

## Cefic views on the soil health

Sustainable use and protection of the soil environmental quality is a priority for the chemical industry. Cefic welcomes the initiative to develop an EU soil health law, as it recognises European soil as a valuable natural resource, and the need to maintain its highest quality.

The chemical industry is committed to reducing its environmental impacts and has shown support to the European Green Deal through the Commission's Zero Pollution Ambition, the Circular Economy Action Plan, Chemical Strategy for Sustainability, and the Carbon Neutrality Strategy. Our industry takes its responsibility seriously by building on operational excellence standards to protect people and environment, for instance through [Responsible Care®](#).

Soil and groundwater contamination prevention remains one of the chemical industry's highest priorities, along with prompt remediation measures in case of accidental spills or long-lasting contamination. The industry applies the latest technologies and procedures to comply with the broad European<sup>1</sup> and national legislation frameworks<sup>2</sup>.

Cefic would like to share few key considerations for the new soil health law proposal:

- The new proposal should guide Member States to ensure coherence between national and EU legislations and the initiatives stemming from the EU Green Deal. It should be limited to precautionary aspects and focus on avoiding overlapping objectives. For example, for industrial production sites there are already soil monitoring requirements in the Industrial Emissions Directive (Art 16) and a clear demarcation would be needed in the new soil law proposal. Cefic also believes that the stakeholder participation should be ensured throughout the process of developing the new soil law (e.g. through discussions in expert group meetings).
- With the subsidiarity principle as the guiding principle, considering the various types of soil in Europe, their properties and functionalities, the national perspective should be used to address the issues of pollution/degradation. Remediation measures of contaminated sites are currently addressed in targeted national legislation in many countries; it is the responsibility of the National Competent Authorities to determine the identification procedure for contaminated land and set priorities according to the local conditions.

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<sup>1</sup> E.g. European legislation with relevance for soil protection: Environmental Liability Directive, Environmental Impact Assessment Directive; Sewage Sludge Directive; Regulation on fertilisers, Mercury Regulation, Land use, land use change and forestry Regulation, Common Agriculture Policy, Seveso Directive. For instance, Industrial Emissions Directive include provisions on soil to ensure that this resource is fully protected, and that contamination is avoided during the life of the permit. These provisions include some background information on the current state of the soil (e.g. details on former activities and potential contamination). Likewise, requirements are formulated in the Directive describing remediation requirements at cessation of activities.

<sup>2</sup> Many EU countries and regions have in place soil legislation, e.g. the Netherlands, Germany, Belgium (Flanders/Wallonia/Brussels), France, Greece, Italy, Portugal, Spain, Austria.

- A risk-based approach consistent with how the land is used, inclusive of various types of intervention on soil with effects on physical and biological soil health, should apply to soil investigation and remediation measures. Such a risk-based approach would identify when there is a real risk to human health and the environment, taking into account the land use and would help to identify the appropriate and proportionate measures to prevent harm. This is of key importance to set the right priorities in an economically feasible way.
- Safeguarding of contaminated sites and remediation of contaminated sites should be given an equal priority for risk-mitigation of contaminated sites.
- Soil and/or groundwater investigations are an essential tool in (planned) land transactions - ensuring Seller and Buyer are aware of subsurface conditions. The minimum acceptable content of such investigations should form part of a 'Soil Health Law' / 'Soil Framework'. The contractual agreements for such transactions should be seen as private and confidential between Selling and Buying parties. There should be no binding requirement to release these contractual transaction documents.
- If a soil health certificate for land transactions is to be considered in the business impact statement - then within the options for implementing this, it should be the intention that such a soil health certificate allows for transfer of land that may not meet the definition of a 'healthy' soil.
- In full respect of the national legislations, the new proposal should preserve the right for private owners to conduct commercial transactions, including the ability to pass on the management of potential future liabilities for soil, groundwater etc. between entities (e.g. from a Seller to another e.g. a Buyer).
- We recommend that any proposed Soil Health law adopts a risk-based and sustainable model for contaminated land assessment and management. The NICOLE/Common Forum joint statement (2013) provides helpful principles that might form the basis for a regulatory model.

Cefic looks forward to sharing its ideas and exploring potential policy solutions with the European Commission and stakeholders in due course.

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About Cefic

Cefic, the European Chemical Industry Council, founded in 1972, is the voice of large, medium and small chemical companies across Europe, which provide 1.2 million jobs and account for 16% of world chemicals production.