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Commission faces legal challenge over approval of toxic paints

The European Commission is facing a new legal challenge on its decision to authorise the use of a dangerous neurotoxin in paint.

ClientEarth, the European Environmental Bureau (EEB), The International Chemical Secretariat (ChemSec) and International POPs Elimination Network (IPEN), are questioning the legality of the Commission's decision which permits Dominion Colour Corporation to supply red and yellow lead chromate pigments in the EU.

Lead chromates are composed of lead, a neurotoxin which harms the nervous system, and chromium, a carcinogen causing lung tumours. Children are particularly vulnerable to lead exposure and the health effects are generally irreversible and have a lifelong impact. Lead chromates are also extremely toxic to aquatic life.

The use of these toxic paint components has been abandoned for decades in many EU countries. In Sweden, they have not been used for 30 years. Many paint companies publicly state that alternatives do exist and that they have been using them for years.

ClientEarth lawyer Alice Bernard, based in Brussels, said: "Dominion Colour Corporation, which is a Canadian company, has failed to show that the toxic pigments in their paint could not be replaced with safer ones – a key legal test.

"The Commission has admitted this but granted the authorisation anyway. Why is it looking the other way, allowing the rules to be broken and people's health to be put at risk?"

The authorisation to this one company also creates a competitive disadvantage. Businesses investing in safer alternatives should not be undermined by companies that do not.

ChemSec Policy Advisor Frida Hök said: "Authorisations like this disfavour producers and users of alternatives to these dangerous chemicals and moves REACH in the wrong direction."

The decision is also incompatible with the EU's international commitments to prevent children's exposure to paints containing lead and to minimise occupational exposures to lead paint.

IPEN's Dr. Sara Brosché said: "This illegitimate authorisation completely undermines EU chemicals regulation and the global effort to eliminate lead paint and needs to be recanted.

Tatiana Santos, senior policy officer at the European Environmental Bureau, said: "Other paint companies, including the largest ones in Europe have already stopped using lead in paint and support the ban. We are outraged that a Canadian company is single-handedly fighting to continue the use of lead pigments in paint."

The Commission now has 12 weeks to reply to the legal challenge. If its response is unsatisfactory, the case will be taken to the European Court of Justice.