



# EU ECOLABEL FOR RINSE-OFF COSMETIC PRODUCTS

BEUC and EEB position on proposal to be voted on 14<sup>th</sup> of March 2014

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Ref.: X/2014/011 - 28/02/2014

## Summary

The European Commission has presented a proposal on a Decision establishing EU Ecolabel criteria for rinse-off cosmetic products to be voted by Member States at Regulatory Committee on 14 of March 2014<sup>1</sup>. This Decision revises the criteria of the EU Ecolabel for Soaps, Shampoos and Hair Conditioners from June 2007<sup>2</sup>, and extend its scope to cover also shaving products. It excludes products that are specifically marketed for disinfecting or anti-bacterial use (except anti-dandruff shampoos).

The EEB and BEUC welcome the proposal and acknowledge that it considerably improves the criteria from 2007 in areas of interest for the environment and consumers. In this respect, both organisations call on the European Commission and Member States to reach an agreement and vote the criteria without undermining any of the criteria that are currently proposed. On the contrary, in this position paper the EEB and BEUC make recommendations to further strengthen the ambition level for several requirements.

The criteria for Critical Dilution Volume and biodegradability are better than the requirements from 2007. However, considering that the biodegradation potential and the aquatic toxicity as one of the major environmental aspects of these products, and taking into account the background research undertaken by the Joint Research Center of the European Commission (JRC), the EEB and BEUC strongly call on the European Commission and Member States to increase ambition level of these criteria.

The EEB and BEUC highly welcome the requirement that fragrances shall not be used in rinse-off cosmetic products intended for children and strongly support that as a major achievement of the revision. However, both organisations would have preferred to have this exclusion extended to all Ecolabelled rinse-off cosmetic products and regret the lack of support for this proposal. Despite that, the EEB and BEUC acknowledge that the criterion on fragrances extend the range of fragrances that are covered and restricted and strongly call on the European Commission and Member States to not water down the proposal. On the contrary, both organisations even recommend additional restrictions.

The EEB and BEUC are very satisfied by the exclusion of problematic substances such as parabens, triclosan, formaldehyde and formaldehyde releasers, micro-plastics and nanosilver. Beyond that, the EEB and BEUC make a strong call to avoid the use of Chloromethylisothiazolinone (CMIT) and methylisothiazolinone (MIT), further endocrine disrupter chemicals and nanomaterials on a precautionary basis.

The EEB and BEUC highly welcome the introduction of a requirement to address the origin of palm oil, although it is recommended to improve the assessment and verification requirements in terms of traceability.

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<sup>1</sup> [https://circabc.europa.eu/sd/a/c26a9b9d-046f-46ef-a307-8fe54540cbf7/Rinse-off%20cosmetics-TECHNICAL%20REPORT\\_February%202014.pdf](https://circabc.europa.eu/sd/a/c26a9b9d-046f-46ef-a307-8fe54540cbf7/Rinse-off%20cosmetics-TECHNICAL%20REPORT_February%202014.pdf)

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:186:0036:0045:EN:PDF>

## 1. Criterion for Critical Dilution Volume

The EEB and BEUC acknowledge improvement of this requirement as compared with the criterion from 2007, but still consider that it is possible and necessary to increase the ambition level. Therefore, both organisations call on the European Commission and Member States to:

- Strengthen the CDV values and align them with the Nordic Swan requirements.
- Lower the value for shaving products.
- Cover rubbing and abrasive agents in the CDV calculations.

Recognising aquatic toxicity as one of the major environmental impacts of these products, it is important to set the most restrictive possible values for the critical dilution volume<sup>3</sup>. In this regard, the limits proposed may not appropriately differentiate the best products on the market. Based on the experience of the Nordic Swan criteria and the investigation of a sample of EU Ecolabel products, it was concluded in the JRC technical report that achieving more restrictive CDV values is possible (see table below). The EEB and BEUC disagree with the limits proposed as they do not reflect the current potential to reduce the aquatic toxicity impact of this product. Both organisations are strongly against a less ambitious proposal based on the risk of losing potential applicants, as the Nordic Swan has many licenses and the CDV limits are stricter. In addition, based on the Nordic Swan experience, it is not substantiated why the CDV value of shaving foams should be set at such a high level.

*Table 1. CDV Values of EU Ecolabel and Nordic Swan compared with the average values*

	Proposed EU Ecolabel values (l/g Active Content)	Average values of sample investigated <sup>4</sup>	Nordic Swan (l/g active ingredient)
Shampoo, shower preparations and liquid soaps	18000	Average: 14717 Range: 7342-19909	13000
Solid saps	3300		3000
Hair conditioner	25000		13000
Shaving foams, shaving gels, shaving creams	20000		13000
Shaving solid soaps	3300		3000

The EEB and BEUC consider it as important to cover rubbing and abrasives agents. In the technical report it is currently not clear why they are explicitly exempted for the calculation of the active content (article 2.2), and therefore ask the Commission to provide a justification. In addition, the EEB and BEUC would like to stress that it is important to integrate these substances in the calculation of the CDV value.

<sup>3</sup> The CDV represents a risk-based parameter whose calculation method (as given in criterion 1) combines the amount of the substances used, their (aerobic) biodegradability and their aquatic toxicity.

<sup>4</sup> As part of the supporting process to develop this criterion Competent Bodies were asked to provide information on CDV values of current products. 57 Ecolabel products were analysed based on the feedback from CB.

## 2. Criteria on biodegradability to be strengthened

The EEB and BEUC welcome the requirement that all surfactants shall be biodegradable under aerobic and anaerobic conditions. However, both organisations call on the European Commission and Member States to:

- Strengthen the biodegradability values of organic substances (aNBDO and anNBDO) by aligning them with the Nordic Swan requirements.
- Set a lower value for shaving products.

Soaps, shampoos and hair conditioners contain many other substances such as emollients, humidifiers and conditioning agents which are very similar to surfactants. Those substances have a worse biodegradability and therefore they should also be addressed. Stricter requirement for anaerobic biodegradability could be set based on the research documented in the technical background report and the Nordic Swan requirements. The technical report shows an average aNBDO value for liquid soap and shampoo of 15 for the Ecolabel products that have been analysed. This average value is in line with the Nordic Swan requirements. In addition, despite lack of information for shaving products, we find the value of 70 mg/g AC extremely high as compared with the others. Rationale for setting such high value is missing.

## 3. Criterion 3 – Excluded or limited substances and mixtures

### 3.1 Exclusion of health and environmental hazardous ingredients (3 (a))

The EEB and BEUC highly welcome the proposed list of substances to be excluded from the EU Ecolabel for soaps and shampoos. However, there are additional substances that should be considered for exclusion based on health and environmental concerns and application of the precautionary principle.

#### Endocrine disrupting chemicals (EDCs)

The EEB and BEUC recommend to:

- Expand the list of EDCs to be excluded.
- At the very least, support a statement accompanying the decision that this criterion will be revised within a short period following publication of the Strategy on EDCs.

The EEB and BEUC are very satisfied with the exclusion of triclosan, parabens, formaldehyde and formaldehyde releasers. However, considering the critical concerns about these substances, the EEB and BEUC strongly support the extension of EDCs that cannot be used in the EU Ecolabel for rinse-off cosmetics. Reference can be made to the SIN list 2.1<sup>5</sup> or TEDX list from 2011<sup>6</sup>. Alternatively reference to the EU priority list on endocrine disrupters which are of Category 1 and Category 2.

<sup>5</sup> <http://www.chemsec.org/what-we-do/sin-list>

<sup>6</sup> The TEDX List of Potential Endocrine Disruptors is a database of chemicals with the potential to affect the endocrine system. Every chemical on the TEDX List has one or more verified citations to published, accessible, primary scientific research demonstrating effects on the endocrine system. <http://www.endocrinedisruption.com/endocrine.TEDXList.overview.php>

## Nanomaterials

The EEB and BEUC welcome the exclusion of nanosilver and call on the European Commission and Member States to further exclude the use of nanomaterials in Ecolabel rinse-off cosmetic products unless the manufacturer can prove that the substances have been adequately assessed and are safe for the environment and health.

Nanomaterials such as nanosilver are already used in many different products including soaps because of their antibacterial properties. Silver has been classified as being toxic to the aquatic environment and little is known about the effect of silver in the nanoform. This lack of knowledge holds also true for other nano materials that may be found in rinse-off products. For instance nano-copper (both catalytic and anti-bacterial) can be used as ingredient in some shampoos<sup>7</sup>.

Considering existing concerns on potential hazardous properties of nanomaterials, methodology gaps to assess their safety and regulatory loopholes, the EEB and BEUC strongly call for restricting the use of nanomaterials until a proper toxicological and ecotoxicological assessment framework for nanomaterials is in place and the manufacturer can prove that the substances have been adequately assessed and are safe for the environment and health.

The requirements to regulate nanomaterials in the EU Ecolabel could be based in the approach followed by the NF Environment Label and the Nordic Swan.

### **3.2 Criterion 3 (b) Hazardous substances and mixtures – Proposed Derogations**

EEB and BEUC strongly disagree with granting the EU Ecolabel to products which contain substances that are hazardous for the environment or dangerous for human health during the entire life cycle.

#### **General exemption granted to substances and mixtures**

EEB and BEUC do not support the addition of the following formulation exempting ingredients from the request to comply with the exclusion of hazardous and dangerous substances (H phrases and SVHC):

*"Substances or mixtures which change their properties through processing and thus become no longer bioavailable, or undergo chemical modification in a way that removes the previously identified hazard are exempted from criterion 3 (b)".* This requirement is not acceptable based on the life cycle approach of the EU Ecolabel. The use of ingredients that are dangerous for the health or the environment should be avoided.

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<sup>7</sup> <http://nano.taenk.dk/>

### **Derogation for zinc pyrithione**

The EEB and BEUC call on the European Commission and Member States to:

- To reject the derogation for zinc pyrithione.

The derogation for zinc pyrithione is not acceptable. Zinc pyrithione is very toxic to aquatic organisms and is forbidden to be used in antifouling paints for boats in the Swedish archipelago. To accept its use in Ecolabel products is not in line with consumer expectations in terms of environmental excellence of the products. The consideration that the substance is ready biodegradable is not sufficient as degradation products (2-pyridine sulphonic acid) have persistent properties and can be found in effluent and sludge from waste water treatment plants in Sweden.

It is not clearly substantiated that none alternative for substitution of zinc pyrithione exist. We are fully aware that alternatives exist such as piroctone olamine and different salicylates.

### **3.3 Criterion 3 (d) Fragrances**

The EEB and BEUC strongly welcome the requirement (3 d) that products for children shall be fragrance-free, as a major achievement of this revision process. However, both organisations strongly support an extension of the total restriction of fragrances to cover all rinse-off cosmetic products.

The EEB and BEUC acknowledge a significant improvement of the requirement on fragrances which increases significantly the range of fragrances that are restricted as compared with the decision from 2007, and call on the European Commission and Member States to not undermine the current proposal during the vote.

Beyond that, the EEB and BEUC strongly support a complete restriction of all substances listed in the opinion of the Scientific Committee on Consumer Safety (SCCS)<sup>8</sup> of June 2012 (Table 13-1, 13-2, 13-3 and 13-4 in addition to Table 13-5), and specially Table 13-1.

The EEB and BEUC consider that it is important to provide information to the consumer on the use of allergens by labelling those included in the SCCS opinion (as a minimum following the advice of the SCCS, whose recommendation is to label ingredients present in Table 13-1, Table 13-2 and Table 13-3).

The EEB and BEUC strongly reject the derogation granted to fragrances classified as H412 and H413 under criterion 3 (b).

<sup>8</sup> [Scientific Committee on Consumer Safety. Opinion on fragrance allergens in cosmetic products](#), June 2012. *From the few population-based studies, it can be estimated that the frequency of contact allergy to fragrance ingredients in the general population in Europe is 1-3%. This is based on the limited testing with eight common fragrance allergens (FM I) out of the approximately 2500 fragrance ingredients listed in CosIng and indicative of the substances that may be present in fragrance compounds. However, the real prevalence of contact allergy to fragrance substances may be higher if the testing were to be performed with the full spectrum of fragrance allergens, including oxidised substances, where relevant. Among eczema patients in the European population, around 16% are sensitised to fragrance ingredients. The disease can be severe and generalised, with a significant impairment of quality of life and potential consequences for fitness for work.*

The EEB and BEUC regret that criterion 3 (a) (ix) does no longer completely exclude the list of those fragrances identified as established contact allergens of special concern by the SCCS (Table 13-5), as proposed in the earlier proposal that was presented for vote by Member States on 20<sup>th</sup> of June 2013.<sup>9</sup> The new proposal establishes a threshold of 0.01% to restrict the above fragrances and those listed in Annex III of the Cosmetic Regulation for labelling in the list of ingredients. The SCCS recommended a general threshold of 0.01% for substances identified as posing a high risk to the consumer and for which no individual thresholds could be derived (Table 13-5), considering that it will limit the problem of fragrance allergy in the consumer significantly. However, following a precautionary approach for Ecolabel, the EEB and BEUC highly recommend total exclusion, at least of fragrances identified as established contact allergens of special concern.

In addition, the EEB and BEUC believe that the criterion should restrict additional allergens listed in the SCCS opinion including:

- Table 13-2 – contact allergens in animals.
- Table 13-3 – likely contact allergens.
- Table 13-4 – possible contact allergens.

Furthermore, criterion 3 (a) (ix) does not provide any labelling obligation for informing consumers on the presence of the fragrances. The SCCS considers that the substances listed in Table 13-1, Table 13-2 and Table 13-3 represent those fragrance ingredients that the consumer should be made aware of when present in cosmetic products. *Information on the presence of all the substances given in the Table 13-1, Table 13-2 and Table 13-3 in cosmetic products is important in order to enable aimed testing of patients with contact dermatitis and to diagnose fragrance allergy without delay. Further, this information is important to the sensitised consumer as it will enable them to avoid cosmetic products, which they may not tolerate.*

Finally, the EEB and BEUC do not support the derogation granted to fragrances under criterion 3 (b) for hazard phrases H412 (harmful to aquatic life with long-lasting effects) and H413 (may cause long-term adverse effects to aquatic life). Given that rinse-off cosmetic end up in water systems, it is unacceptable to grant an Ecolabel to products that pose such harm to aquatic ecosystems.

### **3.4 Criterion 3 (e) Preservatives**

The EEB and BEUC strongly call on the European Commission and Member States to:

- Add Chloromethylisothiazolinone (CMIT)/methylisothiazolinone (MIT) to the list of substances to be excluded.
- Integrate a requirement that preservatives shall be biodegradable.

<sup>9</sup> The European Commission had previously presented a proposal for an Ecolabel for rinse-off cosmetic for vote by Member States at the Regulatory Committee of 20 of June 2013. However, the proposal was withdrawn at the last moment following disagreement within the Commission services over the criterion on fragrances.

Chloromethylisothiazolinone (CMIT) and methylisothiazolinone (MIT) are widely used and their values for ecotoxicity are among the highest according to the background report. They are also associated with allergic reactions and sensitizing potential. The EU Ecolabel should avoid such products. In this respect, sufficient arguments are provided in the background report to support the exclusion. From the background information it is not clear that alternatives would not be available for all the range of pH and rinse-off products. Instead, it is argued that the CMIT/MIT cover a wide pH range. However, the pH range 2-10 is barely relevant for rinse-off cosmetics.

Finally, the EEB and BEUC welcome the criterion on bioaccumulation for preservatives, but recommend to add a requirement to ensure biodegradation of preservatives.

#### **4. Criterion 5 – Origin of palm oil**

The EEB and BEUC highly welcome the introduction of a requirement to address the origin of palm oil. However, as regard verification and assessment, both organisations strongly recommend referring only to those types of certificate that allow traceable palm oil. Mass balance would be a compromise option versus book and claims certificates if “identity preserved” or “segregated” palm oil are not available.

The EEB and BEUC support the consideration of requirements to ensure the sustainable sourcing of all vegetable oils and suggest, at least, to make a statement for its consideration in the next revision of the criteria.

The EEB and BEUC welcome the inclusion of requirements to promote the sustainable sourcing of palm oil. Nevertheless, sustainability requirements should not just apply to palm oil and its derivatives but to vegetable oils that might substitute palm oil in such cosmetics.

The explicit requirement of third party certification in respect of palm oil (e.g. RSPO) is a step forward to ensure that the use of palm oil has not led to deforestation. The requirement that the sustainable management criteria to be used have been set by multi-stakeholder organisations is also to be welcomed. However, there are concerns that certification options currently available do not offer a guarantee of sustainable production. In this regard, the EEB and BEUC would like to support requirements that would promote organic farming by referring to official sets of regulations on agriculture and organic production (e.g. the European regulation (EC) No 834/2007 and its implementing regulations (EC) 889/2008 and 1235/2008, the US National Organic Program...). NGOs call on the EC and Member States to request that all vegetable oils originate from organic agriculture or at least to introduce this aspect within the statement for points to be considered in the next revision.

Traceability is a key aspect of the certification schemes as it can allow the companies to know the country of origin of the palm oil they buy and which plantations the palm oil originates from. In this regard, the EEB and BEUC can only support those types of certificate that allow traceable palm oil: “identity preserved” and “segregated” palm oil.



The EEB and BEUC do not support the reference to book and claim systems for the EU Ecolabel, as they do not offer a guarantee to consumers that the product they are buying is actually certified and that it is not destroying forests and potentially triggering conflicts in local communities. Book and claim systems only guarantee that the manufacturer of the cosmetic pays a certain sum per tonne of palm oil to a producer/plantation who is producing RSPO-certified palm oil in order to get the «Green Palm-certificates» accompanying every tonne of certified palm oil. One of the most important reasons that more manufacturers buy Book & Claim is that it is much cheaper to buy green certificates than to buy palm oil which is actually certified.

According to RSPO, the demand for identity preserved and segregated palm oil is currently not big enough and an increased demand will foster higher availability of certificates. It would be justified for the EU Ecolabel to promote the use of those certificates that offer better guarantees to the consumer on the origin of the palm oil, even if they may be more expensive than book and claim. Therefore, the EEB and BEUC suggest that for chemical derivatives of palm oil the standards required are not lowered, and that only identity preserved and segregated certifications would be acceptable. Mass Balance would be a compromise option versus book and claims certificates if identity preserved or segregated are not available.

## 5. Packaging

The EEB and BEUC call on the European Commission and Member States to:

- Foresee specific criteria on packaging for shaving foam and gel, by excluding hydrocarbon propellant gases contributing to climate change and low level ozone pollution.
- Exclude the use of SVHC, PVC and Bisphenol A in packaging.
- Include criterion on recycling and refilling systems.
- Request 100% recycled metal for aerosol packaging.

The EEB and BEUC have supported extending the scope of this product group to shaving foams, as they are products for everyday use and therefore offer a big potential for Ecolabel. However, it is important to set additional criteria concerning the packaging. Today, those products are still sold in aerosol containers. The propellant gases used (e.g. propane and butane) contribute to the formation of low level ozone, acid rain and green house gas emissions. As indicated in the technical report, there are alternatives to aerosol packaging<sup>10</sup> available. Even if they may not be widely available in the market, setting Ecolabel requirements in this area would be justified. Substances causing the green house effect as well as low level ozone pollution should be avoided as far as possible. In humans, the ozone can cause lung tissue damage and create high incidences of asthma and allergenic reactions<sup>11</sup>.

<sup>10</sup> One alternative could be product AirOPack. More information can be found at the following website:  
<http://www.premiumbeautynews.com/en/AirOpack-a-green-alternative-to,2123?checklang=1>

<sup>11</sup> European Environment Agency,  
<http://www.eea.europa.eu/themes/air/multimedia/creation-of-low-level-ozone/view>

Secondly, the presence of Substances of Very High Concern (SVHCs) in the packaging material would not be acceptable from a consumer and environmental point of view and would also not be in line with the philosophy of the Ecolabel Regulation. Excluding PVC and polycarbonates containing bisphenol A (BPA) is an important point as well. PVC is sometimes used in packaging for products destined for use by children (see some examples in Annex).

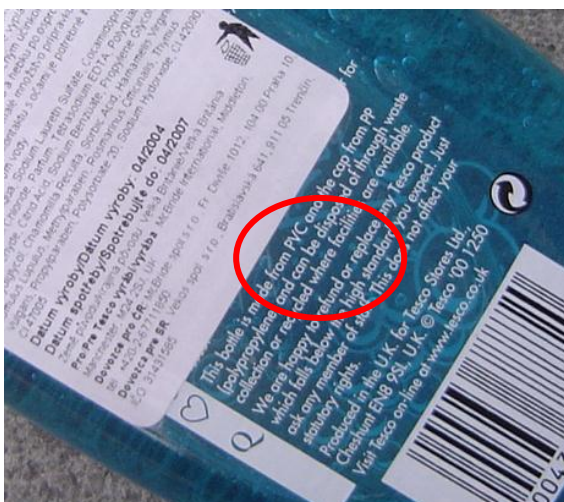
Finally, BEUC and EEB support including a criterion on recycling and refilling systems and on use of 100% metal recycled containers.

END

**Annex**



Potential example of PVC<sup>12</sup> used in shampoo packaging; source: Flickr, author: bfishadow.



Shower Gel packed in PVC. Bought in Bratislava (Slovakia) in 02/2005.

<sup>12</sup> This product has been tested for the presence of PVC. Nevertheless, similar products contain PVC.