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The Consumer Voice in Europe

ANEC AND BEUC COMMENTS TO DRAFT REACH RESTRICTION OF CMR SUBSTANCES IN TEXTILES

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Ref: BEUC-X-2018-016 - 08/03/2018

ANEC-PT-2018-CEG-006

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Funded by the European Union

Summary

ANEC and BEUC welcome the European Commission's plans to better protect consumers against a group of dangerous chemicals used in textiles. The present proposal however only covers a small fraction of the harmful chemicals used in textiles; a systematic, comprehensive approach to regulate all chemicals in textiles is needed to protect consumers.

We recommend that the present proposal is amended to ensure

- Better protection of infants and small children;
- Continuous, and regular, updates to the list of restricted substances and to applicable concentration limits; and
- Disposable textiles are included within the scope of the restriction.

Why it matters to consumers

Consumers are in frequent, and often prolonged, direct skin contact with clothes and other textile products such as bed linen, carpets and towels. The presence in textiles of chemicals known to cause cancer, change DNA or harm reproductive health is therefore of significant concern.

Protect consumers against all harmful chemicals in textiles

Consumers should not be exposed to chemicals that may cause cancer, change DNA or harm their reproductive health (CMR substances).¹ **ANEC, the European consumer voice in standardisation and BEUC, The European Consumer Organisation therefore welcome the European Commission's [proposal](#) for a 'restriction of CMR substances in textile articles and clothing for consumer use under REACH'** (herein the textiles restriction).

Consumers are in frequent, and often prolonged, direct skin contact with clothes and other textile products. The presence of CMR substances in these every day consumer products is of significant concern, and the proposed textiles restriction is thus a welcome, if also long-overdue, initiative.

We further welcome the Commission's use of Article 68(2) in REACH, the so-called 'simplified' restriction procedure, to better protect consumers against a group of dangerous substances. As the European Environmental Bureau has [documented](#), the 'regular' REACH restriction process is cumbersome, and would likely have significantly delayed the present proposal. **We encourage the Commission to urgently explore how the simplified restriction procedure could be applied to other consumer products or substances.** A parallel restriction on CMRs in leather goods would for example be an obvious measure complementing the proposed textiles restriction.

¹ Cf. also Directive 94/60/EC of 20 December 1994 amending for the 14th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

CMRs are nevertheless *not* the only substances of concern in textiles. Sensitizers, endocrine disruptors, and other harmful chemicals present in textiles represent an equal, and often as serious, concern for consumers' health.² Yet, these chemicals fall outside the scope of the proposed textiles restriction.³ We here remind the Commission of the commitments set out in the [7th Environmental Action Programme](#), in particular that the European Union should ensure exposure to chemicals in products, including imported products, is minimized with a view to promoting non-toxic material cycles and reducing indoor exposure to harmful substances.

Against this background, we again insist that the present restriction proposal, which exclusively covers CMR substances, with a harmonized category 1A and 1B classification, is only an initial, interim measure to protect consumers against *all* harmful chemicals in textile products.

The Commission should without delay initiate the development of specific product legislation concerning textiles within the EU. As we also highlighted in our [2016 response](#) to the public consultation, a specific 'Textiles Product' law needs to impose uniform, and ambitious, requirements on the presence of dangerous chemicals to guarantee a high level of consumer protection, including for vulnerable groups such as children and pregnant women. Such legislation should further mandate the implementation of chemical management systems to track substances of concern through the supply chain, including the dissemination of information to consumers and waste management operators.⁴

Protect small children better

We consider that the draft textiles restriction and the proposed concentration limits offer insufficient protection for small children. An approach similar to the EU ecolabel criteria for textile products (2009/567/EC) should be taken to ensure a more comprehensive scope of protection, in particular of infants and small children.

The widely accepted and applied [Oekotex 100 standard](#), which also appears to inform the textiles restriction, likewise establishes separate limits for baby products up to the age of 36 months: the limit for cadmium is thus 0.1 ppm for product categories I (babies) and II (articles in direct contact with skin) rather than 1 ppm as suggested in the textiles restriction. For lead and arsenic compounds, the limit is 0.2 ppm for product category I (babies). For Chromium (IV) compounds the limit is less than 0.5 ppm for *all* product categories compared to the 1 ppm proposed by the Commission.

Moreover, the proposed limit for formaldehyde of 75 ppm is unacceptable for clothes and textiles that would fall within the scope of the Oekotex product category I (babies). Oekotex 100 – as well as the EU ecolabel criteria – sets the limit at less than 16 ppm, that is at the no detection limit! Compared to Oekotex 100, the proposed concentration values

² See e.g. Swedish Chemicals Agency. 2014. Chemicals in textiles – Risks to human health and the environment. Report 6/14. Available at: <https://www.kemi.se/files/8040fb7a4f2547b7bad522c399c0b649/report6-14-chemicals-in-textiles.pdf>

³ We have previously called for the scope of Article 68(2) to be extended to all substances cover all substances fulfilling the SVHC criteria. See e.g. BEUC. 2017. REACH for a non-toxic environment. Available at: http://www.beuc.eu/publications/beuc-x-2017-008_pmo_beuc_position_on_reach_review.pdf

⁴ See also Swedish Chemicals Agency. 2016. Hazardous chemical substances in textiles – proposals for risk management measures. Available at: <https://www.kemi.se/global/rapporter/2016/report-8-16-hazardous-chemical-substances-in-textiles.pdf>

for the three solvents, NMP, DMAC, and DMF, likewise appear unjustified. **At a minimum, the Commission should set the regulatory bar for formaldehyde and other dangerous substances covered by the textiles restriction at the same level as Oekotex 100 – or at an even lower level.**

Aim for ambitious consumer protection, not for business as usual

As we emphasized in our [2016 response](#), we regret the Commission’s decision to let the inclusion of CMR substances within the textiles restriction be determined by whether evidence of their presence and use in textiles is available. To adequately protect consumers, the restriction should have covered *all* CMR category 1A and 1B substances with a harmonised classification, and not just those 40+ substances for **which the Commission was able to find evidence of use in the textiles sector**. We further express our disappointment in the limited scope of the proposed list compared to the initial list of almost 300 substances.

We agree that the concentration limits set in the textiles restriction need to take ‘into account the technical feasibility of achieving those limits and the availability of appropriate analytical methods.’ However, we also insist that applicable limits should not be set exclusively with a view to what is currently (economically) feasible for industry but need to ensure a high level of consumer protection. Although, to reiterate, concentration limits at a minimum need to offer a similar level of protection as Oekotex 100, even lower levels should also be considered, taking into account *e.g.* what is achieved under the EU Ecolabel for textile products. **More ambitious limit values could thus be combined, where a justified need is demonstrated, with limited transition periods to allow operators to adapt to the restriction.**

For this reason, we also disagree with the proposed transition period for formaldehyde in jackets and coats, and in upholstery. A lack of information on suitable alternatives does not in our view justify the significantly less stringent concentration limits proposed by the Commission. The harmonized CMR, category 1B classification for formaldehyde applies since 1 January 2016, while the Commission’s intention to restrict CMR substances in textiles has been known since at least 2015, leaving operators sufficient time to find suitable alternatives. Therefore, the proposed transition period would only reward those operators who have failed to show due diligence in phasing-out formaldehyde and formaldehyde-releasers.

Finally, the list of restricted CMRs should be a dynamic list to reflect scientific and technical developments. We therefore recommend that the draft textiles restriction is **amended to guarantee continuous, and regular, updates to the list of restricted substances as well as applicable concentration limits. Such amendments should proceed according to the Article 68(2) restriction procedure.**

Exempting disposable textiles conflicts with the EU Circular Action Plan

CMR substances in nappies, disposable protective clothing, and other disposable textile products may result in significant consumer exposure: even if disposable products are intended for single use only, they may still be used frequently or for extended periods of time. Exempting such products from the scope of the restriction, as proposed by the



Commission, could therefore result in unacceptable risks to consumers' health, including for vulnerable groups, such as infants and small children.

Moreover, while we certainly support that the draft textiles restriction does not exempt CMRs in recycled materials, the proposed derogation for disposable textiles nonetheless conflicts with the EU's ambition to achieve a more circular economy. CMR substances in disposable textile products will limit their recyclability and could result in contamination of the textiles waste stream.

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