

EUREAU comments on Cadmium in Paints

Annex XV Restriction Report Proposal for a Restriction for Cadmium and its Compounds in Artists' Paints

EUREAU welcomes the initiative to restrict cadmium in hobby and artist's paints. EUREAU also welcomes the comprehensive Annex XV Restriction Report on this issue.

- The restriction proposal concerns cadmium and cadmium compounds in artists' paints. The restriction report states (page 6) that the toxic properties which causes the harmful effects is due to the cadmium ion, the restriction proposal includes all possible cadmium compounds. EUREAU supports this broad scope for the restriction of cadmium.
- A restriction, such as in the proposal, will also support the work of improving the quality of the effluent waste waters and, consequently, the quality of the receiving waters in Europe. EUREAU would have appreciated if the report also had a perspective of the positive effects a restriction on cadmium in artist paints will have on the receiving waters (and sediments) in Europe.
- Cadmium is defined as a priority hazardous substance. EUREAU would like to point out that the need to phase out priority hazardous substances is comprehensively described in the Water Framework Directive, (see below, page 3-4).
- On page 55 in the Restriction Report, the report concludes that of the total cadmium in sludge produced in the EU, 2 % originates from cadmium in hobby and artist paints. Eureau comment: Since the quality of sludge in most member states is improving over time, the relative importance of cadmium in hobby and artist paints will increase and it has the potential to be one of the biggest sources of cadmium to the wastewater treatment plant. Today, cadmium in sludge, originating from hobby and artist paints, is already 10 % of the total cadmium in the urban wastewater of Stockholm and consequently also 10% of the total cadmium content in the sludge of Stockholm (reference Sörme Lindqvist Söderberg 2003). Cadmium from hobby and artist paints is today one of the biggest single sources of cadmium in the sludge in Sweden. The same development can be expected in many other Member States. EUREAU's conclusion is that there is a need to further reduce cadmium in the urban wastewater and that there is a strong need for restrictions on cadmium in hobby and artist paints. To restrict cadmium in hobby- and artist paints is probably one of the least complicated measures to reduce cadmium to the European wastewater treatment plants – and to the receiving waters of Europe. To further reduce the cadmium flow to the wastewater treatment plants in the EU, the phasing out of cadmium in hobby- and artist paints is one important step, but there is a need to keep the pressure on other cadmium users and dischargers to the wastewater.



EUREAU position on control at source

EUREAU supports the overall efforts of the European Commission concerning the protection of the aquatic environment against hazardous substances and its intention to reduce the emissions of the listed substances through control at source. EUREAU emphasises to determine the major users (industries, agriculture, hospitals, etc. as well as domestic users) to adapt the use of source control measures and the restricted use of these substances as the most sustainable and cost effective solution ahead of expensive and carbon intensive end-of-pipe treatment solutions, for example at wastewater treatment plants. Stricter sewage discharge obligations must be applied and the polluter pays principle is logically followed when actions are targeted to the original source of pollution.

Treatment (End-of-pipe) solution can never be a long term solution of the pollution problem. There is high risk that treatment solutions generate more environmental problems in other areas as e.g. higher energy use, possibly more contaminants in the residual products, less pressure to restrict or substitute the use of dangerous compounds.

Recent EU policy statements on the control at source and upstream strategy EUREAU believes that there are a lot of possibilities for new EU-wide source control measures and efforts are needed to identify the sources, consider potential measures and implement them. Especially new control measures are to be required for substances that are causing emissions through normal household use.

Control at source strategy in EU policies

The control at source strategy is supported, among others, by the following EU policies: The Treaty, EU blueprint on water and the Water Framework Directive regarding priority substances. See below for the texts on control at source in these policies.

The Treaty

As set out in the second sentence of Article 191(2) of the Treaty on the Functioning of the European Union, Union policy on the environment is to be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay.

EU Blueprint to safeguard Europe's water resources

- Council of the European Union, conclusions on a blueprint to safeguard Europe's water resources
16. THE COUNCIL OF THE EUROPEAN UNION NOTES with concern that diffuse and point-source pollution still threaten the status of EU waters, despite the progress achieved under legislation on nitrates, waste water treatment, industrial emissions, priority substances, chemicals, biocides; ACKNOWLEDGES the progress made under the new legislation on plant protection products; UNDERLINES the need to take into account the impact that land use changes may have on water status; INVITES the Commission to consider the need to propose cost-effective EU source-control measures

in the framework of the above legislation, as appropriate, and to strengthen coherence between relevant legislation; URGES Member States to enhance efforts towards a full implementation of the above legislation, and CALLS ON Member States to involve all relevant stakeholders, in particular the private sector, in order to secure long-term investment plans in these areas.

- European Commission on a blueprint to safeguard Europe's water resources
EU legislation on chemicals (REACH)¹⁹ and on plant protection products and biocides has recognised the need to assess their risks to the aquatic environment and, where necessary, to impose restrictions on how they may be used or to deny authorisation to use them at all. Either way, upstream measures should be seen as preferable to downstream (cleaning up) solutions.

DIRECTIVE 2000/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for Community action in the field of water policy

Cadmium is defined as a priority hazardous substance. EUREAU would like to point out that the need to phase out priority hazardous substances are comprehensively described in the Water Framework Directive.

Recitals:

- **(27)** The ultimate aim of this Directive is to achieve the elimination of priority hazardous substances and contribute to achieving concentrations in the marine environment near background values for naturally occurring substances.
- **(43)** Pollution through the discharge, emission or loss of priority hazardous substances must cease or be phased out. The European Parliament and the Council should, on a proposal from the Commission, agree on the substances to be considered for action as a priority and on specific measures to be taken against pollution of water by those substances, taking into account all significant sources and identifying the cost-effective and proportionate level and combination of controls.

Article 1 The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

- **(c)** aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;

Article 16 Strategies against pollution of water

- **1.** The European Parliament and the Council shall adopt specific measures against pollution of water by individual pollutants or groups of pollutants presenting a significant risk to or via the aquatic environment, including such risks to waters used for the abstraction of drinking water. For those pollutants measures shall be aimed at the progressive reduction and, for priority hazardous substances, as defined in Article 2(30), at the cessation or phasing-out of discharges, emissions and losses. Such measures



shall be adopted acting on the proposals presented by the Commission in accordance with the procedures laid down in the Treaty.

DIRECTIVE 2013/39/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

The text in the Directive states the following:

Recital 1.

- Chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and loss of habitats and biodiversity, as well as a threat to human health. As a matter of priority, causes of pollution should be identified and emissions should be dealt with at source, in the most economically and environmentally effective manner.

Recital 11

- In order to improve coordination between Directive 2000/60/EC, Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (2), and relevant sectoral legislation, potential synergies should be explored with a view to identifying possible areas where data gathered through implementation of Directive 2000/60/EC can be used to support REACH and other relevant substance evaluation procedures and, conversely, areas where data generated for the purpose of substance evaluations under REACH and relevant sectoral legislation can be used to support the implementation of Directive 2000/60/EC, including the prioritisation outlined in Article 16(2) of that Directive.

Recital 12

- The progressive reduction of pollution from priority substances and the cessation or phasing-out of discharges, emissions and losses of priority hazardous substances, as required by Directive 2000/60/EC, may often be achieved most cost-effectively through Union substance-specific measures at source, for example pursuant to Regulations (EC) No 1907/2006, (EC) No 1107/2009, (EU) No 528/2012 (3) or Directives 2001/82/EC (4), 2001/83/EC (5) or 2010/75/EU (6). Coherence between those legal acts, Directive 2000/60/EC and other relevant legislation should therefore be strengthened to ensure that source-control mechanisms are applied as appropriate. Where the outcome of the regular review of Annex X to Directive 2000/60/EC, and available monitoring data, show that the measures in place at Union or Member State level are insufficient to achieve the EQS for certain priority substances or the cessation or phasing-out objective for certain priority hazardous substances, appropriate action should be taken at Union or Member State level with a view to achieving the objectives of Directive 2000/60/EC, taking into account the risk evaluations, socio-economic and cost-benefit analyses carried out under the relevant legislation as well as the availability of alternatives.



EUREAU is the voice of Europe's drinking water and waste water service operators. Collectively, they provide water services to more than 400 Million people and reflect the full diversity of the European private as well as public water service industry across Europe.

EUREAU brings together national associations, representing water supply and waste water services in EU and EFTA countries. An observer status is granted to representative associations of countries in accession negotiations with the EU.