EEB and BEUC comments on various product groups ahead of the EUEB Meeting of 1-2 June 2010

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INTRODUCTION

These comments reflect the view of the European Environmental Bureau (EEB) and the European Consumers Organisation (BEUC) on several product groups that are going to be discussed at the meeting of the EU Ecolabel Board on 1-2 June 2010. **We would like to stress that we consider it unacceptable that important documents such as draft criteria were sent out so close to the meeting date. In order to be thoroughly commented by stakeholders, such documents should be sent out by the Commission no later than one month in advance of the meetings.** Documents were sent out less than 2 weeks before the start of the EUEB this time, with very serious changes in the final draft criteria proposals compared to what had been discussed in Ad-hoc Working Group meetings and previous EUEB meetings.

IMPLEMENTATION OF THE NEW REGULATION

In order to implement the revised legislation the Commission issued a list of risk phrases. Substances or mixtures classified with one or more of the listed properties are generally excluded from Ecolabelled products. The Commission also issued wording (e.g. on assessment and verification) that will be included in all new Ecolabel criteria in order to apply the new general requirements on substances and mixtures. EEB and BEUC support this approach as it will lead to a more consistent approach on the use of hazardous substances in the EU Ecolabel. However, we are concerned that no further interpretation of the Regulation concerning substances referred to in Article 57 of REACH (e.g. endocrine disrupting substances) had been delivered by the Commission.

Furthermore, we are concerned about the proposed exemption of "*substances or mixtures which upon processing change their properties*" from the general requirements. While this exemption might be justified in some cases, we wonder how it will be applied in practice. There should be at least an additional requirement to provide sufficient proof that the identified hazard does not reappear under any conditions and/or that the former hazardous substances may not transform into any other hazardous substances under possible conditions in the use or end-of-life phase.

PCs AND LAPTOPS

- Energy efficiency

The proposed criteria on energy efficiency require that PCs and Laptops with an EU Ecolabel shall be more energy efficient than required by the latest Energy Star. EEB and BEUC support this approach.

- Plastic Parts

While we support the exclusion of three problematic phthalates in addition to the general requirements on hazardous substances, we are very disappointed that soft PVC and halogenated flame retardants are still not excluded in the criteria proposal.
The existing criterion that limits the chlorine content of plastic parts to 50% was re-introduced by the Commission. This requirement de-facto bans the use of hard PVC due to its high chlorine content but is of no meaning for the use of soft PVC. However, for PCs and Laptops soft PVC is used for coated internal and external cables whereas the use of hard PVC in this product group is less common. If PVC is not banned we suggest limiting the chlorine content of plastic parts to <10%.

Rationale for the exclusion of PVC and halogenated flame retardants: Please see Annex of this position paper.

LAUNDRY AND DISHWASHING DETERGENTS

- Biodegradability of organics

It is proposed to delete the requirement of full biodegradability of surfactants and instead limiting the overall amount of non-degradable organics in the product. **EEB and BEUC suggest keeping the existing criterion for surfactants requiring full biodegradability under aerobic and anaerobic conditions.**

It is a step forward, however, to additionally demand biodegradability of other substances than surfactants. **Therefore we suggest limiting the aNBO and anNBO value for other organics to 2.5% of the dosage, but keeping the pass/fail requirement for the biodegradability of surfactants**. The detergents criteria of the Good Environmental Choice Ecolabel in Sweden has comparable requirements, where a maximum of 2% may be not readily biodegradable, but has to pass the levels for inherent biodegradability according to OECD 302.

- Nanomaterials

Nanomaterials such as nanosilver are already used in different products such as laundry detergents. The Ecolabel should be prepared for dealing with these new kinds of substances. Requirements (e.g. on biocides) in the current criteria proposal are not entirely clear on this issue.

Currently, Nanosized materials are not sufficiently characterised and methods for overcoming this problem (i.e. analytical methods and test methods for ecotoxicological and toxicological properties) are not sufficiently developed and harmonised.

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." [1]

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

- R/H-Phrases and Derogations

The criteria document included a list of R-phrases with which substances shall not be classified. This interpretation of the revised Regulation is a large step forward.
However, it is proposed to exempt surfactants from the requirement to not be classified with R50 (very toxic to aquatic life). The revised Ecolabel Regulation sets out the conditions under which derogations can be granted. Article 6.7 states that:

"For specific categories of goods containing substances referred to in paragraph 6, and ***only in the event that it is not technically feasible to substitute them*** *as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category, the Commission may adopt measures to grant derogations from paragraph 6. (*emphasis added*)."*

Given the availability of surfactants that are not classified with R50 (i.e. technical feasibility of substitutes) the proposed exemption can not be supported by EEB and BEUC. License holders of the Swedish Good Environmental Choice Ecolabel prove that it is possible to successfully substitute surfactants classified with R50.

END

For questions please contact:

Lukas Hammer
Ecolabel Coordinator for EEB and BEUC
Email: lukas.hammer@eeb.org, Phone: +32 2 89 1303

[1] SCENIHR (2006). "Scientific Committee on Emerging and Newly Identified Health Risks: The appropriateness of existing methodologies to assess the potential risks associated with engineered and adventitious products of nanotechnologies". European Commission, Brussels.

ANNEX:

Rationale for the exclusion of PVC and halogenated flame retardants

Next to energy consumption, the second main environmental concern of PCs and Laptops is the use of hazardous substances. The European Parliament and the Council are currently revising the Directive on the Restriction of Hazardous Substances in electrical and electronic equipment (RoHS). **The draft report of the European Parliament Environment Committee proposes a complete phase out halogenated flame retardants and PVC for the European market.** The basis of this report is an Ökoinsitut report that was commissioned by the European Commission. It should look at substances not yet regulated under RoHS to select candidate substances for potential inclusion in the Directive, to evaluate possible substitutes and to propose policy options for each candidate substance. The study can be found on the website of the European Commission[2].

On halogenated flame retardants the ÖkoInstitut report states that "***the group of organobromine and organochlorine substances have been considered in the present study and their phase out from EEE is highly recommended by the authors*****".**

On PVC the ÖkoInstitut report makes the following recommendation: "***The phase out of PVC should…have priority over selective risk management measures to guarantee a reduced release of PVC, of its additives and of hazardous combustion products*****".**

The outcome of this decision-making process cannot be foreseen but the Ecolabel should be ahead of minimum legal requirements and lead the way to more sustainable products. Waiting until hazardous substances are phased out by mandatory legislation should not be the approach of Europe's label of environmental excellence.

The market is already moving!

Many producers have already phased out PVC and halogenated flame retardants (HFRs) or are in the process of doing so. A market overview by environmental organisation ChemSec clearly documents the availability of PCs and Laptops that are already PVC and HFR free[3]. **Market leaders like HP, Acer, Dell or Sony Ericsson are actively promoting the phase out of these substances** (see joint statement of NGOs and 4 market leading companies supporting a phase out of PVC and HFRs by end 2015[4]).

The Ecolabel will loose its credibility if it awards the few remaining Laptops and PCs containing HFRs and/or PVC whilst scientific evidence of their adverse environmental and health effects is clear and safer alternatives are available.

Waste management is still insufficient

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[2] http://ec.europa.eu/environment/waste/weee/pdf/hazardous_substances_report.pdf

[3]http://www.chemsec.org/images/stories/publications/ChemSec_publications/Electronics_Without_Brominated_Flame_Retardants_and_PVC_-_a_Market_Overview_100518.pdf

[4] http://www.eeb.org/EEB/index.cfm/news-events/news/electronic-giants-and-green-groups-push-eu-for-flame-retardants-and-pvc-ban/

Collection and recycling systems for waste of electrical and electronic equipment (WEEE) in Europe do still not guarantee the proper treatment of this waste stream. WEEE still end up on landfills, in incinerators mixed with household waste or get shipped outside the EU and treated under problematic conditions.

The explanatory memorandum of the Commission proposal for a revised WEEE Directive states the following:

"*currently approximately 65% of electrical and electronic equipment (EEE) placed on the market is separately collected, but less than half of this is treated and reported according to the requirements of the Directive; the remainder potentially leaks out to substandard treatment and is illegally exports to third countries, among which non-OECD countries. This leads to losses of valuable secondary raw materials and increases the risk of release of hazardous substances into the environment*"

Given that proper end-of-life treatment of WEEE can not be guaranteed, it is even more important to deal with problematic substances and materials at source.