what they are exposed to.

In its Chemical Strategy for Sustainability<sup>10</sup>, the Commission states that it will integrate endocrine disrupting chemicals, as well as persistent, mobile, and toxic and very persistent and very mobile chemicals among the substances of very high concern. The integration of these chemicals is crucial to ban the most harmful chemicals from consumer products. There is enough evidence of the health and environmental impacts of EDCs, and they should be added to the list of substances of very high

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<sup>6</sup> The right to a clean, healthy and sustainable environment: non-toxic environment, Human Rights Council United Nations, January 2022, <https://www.ohchr.org/en/special-procedures/sr-toxics-and-human-rights>

<sup>7</sup> Health Relevance of gender in the policy area, EIGE, visited on April 6<sup>th</sup> 2022 <https://eige.europa.eu/gender-mainstreaming/policy-areas/health>

<sup>8</sup> Why the European green deal needs ecofeminism, EEB & WECF, 2021 <https://eeb.org/wp-content/uploads/2021/07/Report-16.pdf>

<sup>9</sup> Wecf Germany, Giftsfreiemenstruation, February 2022, <https://www.wecf.org/de/wp-content/uploads/2022/02/Giftsfreie-Menstruation-WECF-2022.pdf>

<sup>10</sup> Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, European Commission, October 2020, COM (2020) 667 final



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concern. Due to women's endocrine system, they are even more vulnerable to these exposures that affect their hormones but also all additional problems such as reproductive issues or chronic diseases.

It is crucial to have a definition of "essential uses" in products, a term that will ban harmful chemicals from consumer products. This cross-legislation definition must have strict criteria, so derogation does not become the rule. The research of alternatives will trigger the substitution principle in the REACH regulation. An example of this is fragrance ingredients in menstrual products. One substance has been banned (Lilial™), which could be a good example for a case study for essential uses.

Another definition that ought to have an enforceable legal definition is the question of nanomaterials. The Commission has proposed so far, a definition in the revision of its recommendation<sup>11</sup>, which does not meet the full ambitions of a toxic-free environment. Applying the high level of protection for human health and environment and the underlying precautionary principle, a definition must be taken under REACH, which will nourish the other chemical legislations. This is of particular importance since the knowledge related to the health effects for women are increasing and more are showing adverse effects especially on reproductive health.

The report of the Highlevel Roundtable<sup>12</sup> outlines the enforcement issues related to REACH. One of those failures is the missing data in the registration dossiers. The EU agencies have the capacity of revoking the registration numbers of non-compliant companies at this level. This goes together with the increase in transparency for measures taken, by sharing non-compliant registrations, and more publicity of authorizations and restrictions that have been decided.

Transparency must also be a major principle in the decision-making process, where there should be equal representation of stakeholders (National authorities, Industries and Civil society organizations) but also gender diversity. The gender-blind legislation has also led to gender blind decision making in opposition to the EU plan for gender equality in the environmental sector<sup>13</sup>.

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<sup>11</sup> As set in Recommendation 2011/696/EU on the definition of nanomaterial *OJ L 275, 20.10.2011* and "Nouvelle définition des nanomatériaux, des ONGs alertent la Commission européenne", WECF, February 2022, <https://wecf-france.org/nouvelle-definition-des-nanomateriaux-des-ongs-alertent-la-commission-europeenne/>

<sup>12</sup> Report of the High-level Roundtable on the Chemicals Strategy for Sustainability, European Commission, November 2021

<sup>13</sup> Gender in Environment & Climate Change, EIGE, 2016, [https://eige.europa.eu/sites/default/files/documents/ti\\_pubpdf\\_mh0216901enn\\_pdfweb\\_20170124144008.pdf](https://eige.europa.eu/sites/default/files/documents/ti_pubpdf_mh0216901enn_pdfweb_20170124144008.pdf) and The EU strategy for equality between women and men post 2015, EU Parliament, June 2015,



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## Our demands

- To include gender considerations in the REACH regulation. This should be done by integrating the protection of women's health as an overall principle. Women should be integrated as a group of specific consideration under REACH in name of the high level of protection of human health but also for gender equality, a transversal objective as stated in article 8 TFEU and article 23 EU Charter of Fundamental rights
- To make gender equality effective by integrating data related to women in risk evaluation processes i.e., gender disaggregated data (in hard sciences as well as in socio-economic considerations).
- To extend the protection of consumers to all workers categories to prevent early and pre-birth exposures (and notably of women) to harmful chemicals under REACH in the relevant legislation.
- To integrate in Article 57 as SVHC EDs, PBT, PBM vPvM, vPvT as stated in the CSS to prevent exposures and increase transparency of chemicals in products.
- To have a strong definition of essential uses to phase out the most harmful chemicals from products. Strict guidelines on the essentiality must include gender considerations to avoid overexposure of women to certain chemicals.
- To have a strong definition on nanomaterials under REACH to strictly regulate their use in consumer products and encourage research on their effects. To increase transparency in the decision-making processes by assuring balance in decision making consultation between stakeholders; to ease the access to information for consumers, workers, and civil society organizations; to make the SCIP database more user friendly.

**The REACH regulation has the potential to become an effective tool to protect human health and the environment from toxic substances. This high level of protection should be for all women and men, everywhere.**