

Helsinki, 07. 03. 2017

Mr Jorgo Riss
Director
Greenpeace European Unit asbl/vzw

By email jorgo.riss@greenpeace.org

Subject: Open letter on ECHA's Risk Assessment Committee

Dear Mr Riss,

Thank you for your letter of March 6, in which you comment about ECHA's Risk Assessment Committee, in particular the hazard assessment leading to an opinion on the harmonised classification of glyphosate. We appreciate you focussing on ECHA's independence and transparency – it is of great importance to us too. Our work is based on science and it is of the utmost importance to us that we guarantee the independence of our staff and Committee members nominated by the Member States.

Anyone coming to work at ECHA – or with ECHA - has to complete a detailed declaration of interest before they can start. These are all examined closely and, as the person who appoints people to work here, I can abstain from recruiting a staff member who could regularly have a perceived conflict of interest. Experts on the scientific Committees, Management Board and Enforcement Forum are also screened against targeted eligibility criteria. The Agency's Management Board – which appoints members of RAC and SEAC - can also refuse a nominee from a Member State for similar reasons. Once working with ECHA, these declarations are updated and examined at least annually.

Regarding your concern about ECHA employing staff from industry, as a matter of principle, we do not exclude potential staff members with a background in industry or any other stakeholder organisation. We believe that practical experience from all aspects of our work adds to our understanding, effectiveness and efficiency. But clearly, any potential conflicts of interest need to be managed and this is why we have in place a policy on conflicts of interest which ensures that potential conflicts are identified and managed appropriately.

As you have seen in the material on our website, the scope of such declarations is very wide and covers all private interests held, including those of close family members (spouse, partner and/or dependent children). This includes, but is not limited to, previous employment, consultancy, legal representation or advice, membership of a governing body, scientific advisory body or equivalent, other membership or affiliation, research funding, financial investments, intellectual property, public statements and positions.

Also, in addition to the regular declarations of interest, every Committee meeting starts with an oral declaration of any specific interests related to the agenda items to be discussed. Committee members regularly declare interests in specific substances; this is most commonly in relation to concurrent employment at a Competent Authority submitting a dossier to RAC but may also be related to other associations with a particular chemical. The mitigation measure applied is being unable to vote and further measures may be applied related to intervention in the debate.

Nevertheless, you raise concerns in your letter that the Chairman of the Risk Assessment Committee and two of its members appear in your view to have conflicts of interest. We do not

agree and the points that you raise do not give us cause to reconsider that for the following reasons.

The Chair of RAC, Tim Bowmer, joined ECHA on 1 September 2012 and made a clean break with his previous employer. He had worked as a consultant for a Government owned, not for profit, research and technology organisation for many years, advising and supporting companies in the safer use of chemicals. He has declared his previous work in his annual declarations of interest. He also self-declared a conflict of interest on one CLP dossier and another ECHA staff member took over as Chairman for this agenda item at the RAC 22 and 23 meetings.

Your concerns about the two Committee members are related to the work that their employers do in providing support to industry, and to their signature of a letter to the scientific adviser to the Commission President. We see no cause for concern in either. Both Committee members work for highly respected national Institutes who advise their national governments. Those Institutes also derive some of their income from non-governmental sources, as is increasingly the case today. Nevertheless, the aim of both organisations through research and consultancy is to improve health and well-being at work (see for example <https://www.ttl.fi/en/about-us/>). The Management Board appointed these two Committee members and do not exclude scientists working for organisations of this kind, provided that declarations of interest are made. Of course, declaring an interest does not equate with having a conflict of interest. We require the former, precisely to avoid the latter. As a matter of interest, Ms Santonen has also declared an interest at the start of a number of Committee meetings (RAC 29-32). For example, she abstained from the discussion in four meetings on one restriction dossier, as she had been involved in a study on the substance by her employer. This, again, shows that potential conflicts of interests are declared when relevant.

I am equally confident that the two members concerned have not breached our rules on preventing conflicts of interest by signing the position letter from various scientists on endocrine disrupters. As scientists they have experience and hold opinions – that is why they are valuable to us. We must defend their freedom of scientific opinion. We depend on the range of opinions amongst the 53 independent scientists on RAC in order to reach balanced judgements which weigh the evidence honestly and openly. Many of our stakeholders – including Greenpeace – have seen this in action when they observe our Committee meetings. In our view, signing a letter in support of a scientific position does not constitute a public statement or position as defined by our policy on conflicts of interest¹, which focuses on expert opinions provided during regulatory decision-making, in Parliament committees during law-making or expert testimonies in Courts of law. Influencing public debate is part of the basic right to freedom of opinion and not “part of a regulatory, legislative or judicial process”. So, even though you have interpreted signing that letter as taking a public stand, we do not, and in our view they have not breached our procedures by not declaring it.

However, your fundamental concern is whether this could call into question the impartiality of the impending opinion on glyphosate. Our answer is absolutely not. The chair and two members have not declared an interest in the substance and we believe this to be correct. Furthermore, in the development of any RAC opinion – including glyphosate – there is a very small group of active RAC members who on the one hand, do the analysis and draft the opinion and on the other, act as peer reviewers. The members you cite have not been involved in the analysis of data on glyphosate, nor in the drafting of the opinion, nor in peer-reviewing it. Rather they are two from 53 scientists who will discuss the opinion thoroughly and aim to reach consensus on the classification of glyphosate. All of them are independent in their judgement, all of them nominated by their respective governments and all of them appointed by our Management Board to undertake this important role. As a matter of interest, we will be publishing the names of the rapporteurs after the opinion has been agreed – we do not do it before, precisely so as to protect them from any lobbying.

As to the use of unpublished scientific evidence provided by industry, it is normal practice for European regulators to examine under EU chemical regulations all studies available whether commissioned by industry, public organisations or other bodies. In the case of glyphosate the relevant information from all available studies (including any original study reports from the industry studies) was available to the RAC members during their opinion-development. All relevant information (including the proprietary information) is summarised in the CLH report in a way that enabled a meaningful public consultation and subsequent assessment by the RAC members.

I do hope that I have been able to reassure you that you need have no concern that the opinion on glyphosate will be compromised in any way. I can assure you that this is every bit as important to us as it is to you and your colleagues.

I thank you once again for your letter and for this further demonstration of the importance of our independence and trustworthiness as an Agency. I am placing this letter on our website, given the wide circulation of your own.

Yours sincerely,

Signed

Geert Dancet,

Executive Director

ⁱ 5.9 Public statements and positions

Public statements should be interpreted as the provision of an expert opinion or testimony in the regulatory field of activity of ECHA for a commercial entity or other organisation, as part of a regulatory, legislative or judicial process.

Public office or other positions should be interpreted as the holding of an office or other position, paid or unpaid, where the declarant represents interests or defends an opinion in the regulatory field of activity of ECHA.