EU ECOLABEL FOR FOOTWEAR

BEUC and EEB comments to the criteria proposal May 2015

Contact: **Blandine Cupidon – environment@beuc.eu & blandine.cupidon@eeb.org**

Ref.: BEUC-X-2015-082 03/07/2015

EEB -EUROPEAN ENVIRONMENTAL BUREAU
Bd. de Waterloo 34, B-1000 Brussels • Tel. +32 (0)2 289 10 90 • Fax +32 (0)2 289 10 99 • info@eeb.org • www.eeb.org
EC register for interest representatives: identification number 06798511314-27

BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND
Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • Fax +32 (0)2 740 28 02 • consumers@beuc.eu • www.beuc.eu
EC register for interest representatives: identification number 9505781573-45

Summary

In May 2015, the Joint Research Center (JRC) of the European Commission (EC) has published a revised draft criteria proposal for EU Ecolabel Footwear which has been discussed at the EU Ecolabelling Board meeting (EUEB) in June 2015. This paper provides EEB and BEUC´s comments to the draft proposal.

EEB and BEUC welcome the JRC proposal and strongly back the inclusion of ambitious criteria for the restriction of hazardous chemicals in this product group. In addition, requirements on the sustainable origin for the materials used in the production of footwear such as organic cotton represent an added value of this revision process. However, we would like to reiterate our concerns with regard to the presence of per fluorinated chemicals, Polyvinyl chloride (PVC) and flame retardants in EU Ecolabel Footwear and for this reason cannot support the proposed criteria as they stand.

Given the advanced stage of the criteria revision, we will not fully support the EU Ecolabel criteria for Footwear unless the European Commission makes significant improvements on the following points of concern:

- **Perfluorinated compounds (PFCs)**

The EEB and BEUC highly welcome the inclusion of a Restricted Substances List (RSL), and support the full restriction of PFCs in water, stain and oil repellent treatments (Annex IV, 3 (a)(i)), but consider that PFCs should also be fully excluded in membranes and laminates (under subcriterion (ii)) even if water penetration of the material is lower than 0.2g.

In BEUC and EEB views, Footwear produced with PFCs substances should not be awarded the EU Ecolabel, especially considering that PFCs start being further investigated and phased out on the market.[1] For instance, H&M the Swedish clothing retailer and manufacturer with more than 2,600 stores worldwide has banned PFCs in its products since January 2013.[2]

All PFCs indicate some degree of toxicity, as shown in the report *Per- and polyfluorinated substances in the Nordic Countries*. Use, occurrence and toxicology (http://www.norden.org/en/publications/publikationer/2013-542). Although a further need for more in-depth studies is acknowledged, there are sufficient indications to justify the exclusion of these substances in EU Ecolabel.

If it is decided to follow an alignment with the EU Ecolabel for textiles, the restricted use of PFCs in membranes should be made only for applications conditioned to very specific technical performance requirements -only for technical footwear-, for which there is clear evidence that no alternatives are available. The additional restriction proposed by JRC specifying the requirements for water penetration and water absorption is an improvement of the criterion, but we could still be more specific on the type of footwear (technical footwear).

- **PVC**

BEUC and EEB keep expressing concerns about the presence of PVC in Ecolabelled products which is not acceptable and undermine the credibility of the label.

Therefore, we strongly recommend fulling restricting PVC in Ecolabelled footwear, as it was first proposed in the draft from September 2014.

The restriction of PVC is consistent with the EU Ecolabel Regulation (EC 66/2010): criteria shall be determined on a scientific basis considering the whole life cycle of products. There are strong arguments that justify this restriction:

[1] *US on track to phase out most long-chain perfluorinated chemicals this year*, Royal Society for Chemistry, 9 February 2015, http://www.rsc.org/chemistryworld/2015/02/us-track-phase-out-perfluorinated-chemicals-year.

[2] *H&M Group to Ban PFCs in All Products,* Environmental Leader, September 2012, http://www.environmentalleader.com/2012/09/05/hm-group-to-ban-pfcs-in-all-products/#ixzz3eodo3Q77.

- Vinyl Chloride Monomer (VCM) is classified as Carcinogenic Category 1A;
- PVC can have significant environmental impact especially as under uncontrolled combustion dioxins can be formed;
- PVC undermines recycling efforts;
- There are safer alternatives available;
- Allowing use of PVC undermines the credibility of the EU Ecolabel.

Please see the EEB and BEUC referenced inventory of specific environmental problems associated with PVC: *PVC - An unsustainable choice for the European Ecolabel*[3], including, among others, references to the UN Stockholm Convention on Persistent Organic Pollutant (BAT/BEP Guidelines 2006, article 5 and Annex C) and Commission background documents for the Green Book on PVC.

- **Flame retardants**

We strongly call for a further restriction of flame retardants in the EU Ecolabel for Footwear especially as their need is not proven. In addition, if flame retardants are decided to be kept, at least halogenated flame retardant should be banned.

We remind that today many manufacturers are willing to improve the environmental and health profile of their flame retardants products. These manufacturers are part of the Phosphorus, Inorganic and Nitrogen Flame retardants Association (PINFA). There is therefore a growing number of safer flame retardants, alternatives and new technologies available that can be used in EU Ecolabel products. For more information please see: http://pinfa.org/.

- **Additional wastewater criteria for leather production**

The JRC proposes to use the Chemical Oxygen Demand (COD) in order to measure the water pollution in leather sites discharges.

We recognize that Chemical Oxygen Demand (COD) is one of the most widely used metrics in the field of water-quality analysis in water bodies and in the effluents from sewage and industrial plants. However, COD is a sum parameter which measures the presence of all organic substances but does not go into details. Since the measurement is not very specific, this instrument has to be completed by additional industry specific parameters.

Therefore, we raise the following objection to the JRC explanation for rejecting our proposal. On page 44 of the technical report, it is stated that "The proposal to integrate under the revised criterion other than COD emission parameters was generally not supported. The recommendation to assess fish eggs toxicity for direct discharges has been assumed as being of low reliability and limited applicability in the tannery process." We disagree with this statement.

[3] *PVC - An unsustainable choice for the European Ecolabel -a referenced inventory of specific environmental pr oblems associated with PVC,* Jacob Hartmann, April 2008, http://www.eeb.org/?LinkServID=1E1AA92E-99B2-AF72-684A0D07AFE9D10B&showMeta=0.

In the Best Available Techniques (BAT) Reference Document for the Tanning of Hides and Skins (BREF)[4], emissions levels (BAT Associated Emission Level (BAT-AEL)) have been defined on the following substances: suspended solids, ammoniacal nitrogen, total chromium and sulphide. Emissions levels exist for Biochemical oxygen demand (BOD), which is widely used as an indicator of the organic quality of water, and we strongly recommend completing the COD with the above mentioned analytical parameters. We recommend in particular considering ecotoxicity, by performing e.g. the fish eggs tests, as required in the Blue Angel scheme. We remind that fish egg test is a very well-known test system of high reliability, and an ISO standard (15088:2007) for performing this test in the laboratories already exists.

In addition, in Chapter 7 of the BREF for tanneries, the importance of helpful and available information about toxicity (e.g. fish egg toxicity test, Zahn-Wellens inherent biodegradability test) has been stressed, in addition to other parameters such as halogenated organic compounds and Chromium VI. Discussions during the drafting of the BREF for Tanneries demonstrate that such detailed information about water toxicity, in addition to COD, is very important to fully evaluate the effluents pollution. Therefore, we recommend including this parameter in the EU Ecolabel Footwear criteria on leather production.

In addition, we recommend the EC to also consider targeting the following issues in the next proposal:

- **3% threshold for hazardous chemicals**

The JRC has set a 3% limit under which materials are not to be taken into account for the application of the criteria. During the revision process, the EEB and BEUC have advocated for this threshold to refer only to the origin of materials but not to the hazardous substances content, as – in the worst case – that could mean 30g /kg of a hazardous substance in footwear which is not acceptable.

We hold the view that a 3% threshold for hazardous chemicals is not stringent enough and could lead to a high amount of undesirable harmful substances.

Even though the Blue Angel has set the same limits as proposed by the JRC, we still believe that this 3% threshold is not possible and that it would undermine the safety and the credibility of the EU Ecolabel products.

- **Derogations conditions for H411,H412 and H413 dyes**

The JRC proposes to derogate H411, H412 and H413 dyes if one of the following conditions are met:

1) Use of high affinity dyes;
2) Achievement of a reject rate of less than 3.0%;
3) Use of colour matching instrumentation;
4) Implementation of standard operating procedures for the dyeing process;

[4] *Best Available techniques (BAT) Reference Document for the Tanning of Hides and Skins*, JRC, 2013, http://eippcb.jrc.ec.europa.eu/reference/BREF/TAN_Published_def.pdf.

5) Use of colour removal to treat wastewater;
6) The use of solution dyeing and/or digital printing are exempted from these conditions water.

BEUC and EEB hold the view that meeting only one derogation condition is not sufficient. We recommend to meet at least the first two, to be able to reduce the impact of H411, H412 and H413 dyes. If e.g. only standard operation procedures are implemented and a dye has no high affinity or dyes not achieve a reject rate of less than 3,0%, dyes will be released to the environment in higher amounts even if it is properly used and the dyeing process is of high quality. In addition, it is very easy to meet one condition as they can always use of colour matching instrumentation or implement standard operating procedures for the dyeing processes.

- **Laboratories accreditation**

BEUC and EEB have called for a general requirement at least for all physical/chemical analyses and for (eco) toxicological tests to perform the testing in EN ISO 17025 or GLP (Good Laboratory Practice) laboratories.

We are concerned that the provision - "*Where possible*, the testing shall be performed by laboratories that meet the general requirements of European Standard EN ISO 17025 or equivalent"- still allows testing by laboratories not meeting the standard.
We encourage the JRC to reformulate the criterion in order to allow only laboratories accredited with the EN ISO 17025.

- **No age distinction for chromium free tanning or phthalates**

As an improvement, we welcome the restriction of Chromium in extractable metals.

However, we are still concerned that the JRC makes a consideration of age and differentiates shoes intended for babies and for adults. While we agree that babies are in particular vulnerable group which needs special protection, it is known that chromium is also harmful to adults. We strongly call for an extension of the restriction of chromium to all shoes without any differentiation of age and to all parts of the product.

We also call for a restriction of ALL phthalates without consideration of age, and disagree with restricting DINP, DNOP and DIDP ONLY for shoes intended for children below 3 years. It harms the credibility of the EU Ecolabel to make this differentiation according to age. If a restriction is technically possible for children shoes, it means that it is also possible and feasible for all shoes.