



EU ECOLABEL AND GPP CRITERIA FOR PAINTS AND VARNISHES

BEUC AND EEB POSITION

Contact: Łukasz Woźniacki - environment@beuc.eu -
Lukasz.wozniacki@eeb.org

Ref.: X/2012/021 - 05/04/2012

1. Introduction

At the beginning of February 2012 the Joint Research Centre (the European Commission) published background documents for the Ecolabel criteria development process for indoor and outdoor paints and varnishes. BEUC and EEB would like to comment in this position paper on the following documents:

- Working document for the 1st AHWG Meeting¹;
- Preliminary Background Report².

Additionally, we would like to comment on the discussion that took place during the first Ad Hoc Working Group meeting on 21 February 2012.

BEUC and EEB welcome the documents prepared by the JRC proposing new ecological criteria for outdoor and indoor paints and varnishes. Nevertheless, in our opinion some of the criteria need further investigation and some new environmental criteria should be included.

2. White pigment content to be lowered

In the view of BEUC and EEB the level of white pigment content in the criteria from 2009³ i.e. 36 g for indoor and 38 g for outdoor is too high and should be reduced. The Preliminary Background Report indicates that it is feasible to achieve lower levels. The report states that "Based on the data collected, current EU Ecolabelled products perform significantly better than that defined by the criteria for both indoor and outdoor paints"⁴. We propose to set white pigment content at a level of 25 g for indoor paints and 20 g for outdoor paints.

We call on the European Commission and Member States:

To decrease the values for white pigment content.

3. Criterion on titanium dioxide is an important one

BEUC and EEB consider the criterion on emissions and discharges of wastes from the production of any titanium dioxide (TiO₂) pigment an important one and we therefore oppose deleting it from the EU Ecolabel criteria list. Moreover, the Working Document⁵ shows in table number six, that the further reduction in the emissions level is feasible. Therefore, we propose to use the lower BREF (August 2007)⁶ values from the Titanium Dioxide Harmonisation Directive⁷.

¹ Revision of EU European Ecolabel and Development of EU Green Public Procurement Criteria for Indoor and Outdoor Paints and Varnishes - Working document for the 1st AHWG Meeting, <http://susproc.jrc.ec.europa.eu/paints/docs/Working%20Document%20Criteria%20for%20Ecolabel%20Paints.pdf>

² Revision of EU European Ecolabel and Development of EU Green Public Procurement Criteria for Indoor and Outdoor Paints and Varnishes - Preliminary Background Report, <http://susproc.jrc.ec.europa.eu/paints/docs/Preliminary%20report.pdf>

³ 2009/544/EC Commission Decision of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes.

⁴ Page 17 of the Working Document - <http://susproc.jrc.ec.europa.eu/paints/docs/Working%20Document%20Criteria%20for%20Ecolabel%20Paints.pdf>

⁵ See page 21 of the Working Document.

⁶ Best Available Technology for the Manufacture of Large Volume Inorganic Chemicals (BREF), EC, August 2007.

⁷ Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

We call on the European Commission and Member States:

To reduce the emission level of titanium dioxide.

4. Greenhouse Gas Emissions should be included in the Ecolabel criteria

We support introducing the new criterion on greenhouse gas emissions (GHS). Most of the paint present on the European Union market is of synthetic origin. Therefore, the criterion on greenhouse gas emissions is a relevant one. The Working Document states that an inclusion would not be feasible because the main emissions of carbon dioxide occur in the supply chain and cannot therefore be easily addressed by paint producers. This argument⁸ is not a valid one from our perspective, because the criterion on titanium dioxide production is also based on the supply chain and is nonetheless part of the EU Ecolabel criteria. Furthermore, as the Working Document indicates, there are several larger paint manufactures which have already completed carbon footprint analyses.

We call on the European Commission and Member States:

To support the inclusion of a criterion on greenhouse gas emissions.



source:Flickr, author: Noodlesthekuppy

⁸ Page 23 of the Working Document.

5. Criterion on heavy metals needs to be strengthened

BEUC and EEB are in favor of the proposed clarification by JRC concerning the criterion on heavy metals. The level of content should be counted on a per metal basis. Furthermore, it is important to exclude cobalt salts which were permitted in the criteria from 2009 as cobalt salts have been added to the REACH candidate list. Several of those substances have recently been proposed by ECHA to be added to Annex XIV of REACH which contains the list of substances subject to authorization⁹. Those are: Cobalt(II) sulphate, Cobalt dichloride, Cobalt(II) dinitrate, Cobalt(II) carbonate and Cobalt(II) diacetate. In the view of BEUC and EEB all cobalt salts and not only those suggested for authorization should be forbidden in the EU Ecolabel based on the precautionary principle.

We urge the European Commission to reevaluate the proposed use of the test method for migration of certain elements from toys EN 71-3. This test method is developed for "hazard due to sucking, licking or swallowing or prolonged skin contact". Due to the fact that the prolonged skin contact aspect has been added only recently, we believe that the standard focuses mainly on the acidic environment in the stomach. Because the skin contact aspect is undermined, in our view this standard is not the appropriate tool to assess paints' ingredients.

We call on the European Commission and Member States:

To ban all cobalt salts.

6. More stringent criteria on biocides needed

BEUC and EEB propose to introduce more stringent criteria on biocides. The current criteria from 2009 mention only a few different biocides. Biocides are by definition hazardous substances. Moreover, there are concerns that biocides might increase the resistance of bacteria and consequently put human health at risk. This has for example been concluded by the Scientific Committee on Emerging and Newly Identified Health Risks¹⁰.

It has to be underlined that the European Commission proposed a new Regulation¹¹ concerning the placing on the market and use of biocidal products to replace the current Directive 98/8¹². The new Regulation which is foreseen to apply from 2013 onwards will not accept biocides which are found to be carcinogenic, mutagenic toxic to reproduction (CMR), persistent, bioaccumulative, toxic (PBT) and very Persistent and very Bioaccumulative (vPvB). As the EU Ecolabel has to go beyond legal minimum requirements we propose including the above mentioned restrictions in the currently revised EU Ecolabel criteria for paints already today as we think the Ecolabel criteria may enter into force before the new rules of the Regulation on Biocides.

In the view of BEUC and EEB there is a need to discuss different criteria for biocides used in indoor and outdoor paints as they serve different functions. Preservatives in indoor paints are used mainly to preserve the paint in the package. Whereas outdoor paints may use preservatives to prevent e.g. mould on the painted surface. Those different uses are reflected in the Biocidal Products Directive. We propose applying this approach in the EU Ecolabel.

⁹ http://echa.europa.eu/documents/10162/17232/opinion_draft_recommendation_annex_xiv_third_en.pdf

¹⁰ SCNIHR, Effects of the Active Substances in Biocidal Products on Antibiotic Resistance, 19 January 2009. http://ec.europa.eu/health/ph_risk/committees/04_scenihhr/docs/scenihhr_o_021.pdf

¹¹ <http://ec.europa.eu/environment/biocides/revision.htm>

¹² http://ec.europa.eu/environment/biocides/pdf/dir_98_8_biocides.pdf

Additionally, we recommend following the approach taken in the EU Ecolabel criteria for laundry detergents regarding bioaccumulation. Instead of BCF=500 or log Kow=3 we propose BCF=100 or log Kow=4.

We call on the European Commission and Member States:

Discuss different criteria for biocides used in indoor and outdoor paints.

7. More information needed on nano particles

BEUC and EEB consider it important to address nano particles with specific requirements in the EU Ecolabel scheme. There is a growing body of scientific evidence that suggests that nanotechnologies may present a serious risk to human health and the environment and that the gaps associated with current scientific risk-assessment methods are enormous. We welcome the proposal made in the Working Document to require reporting on the use of nanomaterials, their composition and concentration. However, such reporting scheme should become mandatory for the use of nano materials in all consumer products and not only in the ones awarded with the EU Ecolabel.

Regarding paints and varnishes, we ask the JRC and other stakeholders to provide more information on the use of nanoparticles in this product groups and evidence of their safety.

We ask the European Commission and Member States:

To require manufacturers to provide more information on nano materials in paints and varnishes when applying for the Ecolabel.

8. Limit values for emissions during use to be lowered

In the view of BEUC and EEB the existing values of Volatile Organic Compounds (VOC) should be lowered. The Working Document prepared by the JRC shows that this is feasible. Moreover, the Blue Angle already sets lower limits and the EU Ecolabel should follow this approach. The argument that lowering the levels might result in a decrease in the number of licenses is not a valid one. The EU Ecolabel is the label of environmental excellence and should be awarded to the best products on the EU market only.

Additionally, we propose limiting Semi Volatile Organic Hydrocarbons (SVOCs). Those substances are already restricted by the Austrian Ecolabel and the Blue Angel.

We call on the European Commission and Member States:

To lower values on VOC and include a criterion on SVOCs.

9. Indoor air quality

BEUC and EEB would like to ask the JRC to provide more information on the possibility of including a criterion on indoor air quality. We suggest investigating new French legislation on paints which was mentioned in the presentation of the JRC on 21 February during the first AHWG meeting.

We call on the European Commission:

To investigate possibility of introducing criterion on the indoor air quality into the EU Ecolabel criteria.

10. Derogations must be justified

BEUC and EEB believe that criterion on hazardous substance and mixtures is an important one. We ask the JRC to grant derogations based on article 6.7 of the EU Ecolabel regulation carefully. Awarding substances with derogations should not be a rule but rather an exception if all requirements from the EU Ecolabel Regulation are fulfilled. We call on industrial stakeholders to provide the necessary evidence when applying for derogation.

We call on the European Commission and Member States:

To use derogations carefully. All derogations must be justified.

11. Proposal for criterion on the packaging

BEUC and EEB suggest including criteria on packaging similar to one from the draft criteria for laundry detergents for professional use product groups¹³. We propose to introduce the following text:

$$WUR = \sum [(W_i + U_i)/(D_i * r_i)]$$

Where:

W_i = the weight (g) of the packaging component (i) including the label if applicable.

U_i = the weight (g) of non-recycled (virgin) material in the packaging component (i). If the proportion of recycled material in the packaging component is 0% then $U_i = W_i$.

D_i = the number of functional units contained in the packaging component (i). The functional unit = dosage in g/kg laundry. Note that the highest recommended dosage for each water hardness must be used in the WUR calculation.

r_i = recycling figure, i.e. the number of times the packaging component (i) is used for the same purpose through a return or refill system. $r=1$ if the packaging is not re-used for the same purpose. If the packaging is reused r is set to 1 unless the applicant can document a higher number.

We call on the European Commission and Member States:

To use criteria on packaging from the draft criteria for laundry detergents for professional use.

¹³ The European Commission have presented draft criteria for laundry detergents for professional use during the EU Ecolabeling Board meeting in March 2012.

12. Support for criterion on un-used paint

BEUC and EEB support the inclusion of a criterion on un-used paint. In the background report it is stated that approximately 25% of all paints remains un-used. Therefore, manufactures using old paint should be promoted providing that the same quality as in new paints is ensured. This might be done in the same way as the promotion of use of recycled material in the packaging in draft criteria for laundry detergents for professional use (see above). In case of existence of the refill or collection systems, they would also be promoted.

We call on the European Commission and Member States:

To promote using old paints by the manufactures.

END