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EEB AND BEUC COMMENTS ON CRITERIA REVISION FOR THE DETERGENTS

BEUC and EEB comments on the criteria proposal December 2014

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Ref.: BEUC-X-2015-079 18/02/2015

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Summary

The European Commission is revising the EU Ecolabel criteria for Detergent Product Group. In all, there are six sets of EU Ecolabel criteria in the detergent product groups. These are:

- Laundry detergents (LD);
- Industrial and institutional laundry detergents (IILD);
- Detergents for dishwashers (DD);
- Industrial and institutional automatic dishwasher detergents (IIDD);
- Hand dishwashing detergents (HDD);
- All-purpose cleaners and sanitary cleaners (APC).

In December 2014, the Joint Research Center of the European Commission presented draft criteria proposals which were discussed at the 1st Ad Hoc Working Group on 20 and 21 January 2015 in Sevilla, Spain. We consider that the proposals should be improved in particular with regard to the ambition level of:

- The Critical Dilution Volume (CDV) limits;
- The certification system for Sustainable sourcing of palm oil, palm kernel oil and their derivatives;
- The presence of harmful substances in the products such as fragrances or endocrine disruptors;
- The presence of phosphates and non-biodegradable phosphonates that should be banned from EU Ecolabel products.

1. Detergent Product Group Scope and Definitions

Excluded products in the scope

BEUC and EEB suggest it should be clarified that the EU Ecolabel should not be awarded to detergents which are biocidal products. This is a requirement of Article 69(2) of the biocidal products regulation (EU No 528/2012) that prohibits biocidal products to be marketed with environmental claims. Since the Ecolabel is a label of environmental excellence, biocidal products with an EU Ecolabel would contradict the general EU Ecolabel philosophy and confuse consumers by harming the credibility of the EU Ecolabel.

No inclusion of fabric softeners in the scope of the EU Ecolabel

The JRC suggested to include fabric softeners in the scope of the EU Ecolabel for consumer laundry detergents and asked for inputs from stakeholders.

On this question, BEUC and EEB hold – as in the past – the view that fabric softeners should be excluded from the EU Ecolabel scope. We would like to stress that the purpose of softeners is not to clean; as they do not have any cleaning properties they have no function to improve the washing process. On the other hand fabric softeners have a high environmental impact and Critical Dilution Values (CDV) which means they are toxic to aquatic organisms and they are poorly biodegradable.

Besides the negative environmental impact of laundry softeners, their use also leads to consumers being exposed to fragrances which are not rinsed off from the textiles and which can cause strong allergies due to contact with the skin. Although laundry detergents might have high market penetration, the potential of a meaningful differentiation regarding the environmental impact of different softeners is low: most products are very similar in their composition.

New product group name "Cleaning products" would be adequate

The JRC proposes to change the name of this product group from "All purpose cleaners and sanitary cleaners" to "Cleaning Products", which would comprise all-purpose cleaners, window cleaners and sanitary cleaners. The exclusion of wipes is suggested in the report.

As some product groups will neither fit into "all purpose cleaners" nor into "sanitary cleaners", we think that changing the category's name is adequate.

Furthermore, BEUC and EEB support the exclusion of wipes as proposed by the JRC. These products are unsustainable per se as they are only used once and therefore produce a considerable amount of avoidable waste. Therefore they should not be able to obtain the Ecolabel.

2. Measurement threshold / reference dosage / dosage requirements

Move to "dosage requirement" more relevant from an environmental point of view

We welcome the JRC proposal to move from "total chemicals" to "dosage requirement" in order to promote concentrated products for DD. In the old approach, the criteria did not take the water content into consideration: it means that the threshold applied only for the amount of chemicals in the product, without taking the water amount into consideration. We prefer the new approach proposed by the JRC which promotes concentrated products. Indeed, the new criteria is set for both the ingredients AND the water in the product. Therefore, manufacturers will have to put less water in their products if they want to comply with the requirement. This means that the products will contain less water and be more concentrated.

We fully support this new criteria as concentrated products have the advantage from an environmental perspective that they need less packaging and cause less transport emissions due to their reduced weight. They have thus reduced environmental impact.

We are in favour of setting dosage requirements for HDD and rinse-aids for dish washers

Although we recognize that it is sometimes difficult to estimate the appropriate amount of product needed according to the cleaning situation, we believe that it is feasible to set a dosage requirement for HDD detergents or rinse aids for dish washers.

Indeed, the quantity of product used by customers depends on the viscosity of the product. A thicker liquid is more difficult to pour out of a bottle and less product will be used compared to a more fluid one. Manufacturers can play on the consistency of the product to regulate the flow out of the bottle. Moreover, pre-sale tests on the use of the product have shown that, after several uses, customers find unconsciously the right quantity of product to optimize the cleaning performance.

Therefore, we believe that there is no reason why dosage requirements could not be put on EU Ecolabel products.

Levels of water hardness have to be taken into consideration

BEUC and EEB believe that it is very relevant to take water hardness into consideration when setting the criteria on reference dosage for Industrial and Institutional detergents. Indeed, it would allow setting more appropriate dosage requirements as those vary according to the level of water hardness. We welcome this initiative as it would optimize the use of the product in all cleaning situations.

3. Toxicity to Aquatic Organisms: Requirements need to be raised considerably to be at excellence level

In the past, the CDV methodology has been used in the EU Ecolabel scheme to assess the impact that detergents can potentially have on aquatic fauna and flora. This method considers the toxicity of the ingoing ingredients at the time of manufacturing of a product. In the currently ongoing review process the JRC proposed lower and thereby more ambitious CDV values for the six EU Ecolabels related to detergents.

BEUC and EEB welcome the JRC proposal to lower the CDV values for heavy-duty laundry detergent, single-function dishwasher detergent, multi-function dishwasher detergent, rinse aid, hand dishwashing detergents, all-purpose cleaners (undiluted), window cleaners (undiluted), sanitary cleaners (RTU), sanitary cleaners (undiluted).

Setting stricter CDV values are indeed the most relevant area for improvement from an environmental point of view as it results in less toxic and more ecological products.

However, BEUC and EEB are very concerned that no improvement has been brought to the CDV limits of IILD and IIDD. For instance, the IILD average values of existing products in the market are twice to three times higher than the current CDV limits (see below).

Table 5: CDV ranges found for IILD products

	Soiling	Values	CDV (L/kg laundry)			Current Limit (L/kg laundry) (medium water)
			Min	Max	Average	
I&I Multi-component liquid	Light	3	14,700	32,700	23,600	60,000
	Medium	3	20,700	38,700	29,600	80,000
	Heavy	3	26,100	43,900	35,100	100,000
I&I Heavy duty powder	N/A	1	34,700	34,700	34,700	40,000 (light soilage) 60,000 (medium soilage) 80,000 (medium soilage)

Figure 1: Technical Report for IILD, p.40.

BEUC and EEB believe that there is room for further improvement, especially considering that the average CDV values of existing products on the market are lower than the current CDV criteria for the EU Ecolabel. Data collected from the market demonstrate therefore that lower CDV values are achievable and will not exclude products from the EU Ecolabel as manufacturers will not have any difficulties in complying with the EU Ecolabel requirements.

Therefore, lowering the CDV limits is desirable to align with the environmental excellence required by the EU Ecolabel scheme. We believe that the EU Ecolabel should be awarded to the best sustainable products on the market in order to keep our credibility for consumers.

However, we are aware that the Detergents Ingredients Database (DID) list has been updated in 2014 and that it is yet unclear if these changes will have an important influence on the CDV values. This is why the JRC should look into this aspect further and come forward with additional information to stakeholders at the next meeting. We look forward to receiving new information from JRC after recalculations of the CDV values according to the new DID list.

4. Horizontal approach on biodegradability of all surfactants very welcomed

BEUC and EEB are pleased with the common approach proposed by the JRC to require aerobic *and* anaerobic biodegradation of all surfactants and appreciate this significant improvement. Indeed, given the fact that most of the aquatic environment has aerobic conditions but not all of it, and given the number of existing products in the market that contain surfactants that are anaerobically biodegradable, we are convinced that it is highly desirable to require the biodegradability of surfactants under *anaerobic* conditions as well, which fulfills the EU Ecolabel goals and its underlying precautionary principle.

In line with the environmental excellence of the EU Ecolabel products, BEUC and EEB fully support the restriction of organic substances and mixtures that are aerobically or anaerobically non-biodegradable in all product groups.

5. New Criteria on Sustainable Sourcing of palm oil, palm kernel oil and their derivatives welcomed, with reservation regarding the Book and Claim Certification system

BEUC and EEB welcome the criteria on the sustainable sourcing of palm oil, palm kernel oil and their derivatives. BEUC and EEB support the requirement for the manufacturer to provide third-party certifications that the palm oil used originates from sustainably managed plantations. In compliance with other national ecolabelling schemes like the Blue Angel, certifications accepted shall include Roundtable on Sustainable Palm Oil (RSPO), but also ISCC+ (International Sustainability & Carbon Certification), Rainforest Alliance, Roundtable on Sustainable Biomaterials (RSB).

We appreciate the efforts made by the JRC to increase the use of substances from renewable sources to limit products' impact on the environment. We also recognize that the sustainable palm oil market is still underdeveloped and that the rarity of RSPO certified palm oil can trigger somewhat higher costs for manufacturers who would like to use it. The costs are however not immense. In 2013, the price of the book and claim was only 2-3 USD higher per ton compared with conventional palm oil, which meant a price about 0.3% higher than for conventional palm oil. For palm kernel oil, the equivalent price premium was over US \$ 20 per ton, representing a 2.3% higher price. However, the book and claim system is considered to be very easy for companies to achieve. For example, BASF has already launched products with traceability. If small and medium-sized surfactant producers can deliver traceable products is difficult to predict.

However, BEUC and EEB are concerned about the low level of traceability and claim of the Book and Claim system proposed by the JRC and supported by industry. Although manufacturers support sustainable palm oil and palm kernel oil plantations by buying their outputs, it remains very difficult to identify the authentic sustainable content of the palm oil when received by the manufacturers as this can be a mixture of oil coming from several mills. Even if the payment is received by the certified plantations, the impossibility to determine whether the received palm oil has been indeed sourced from sustainable plantations is a worrying matter of concern. Traceability of the ingredients is even more compromised when manufacturers buy from several raw material suppliers. The most relevant from a consumer's point of view is also making demands on physically certified palm oil (segregated or mass balance according to RSPO nomenclature). It is easier to communicate to a consumer that the palm oil used in that particular bottle he/she purchased actually comes from a certified plantation.

Therefore, we strongly call on the JRC to make further investigation on stricter types of tracing which would ensure a higher level of reliability. As the EU Ecolabel should only be awarded to the top 10% of the products, we believe that sticking to the stricter way of traceability would be the most appropriate.

6. Excluded and limited substances and mixtures criteria

Enlargement of list of excluded and limited substances mixtures welcomed

BEUC and EEB support the JRC proposal to extend the exclusion list of harmful substances and mixtures. However, we would like to highlight some inconsistency in the prohibition of hazardous substances. Certain substances are banned in some product category but not in others. Therefore, we fully support an ambitious, harmonized approach regarding the exclusion of harmful substances.

In particular, we call for a harmonized exclusion of the following substances in all product groups: Alkylphenol ethoxylates (APEO) and Adenosine Diphosphate (ADP), Diethylenetriaminepentaacetic Acid (DTPA), Quaternary ammonium salts not readily biodegradable; Reactive chlorine compounds; Perborates; Formaldehyde; 5-bromo-5-nitro-1,3-dioxane; 2-bromo-2-nitropropane-1,3-diol; Diazolidinylurea; Sodium hydroxyl methyl glycinate.

Furthermore, in a concern of keeping the EU Ecolabel as a label of environmental excellence, we believe that substances which can produce and/or release formaldehyde during their use e.g. 2-Bromo-2-nitropropane-1,3-diol, Diazolidinylurea, Sodium Hydroxymethylglycinate, Dimethylol Glycol, Dimethylol Urea, DMDM-Hydantoin, Quaternium-15 and Tetramethylolglycoluril should also be excluded. It should be reminded that formaldehyde is widely known to be carcinogenic, neurotoxic, to affect the respiratory, immune and gastrointestinal systems, as well as to be very allergenic. It is therefore common sense that the presence of such a harmful substance in ecolabelled products would be totally contradictory to the EU Ecolabel objectives.

Statement on classification rules for mixtures should be removed

We raise concern about the JRC statement on page 13 of the Technical Report for Laundry Detergent:

"The hazard statements in Table 2 generally refer to substances. However, if information on substances cannot be obtained, the classification rules for mixtures apply."

We understand that when there is only information on the classification of a mixture but the ingredients are not known, the mixture is allowed to be used. This could mean that very hazardous substances could get in the product because of a less strict classification of the mixture. BEUC and EEB strongly call for a removal of this sentence as it would question the environmental excellence of EU Ecolabel products and devalue the credibility of the label.

Furthermore, the underlying message of this sentence is that information about the substances in the mixtures may not be obtained. However, information on the classification of the individual substances is a legal requirement when a manufacturer of a mixture shall classify the mixture according to the CLP Regulation (EU No 1272/2008). That means that this information is available and can be used also for the ecolabeling purposes.

Nanomaterials and endocrine disrupting substances excluded based on the precautionary principle

EEB and BEUC support the ban of nanomaterials because of the current lack of appropriate methodologies to assess their inherent properties and risks to the environment, consumers and workers. Nanomaterials such as nanosilvers are not yet clearly defined and solutions for a better definition are not sufficiently developed and harmonized. The EU Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) concluded that: *"Current risk assessment methodologies require some modification in order to deal with the hazards associated with nanotechnology (...). The Committee points to major gaps in the knowledge necessary for risk assessment. These include nanoparticle characterisation, the detection and measurement of nanoparticles, the dose-response, fate, and persistence of nanoparticles in humans and in the environment, and all aspects of toxicology and environmental toxicology related to nanoparticles."*

Taking this into account, nanomaterials have to be excluded in the EU Ecolabel based on the precautionary principle and as long as compliance with the general requirements on chemicals cannot be proven.

In addition, although the method to define endocrine properties of a substance remains unclear, BEUC and EEB strongly support the exclusion of known endocrine disruptors in EU Ecolabel product as they result in fertility troubles in all organisms including human bodies.

Furthermore, in alignment with the EU Ecolabel rinse-off cosmetics, BEUC and EEB strongly support the exclusion of microplastics in the EU Ecolabel detergents.

Only biocides with preservative purpose should be allowed in the EU Ecolabel

We strongly believe that only biocides with preservative properties should be allowed in EU Ecolabel products. Therefore, we are very concerned about the removal of the following text:

The product may only include biocides in order to preserve the product, and in the appropriate dosage for this purpose alone. This does not refer to surfactants, which may also have biocidal properties.

We fear that this removal might lead to further unnecessary biocides in the EU Ecolabel products and would result in a mediocre environmental product profile which is definitely not compatible with the EU Ecolabel. We believe this sentence should be brought back in the document, especially as it is not difficult to estimate the concentration of biocides through technical data sheets.

Presence of Fragrances is contrary to the EU Ecolabel ethics

As for any other criterion, BEUC and EEB are in favour of a common approach on fragrances in order to make the application process easier and more attractive for manufacturers.

We welcome the JRC proposal to add hydroxyisohexyl 3-cyclohexene carboxaldehyde (HICC), Atranol and Chloroatranol to the list of specified excluded ingoing substances and mixtures in sub-criterion (a). This exclusion is fully justified by their strong sensitizing properties tending to cause skin allergies.

However, we still have concerns about fragrances in general in EU Ecolabel products. BEUC and EEB would like to stress once more the fact that fragrances are not needed elements since they do not contribute to maintaining a high level of efficiency. Awarding an EU Ecolabel to a product that contains superfluous hazardous substances would undermine the credibility of the label.

Phosphates and non-biodegradable phosphonates should be banned from EU Ecolabel products

We welcome the ban of phosphates and phosphonates that are not biodegradable as well as the limit of the total phosphorous amount in the six product groups.

Dishwasher detergents for professional use are already today often produced without phosphorous. Furthermore, some dishwasher detergents manufacturers had already anticipated the ban of phosphates in their product. That did not prevent them from being leaders in their industry and having the biggest market shares. We acknowledge that, as the cleaning performance is important for consumers as they are customers of services such as professional laundry, the Ecolabel criteria should also define performance criteria for dishwasher detergents which will ensure that phosphate free dishwashing detergents provide for a good cleaning result.

According to manufacturers of dishwasher detergents the dosage does not need to be increased when replacing phosphates with other substances¹. Therefore, products with smaller dosage and phosphates free are technically feasible.

Phosphates contribute to eutrophication and can easily be replaced with other builders (e.g. zeolites, MGDA, GDLA, citrates) available on the European market since decades therefore we see no technical barriers to ban it completely.

Phosphates and other substances containing phosphorous have been identified under the Water Framework Directive as an important cause for failure to achieve good ecological status of water bodies. The Water Framework Directive demands Member States to take measures to reduce pollution from such substances. To permit phosphates in ecolabelled products – which should show the best environmental performance on the market – will undermine achieving EU water protection goals and give a misleading message to consumers.

Therefore, BEUC and EEB call for a total exclusion of the phosphorous content which is the most relevant from an environmental point of view.

7. Minimum amount of recycled materials in packages very relevant

We are fully in favour of improving the environmental performance of the packages by promoting reduced use of materials, a minimum amount of recyclable and recycled material in packaging.

However, as packages are different according to the product group, it would not be relevant to set common criteria especially for APC. Indeed, the amount of recycled material will be more easily achievable for paper and cardboard whereas it might be more difficult e.g. for PE. While a common criterion for all packaging material will not be possible, we suggest setting different percentages of recycled material according to the material used. For instance, BEUC and EEB propose to require 80% of recycled material for PET and Paper/cardboard.

END

¹ Information obtained from the Swedish company – Diskteknik – manufacturer of dish washer detergents for professional use labelled with the Nordic Swan.