



EU ECOLABEL FOR SOAPS, SHAMPOOS AND HAIR CONDITIONERS

BEUC AND EEB POSITION

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Ref.: X/2012/020 - 12/04/2012

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 soaps, shampoos and hair conditioners. BEUC and EEB would like to comment in this position paper on the following documents:

- Market Analysis¹;
- Preliminary results from the technical analysis²;
- Background report including draft criteria revision proposal³.

Additionally, we follow up on the discussion that took place during the first Ad Hoc Working Group meeting on 20 February 2012.

BEUC and EEB welcome the working documents prepared by the JRC proposing new ecological criteria for soaps, shampoos and hair conditioners. Nevertheless, in our opinion some criteria need further investigation and several new environmental criteria should be included. In this position paper, we outline our proposals on how to raise the level of ambition for the future Ecolabel criteria.

2. Extending the scope to shaving foams and gels

BEUC and EEB support extending the scope of this product group to shaving foams and gels. We see a big potential in those cosmetics as they are products for everyday use. Extending the scope could help to raise awareness among consumers about the EU Ecolabel.

When including shaving foams and gels into the scope of the Ecolabel, it will be important to set additional criteria concerning the packaging. Today, those products are still sold in aerosol containers. Although Chlorofluorocarbons (CFCs) are not a problem anymore, the gases used today, i.e. propane and butane contribute to the formation of low level ozone. Even though aerosol packaging is not the biggest source for the formation of low level ozone, alternatives⁴ are available, which should be further investigated. Low level ozone pollution should be avoided as far as possible as it can contribute to acid rains and the green house effect. In humans, the ozone can cause lung tissue damage and create high incidences of asthma and allergenic reactions⁵.

We call on the European Commission and Member States to:

Support extending the scope to shaving foam and gel and to foresee specific criteria on packaging.

¹ Revision of European Ecolabel Criteria for Soaps, Shampoos and Hair Conditioners, Market Analysis http://susproc.jrc.ec.europa.eu/soaps_and_shampoos/docs/Market%20Analysis_Draft%20Repor.pdf

² Revision of European Ecolabel Criteria for Soaps, Shampoos and Hair Conditioners, Preliminary results from the technical analysis, http://susproc.jrc.ec.europa.eu/soaps_and_shampoos/docs/Technical%20analysis%20draft%20report.pdf

³ Revision of European Ecolabel Criteria for Soaps, Shampoos and Hair Conditioners, Background report including draft criteria revision proposal, http://susproc.jrc.ec.europa.eu/soaps_and_shampoos/docs/Technical%20background%20draft%20report.pdf

⁴ One alternative could be product AirOPack. More information can be found at the following website: <http://www.premiumbeautynews.com/en/AirOpack-a-green-alternative-to,2123?checklang=1>

⁵ European Environment Agency, <http://www.eea.europa.eu/themes/air/multimedia/creation-of-low-level-ozone/view>

3. Keep the existing method of calculating Critical Dilution Values

The JRC proposed a new way of calculating the Critical Dilution Values (CDV). BEUC and EEB support the current way of calculating CDV which is used in the criteria document published in 2007. Criteria on CDV from 2007 promote concentrated products, while the proposed new criteria would favour diluted products. From an environmental perspective concentrated products should be supported as they require less transport and less packaging material. An additional advantage of concentrated products is the limited need to use preservatives. Moreover, those products are often cheaper for consumers as concentrated products require less water in the production chain.

Although we defend the current way of calculating CDV values with regard to concentrated products, we see a need to improve the current methodology through taking organic substances into account. We believe it is important to also consider the toxicity of silver in the liquid soap. Thus we suggest support using the Critical Dilution Values levels set in the Nordic Swan label for soaps.

We call on the European Commission and Member States to:

Use the CDV levels from the Nordic Swan Label for the EU Ecolabel.

4. No EU Ecolabel for products which are hazardous for the environment

We urgently call on the Commission to ensure that all Ecolabelled products including this product groups do not contain substances classified as hazardous to the environment. The current criteria (from 2007) allow 25% of an Ecolabelled product's substances to be hazardous which is unacceptable from an environmental point of view and does not correspond to consumer expectations. For this reason it is insufficient to simply carry over the criteria from the previous version.

Furthermore, we consider it important to cover abrasives. As it is currently not clear to us why they are explicitly exempted, and therefore ask the Commission to provide a justification.

Additionally, it is necessary to refer to the CLP Regulation⁶ rather than the DSD Directive⁷. The DSD Directive was replaced by the CLP Regulation in 2009.



Environmentally hazardous mark

⁶ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

⁷ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

We call on the European Commission and Member States to:

Award the EU Ecolabel only to products not containing hazardous substances.

5. Criteria on aerobic biodegradability to be strengthened

BEUC and EEB welcome the JRC`s proposal to require all surfactants to be biodegradable. Nevertheless, soaps, shampoos and hair conditioners contain many other substances such as emollients, humidifiers and conditioning agents which are very similar to surfactants. Those substances have a worse biodegradability and therefore they should also be addressed by applying the criteria used in the Nordic Swan.

We call on the European Commission and Member States to:

Set criteria on aerobic biodegradability also for substances which are similar to surfactants such as emollients, humidifiers and conditioning agents.

6. Criteria on anaerobic biodegradability to be strengthened

We welcome that anaerobic biodegradation has been taken into account in the draft revised criteria for soap and shampoos.

One has to keep in mind that the total toxicity of the total product also depends on the concentration value and not only on the toxicity level of each substance. Even if the substance has a value of LC50 >100 mg/l, it may be used in high concentrations and thus contribute to a higher toxicity of the product, while having low anaerobic biodegradation. Therefore, we propose keeping the criterion without the referring to toxicity, like it has been proposed for aerobic biodegradation.

Additionally, it is important that not only surfactants are covered by the criterion on anaerobic biodegradability but also other above mentioned substances such as e.g. emollients, humidifiers and conditioning agents.

We call on the European Commission and Member States to:

Set criteria on anaerobic biodegradability also for substances which are similar to surfactants such as emollients, humidifiers and conditioning agents.

7. SCCS opinion on fragrance allergens to be taken into account

In our opinion the proposed criterion for soaps and shampoos with regard to fragrances does not protect the consumer any more than the EU Cosmetics regulation⁸. However, the Scientific Committee on Consumer Safety⁹ published a draft opinion with regard to allergenic fragrances which should be incorporated into the future EU Ecolabel criteria once the SCCS opinion has been finalised. The draft opinion clearly states that focusing only on 26 allergenic fragrances as in the past is insufficient to prevent a spread of allergies. The SCCS suggests that more substances should be labeled to allow consumers to make an informed choice. They also recommend that three specific substances should be banned. The SCCS opinion also showed that a number of natural essential oils which are frequently used in organic cosmetics could be of concern as too little is known regarding their sensitizing potential.

⁸ Regulation No 1223/2009 of the European Parliament and of the Council on cosmetic products.

⁹ http://ec.europa.eu/health/scientific_committees/consumer_safety/docs/sccs_o_073.pdf

As allergies can only be prevented but not being cured, we propose all Ecolabelled products which may be used for children to be fragrance-free. It has to be underlined that fragrances are the second most sensitizing chemical^{10,11}. The younger a person is when started to be exposed, the bigger the risk of developing an allergy is.

We call on the European Commission and Member States to ensure:

Fragrance-free products for children.

8. Hair dyes to be excluded from the scope

We are against including hair dyes in the scope of this product group. In our view, hair dyes are products with different properties and ingredients. Current criteria proposal from the JRC would have to be reassessed in order to cover hair dyes. There is also a big concern over the allergic reactions hair dyes cause which need to be taken into account if any criteria for hair dyes were to be developed.

Concerning the dyes and coloring agents which are used to give the product its colour, we suggest keeping the current values from 2007 for log Kow and BCF. In our view, the lower value for those criteria, the better. For environmentally hazardous substances it is important to keep in mind that even if a substance is not classified as being for example bioaccumulative according to the CLP Regulation, it does not mean that it is harmless as soon as the BCF is below 500.

We call on the European Commission and Member States:

Not to weaken the values for log kow and BCF.

9. Biocides

We request that the criterion remains as that from 2007 regarding values for log Kow¹² and BCF¹³. We do not consider the proposal to apply CLP values to the EU Ecolabel criteria for soaps as feasible, since the CLP Regulation¹⁴ was not aimed to establish safe limit values for the use of chemicals in consumer products. For example in the case of triclosan, applying the CLP values would allow this substance in the EU Ecolabel despite its potential to contribute to the development of antimicrobial resistances and its endocrine disrupting potential.

We welcome the proposed exclusion of formaldehyde releasers. Additionally we see a need to set criteria for biodegradability of biocides.

¹⁰ Fragrance chemical allergy: a major environmental and consumer health problem in Europe http://cordis.europa.eu/search/index.cfm?fuseaction=proj.document&PJ_RCN=4862692&CFID=8981167&CFTOKEN=51089429

¹¹ Acta Derm Venereol 2001; 81: 31–34, Clinical Report: Allergic Contact Sensitization in an Adult Danish Population: Two Cross-sectional Surveys Eight Years Apart (The Copenhagen Allergy Study) authors: Niels Henrok Moelsen, Allan Linneberg, Torkil Menne, Flemming Madsen, Lars Frolunda, Asger Dirksen, Torben Jorgensen.

¹² logarithm of the partitioning coefficient between octanol and water.

¹³ Bioconcentration factor.

¹⁴ Regulation No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.

BEUC and EEB support the exclusion of proposed substances i.e. triclosan, parabens, formaldehyde and formaldehyde releasers. However, we propose setting certain requirements that would not allow those substances to be used in the EU Ecolabel instead of listing the substances that would be excluded. All preservatives used in the products should be assessed in the same way as biocides. Nevertheless, if there will be a list of excluded substances, we suggest to additionally include methylchloroisothiazolinone, methylisothiazolinone and cetrimonium chloride. Those substances, according to the technical analysis, are the preservatives which are the most harmful to the environment.

Additionally we suggest including requirements on biodegradation and a paragraph on ecotoxicity to aquatic organisms in this criterion.

We call on the European Commission and Member States:

Not to weaken the values for log kow and BCF.

10. Environmental hazardous ingredients

BEUC and EEB welcome the proposed list of substances to be excluded from the EU Ecolabel for soaps and shampoos¹⁵. Additionally we propose to restrict chemicals which may disrupt the hormonal system (so-called EDCs) and therefore we would like to exclude also the following substances taken from the SIN List (**S**ubstitute **I**t **N**ow)¹⁶:

3-benzylidene camphor, CAS 15087-24-8
4-methylbenzylidene camphor, CAS 36861-47-9
4-nitrophenol, CAS 100-02-7
4,4'-dihydroxybenzophenone, CAS 611-99-4
Benzophenone-1, CAS 131-56-6
Benzophenone-2, CAS 131-55-5
Benzophenone-3, CAS 131-57-7
Butylparaben, CAS 94-26-8
Dicyclohexyl phthalate (DCHP), CAS 84-61-7
Diethyl phthalate (DEP), CAS 84-66-2
Dihexyl phthalate (DHP), CAS 84-75-3
Ethylhexyl methoxycinnamate, CAS 5466-77-3
Metam natrium, CAS 137-42-8
Propylparaben, CAS 94-13-3
Quadrosilan, CAS 33204-76-1
Resorcinol, CAS 108-46-3
Tert-butylhydroxyanisole (BHA), CAS 25013-16-5

We call on the European Commission and Member States to:

Restrict chemicals which may disrupt the hormonal system.

¹⁵ pages 42-49 of the the Bacground Report

http://susproc.jrc.ec.europa.eu/soaps_and_shampoos/docs/Technical%20background%20draft%20report.pdf

¹⁶ The SIN (Substitute It Now!) List is an NGO driven project to speed up the transition to a toxic free world. The List 2.0 consists of 378 chemicals that ChemSec has identified as Substances of Very High Concern based on the criteria established by the EU chemical regulation, REACH <http://www.sinlist.org/>

11. Packaging

Firstly, BEUC and EEB support including a criterion on recycling and refilling systems.

Secondly, the presence of Substances of Very High Concern (SVHCs) in the packaging material would not be acceptable from a consumer and environmental point of view and would also not be in line with the philosophy of the Ecolabel Regulation. Excluding PVC and polycarbonates containing bisphenol A (BPA) is an important point as well. PVC is sometimes used in packaging for products destined for use by children.



Potential example of PVC¹⁷ used in shampoo packaging; source: Flickr, author: bfishadow

We call on the European Commission and Member States to:

Include criterion on recycling and refilling systems.

12. Nanomaterials

Nanomaterials such as nanosilver are already used in many different products including soaps because of their antibacterial properties. Silver has been classified as being toxic to the aquatic environment and little is known about the effect of silver in the nanoform. This lack of knowledge holds also true for other nano materials. We therefore call on the EU Commission to exclude all nanomaterials in the EU Ecolabel based on the precautionary principle.

We call on the European Commission and Member States to:

Ban nanomaterials based on the precautionary principle.

END

¹⁷ We have not tested this product for presence of PVC. Nevertheless, similar products contain PVC.