

Policy Implementation Dialogue on Reducing Hazardous Substances in Construction

8-9 April, Vienna

Interreg
Baltic Sea Region



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SUSTAINABLE WATERS

NonHazCity 3

Connecting construction and chemicals policy Improving the regulatory framework towards tox-free building materials

REGULATORY FRAMEWORK OVERVIEW AND IDENTIFIED POLICY GAPS IN CONSTRUCTION

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Why are REACH & co not enough to ensure that all building products are non-toxic?

Outline

What about building rules?

How to ensure that building products are non-toxic?

Gaps

REACH / CLP

Biocides

Recycled materials

Opportunities

Construction Product Regulation

EU Taxonomy Regulation

Bridging gaps

Zero Pollution Action Plan

Green Public Procurement

Digital Product Passport



NonHazCity

THE GAPS

Current gaps of chemical assessment



Hazardous chemicals are labelled with pictograms. Hazard pictogram Hazardous to the aquatic env.
Source: UNECE / GHS

- Under REACH by December 2020 (Persson et al. 2022)
- ~23 000 chemical substances registered
 - < 11 000 intermediate substances with reduced safety data requirements
 - > 12 000 substances as nonintermediates above 1 tonne per year production
 - of which about 2400 substances have been, or are being, assessed and addressed
 - 403 with ongoing regulatory risk management
 - 786 with currently no further actions proposed
 - 1181 with regulatory risk management under consideration
 - ~ **10 000 registered substances (80 %) yet to be assessed**

- CLP= classification and labelling of chemicals
- REACH = EU chemicals regulation
- SVHCs = substances of very high concern

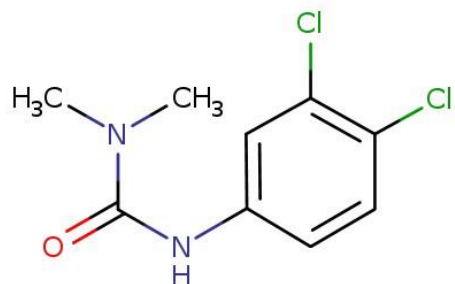
- estimated 350 000 chemicals (or mixtures of chemicals) on the global market
- EU Ombudsman recommendation towards COM (Oct. 2024) → Revise internal procedures for REACH authorisation decisions (Deadline is 3 months, on average → 14,5 months)



REACH stands for registration, evaluation, authorisation and restriction of chemicals
Source: Umweltbundesamt

Current gaps of biocide assessment – what about the biocides detected in storm water in the NonHazCity 3 screenings?

Example: Diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea)



Regulation (EU) No 528/2012: making available on the market and use of biocidal products

Candidate for substitution: Yes

Regulatory categorisation: Review programme substance

Approval/Assessment status: Initial application for approval in progress
Competent authority evaluation

Hazard Classification & Labelling



Properties of concern

C

Carcinogenic (1B)

ED

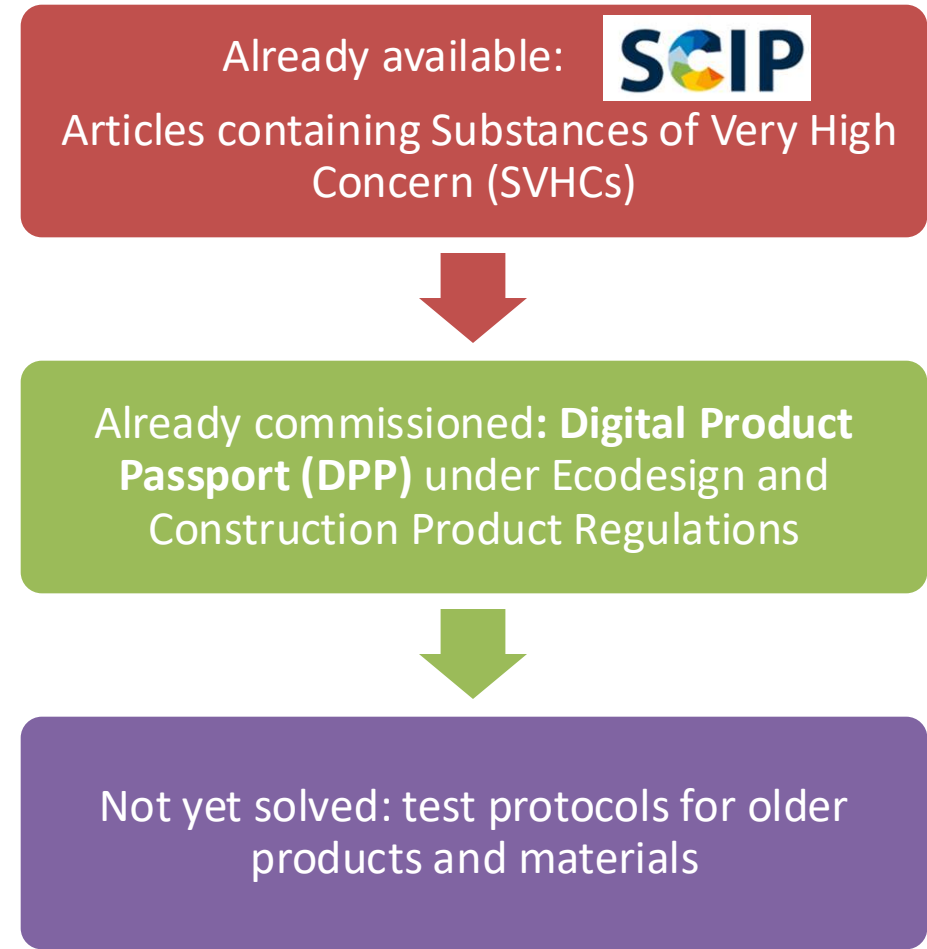
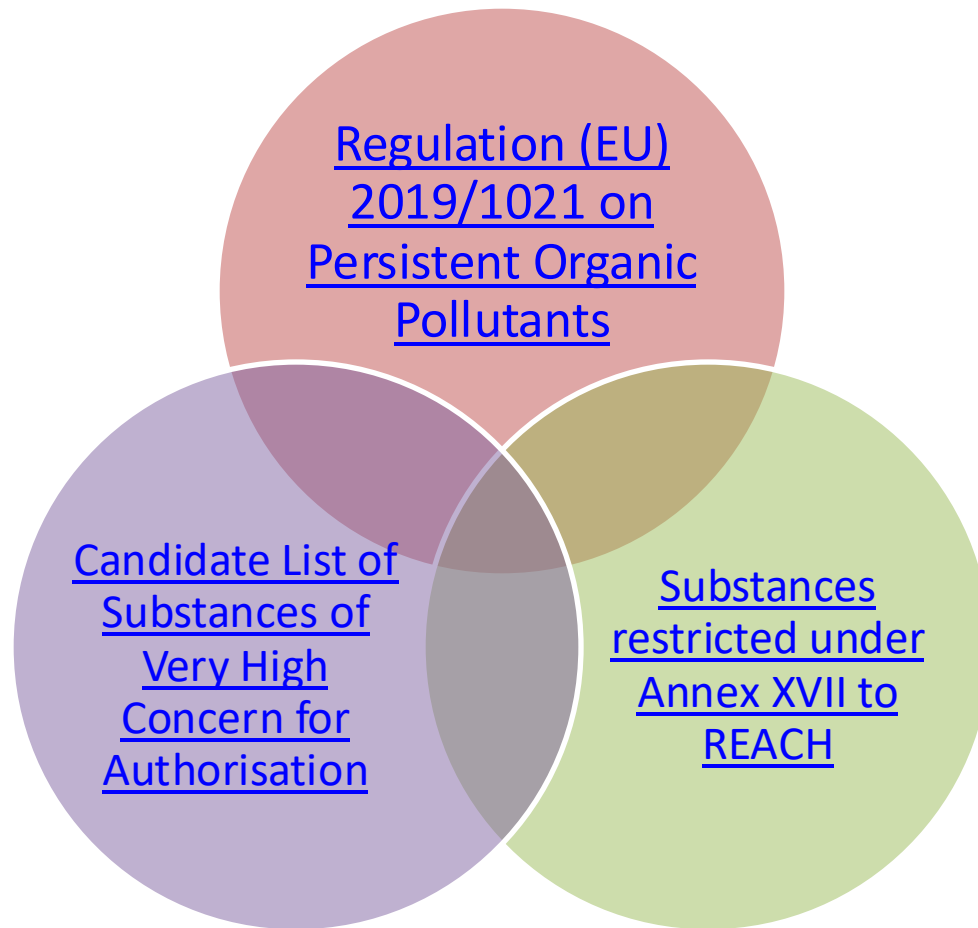
Under assessment as Endocrine Disrupting

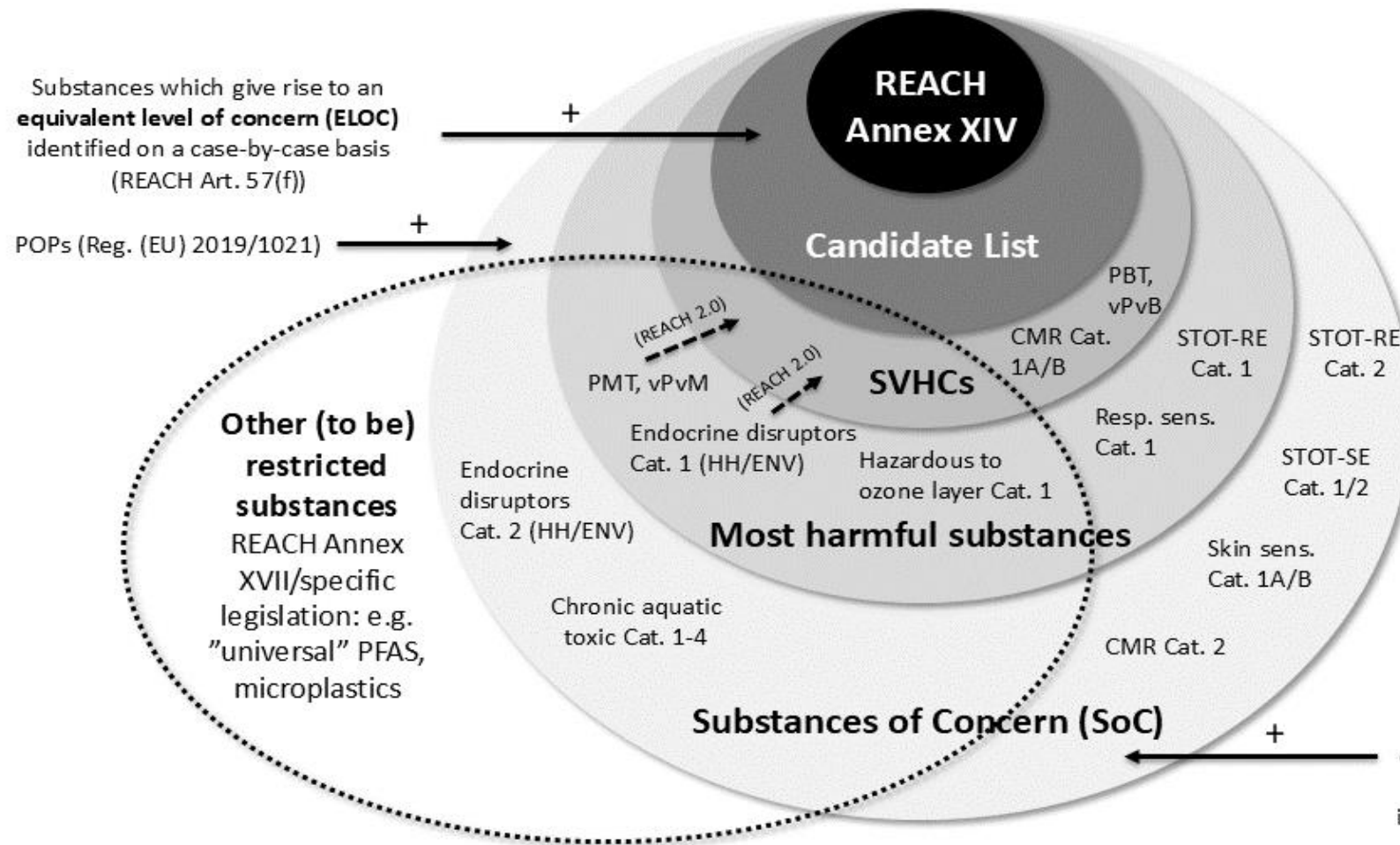
Water Framework Directive

Average limit 0.2 µg/l

Maximum limit 1.8 µg/l

Information challenges for (recycled) materials





SoC (ESPR)

= Substances of Concern
= SVHCs, certain harmonised classified substances, POPs and „substances that negatively affect the re-use and recycling of materials“

OPPORTUNITIES

Construction Products Regulation

Construction works, safety of buildings and infrastructure works = "Basic requirements for construction works" (according to Annex I of the EU CPR): **Competence of the Member States**

- 1) Mechanical resistance and stability
- 2) Safety in case of fire
- 3) **Hygiene, health and the environment**
- 4) Safety and accessibility in use
- 5) **Protection against noise**
- 6) **Energy economy and heat retention**
- 7) **Sustainable use of natural resources**



Construction products, free movement of goods in the internal market:

EU competence



Publication of the reference of the standard in the Official Journal of the EU



hEN with a Declaration of Performance (DoP)



European Commission issues mandates / standardisation requests for harmonised standards (hEN)

Revised Construction Products Regulation

Construction works, safety of buildings and infrastructure works =
"Basic requirements for construction works" (according to Annex I 1
of the EU CPR): **Competence of the Member States**

1.1 Structural integrity

1.2 Fire safety

1.3 Protection against adverse hygiene and health impacts

1.4 Safety and accessibility

1.5 Resistance to the passage of sound and acoustic properties

1.6 Energy efficiency and thermal performance

1.7 Emissions into the outdoor environment

1.8 Sustainable use of natural resources



Construction products, free movement of **and requirements on goods** in the internal market: **EU competence**

Direct product requirements in delegated acts



Declaration of performance and conformity (DoPC)



European Commission renders hEN mandatory in implementing acts



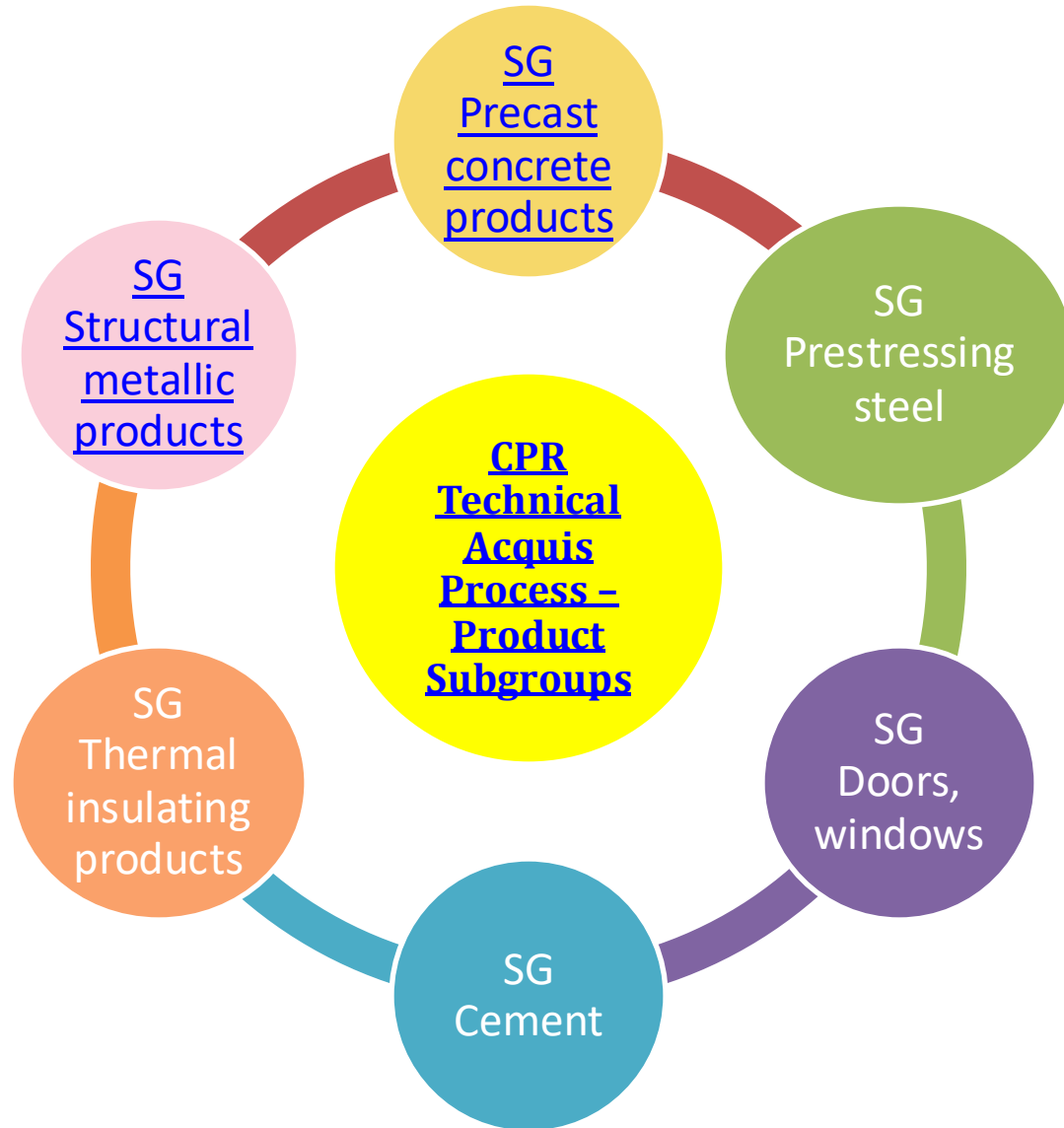
hEN with a Declaration of Performance **and conformity**



European Commission (1) issues standardisation requests for harmonised standards (hEN) **or by exception (2) adopts implementing acts**

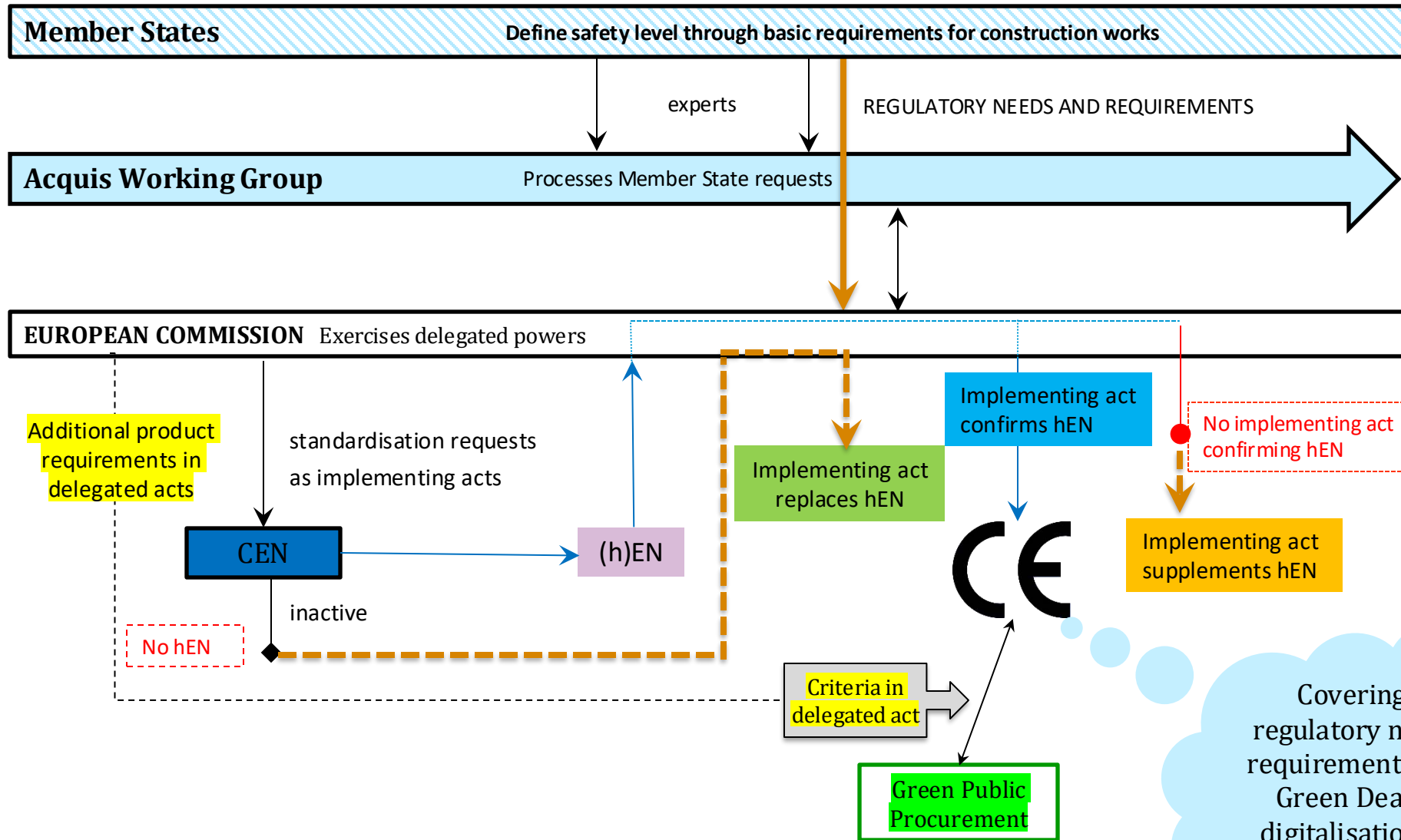
New CPR: REGULATION (EU) 2024/3110

Current work under CPR



- Comprehensive new standardisation requests for all ~ 30 product groups standardised under the EU CPR
- Step-by-step procedure in subgroups
- Member States report their requirements and regulatory needs for the individual product groups
- **Requirements for the content and release of hazardous substances** where requirements already exist in the Member States, also at municipality level!

New CPR roadmap



Hazardous substances in Taxonomy Regulation

- Includes criteria for “**Do no significant harm**” (**‘DNSH’**) for new buildings and renovations ([Commission Delegated Regulation \(EU\) 2023/2486](#))
- HS covered under “Pollution prevention and control” for building components and materials used in the construction
- **Emissions of carcinogenic substances into indoor air**, where in contact with building occupiers from some products.
- **Beyond other regulations: No substances of very high concern or equivalent**

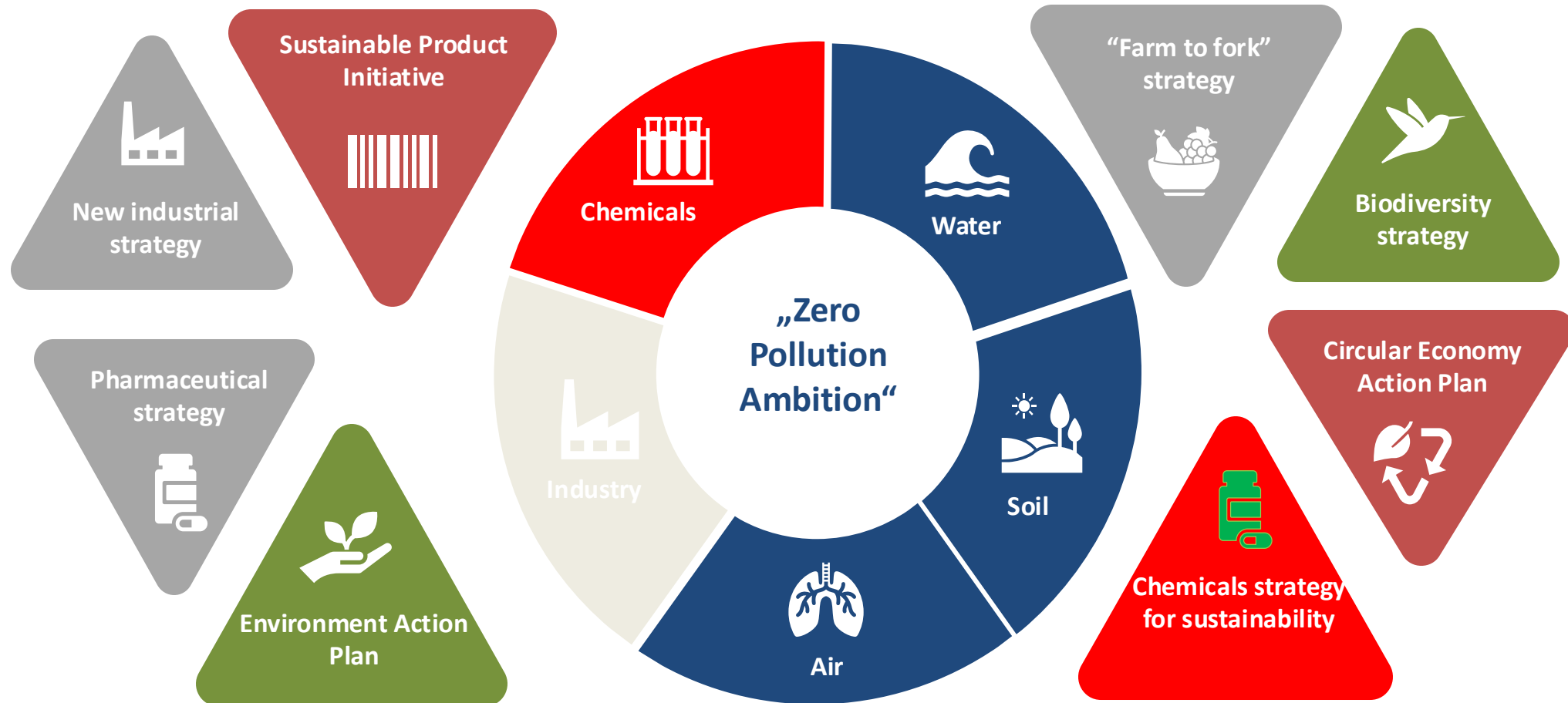
Substances of Very High Concern restricted under Taxonomy rules in buildings

May not be used above 0,1 % in mixtures or articles unless no alternative available

Equivalent substances that meet the criteria for SVHC, but have not been listed yet, may not be present either above 0,1 %

BRIDGING GAPS

The European Green Deal and its Zero Pollution Ambition



Buildings in the Zero Pollution Action Plan

The zero pollution vision for 2050: a Healthy Planet for All

Air, water and soil pollution is reduced to **levels no longer considered harmful** to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a **toxic-free environment**.

Flagship 4: Facilitating zero pollution choices

Public and private sector operators encouraged to make '**zero pollution pledges**' to promote **products proven to be less polluting over their whole life cycle**

Flagship 6: Showcasing zero pollution solutions for buildings

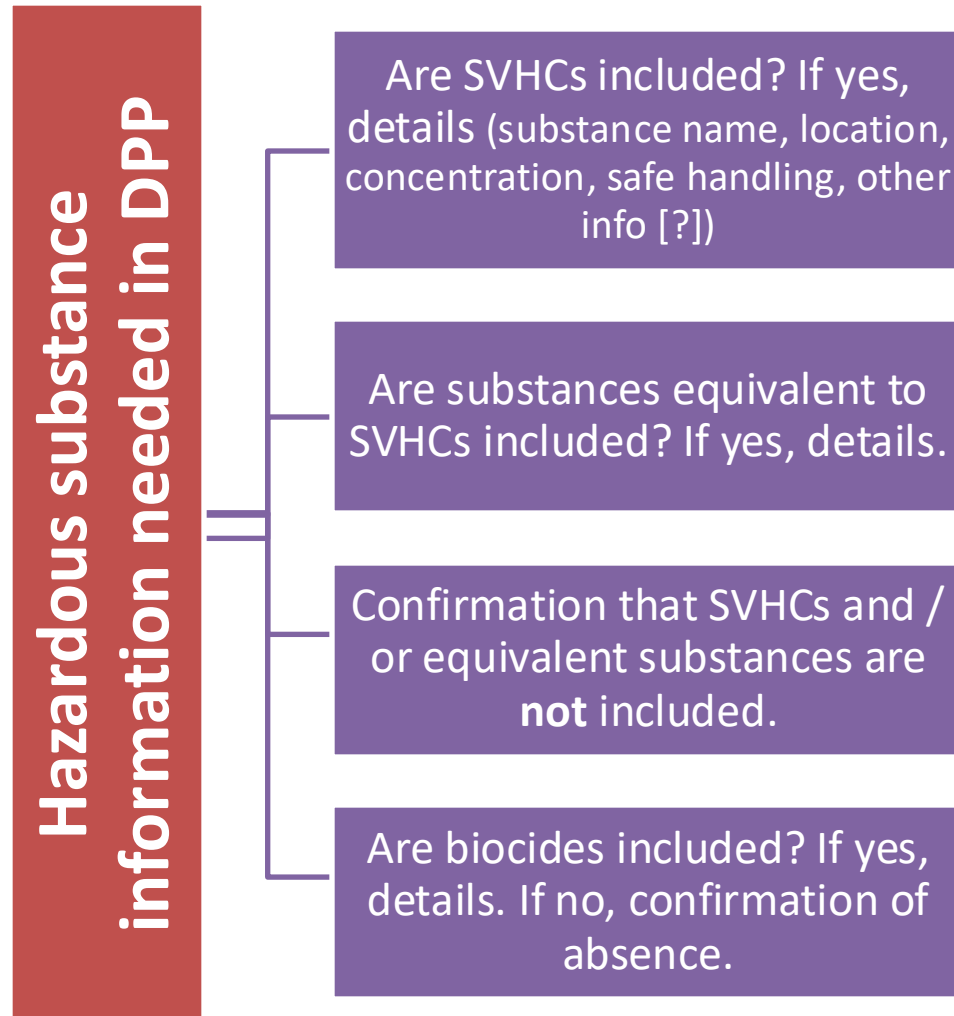
Renovation wave strategy
New European Bauhaus initiative
Improved housing and **less pollution from, in and around buildings**

Focus on Green Public Procurement

Clear, verifiable, justifiable, and ambitious environmental criteria for products and services, based on a life-cycle approach and scientific evidence base

- 1) Members States, cities and communities determine which policies or criteria are applied.
- 2) GPP has a key role in the EU's efforts to boosting a resource-efficient economy.
- 3) **Voluntary EU GPP criteria** available for several product groups and buildings. Aligned with EU taxonomy environmental objectives and [Level\(s\) –European framework for sustainable buildings](#)
- 4) **Option for minimum mandatory GPP criteria** in the Construction Products Regulation (CPR).

Creating a Construction Digital Product Passport system (new CPR)



How substance information will be linked to the DPP under CPR is not yet clear

- Information regarding SVHC probably through a link to the **SCIP Database**
- Other **substance information required by the Member States** and declared in the Declaration of Performance and Conformity = regulatory needs of the Member States
- Information needs by other **EU legislation** (e.g. link to Taxonomy Regulation)?



[Development of a harmonised EU model for a Digital Building Logbook](#)

Thank you for your attention

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