

EU ECOLABEL FOR DETERGENTS

Comments to the criteria proposal May 2016 and the updated Technical Report from 8 June

Contact: **Blanca Morales** – environment@beuc.eu & blanca.morales@eeb.org

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

Why it matters to consumers and the environment?

Detergents are important products for consumers and today around 5200 different detergent products (including all-purpose cleaners, laundry detergents and hand dishwashing detergents) can be found on the shelves across the EU bearing the EU Ecolabel logo. The label in this area is relatively successful and higher penetration will help to increase its visibility. However, the revised criteria need to reflect the top 10-20% of the most environmentally performing products to ensure that the EU Ecolabel will truly help citizens to choose greener products with reduced impacts on health and the environment.

Summary

The European Commission (EC) is revising the EU Ecolabel criteria for the Detergent Products Group Family which is comprised of: Laundry detergents (LD); Industrial and institutional laundry detergents (IILD); Detergents for dishwashers (DD); Industrial and institutional automatic dishwasher detergents (IIDD); Hand dishwashing detergents (HDD); Hard Surface Cleaners (HSC).

This paper provides recommendations from BEUC and the EEB on the draft criteria proposals presented by the Joint Research Center of the European Commission in May 2016¹, including the update of the Technical Report on chapters 2.10.9 and 3.10.10 regarding micro-organisms used in cleaning products.

The EEB and BEUC are satisfied by the improvements achieved in several areas such as:

- Exclusion of a list of hazardous substances including microplastics;
- Restriction of phosphates in LD, HSC, HDD and DD;
- Anaerobic biodegradability of surfactants hazardous to the environment;
- Restriction of preservatives and fragrances based on CLP hazards without any derogation.

We consider that the proposals should be improved in particular with regards to the ambition level of:

- The exclusion of endocrine disrupting chemicals;
- The exclusion of micro-organisms from the scope;
- The Critical Dilution Volume (CDV) limits;
- The anaerobic biodegradability of all surfactants without exceptions;
- The proposed restriction of isothiazolinones is welcomed but stricter limits are necessary;
- Phosphates should also be excluded in IIDD and IILD. Phosphorus can be further restricted in all product groups;
- No substances of very high concern in packaging material;
- Regarding the certification system for sustainable sourcing of palm oil, palm kernel oil and their derivatives, BEUC and the EEB recommend using certification based on "identity preserved" or "segregated" palm oil to ensure that only traceable sustainable palm oil is used.

¹ <http://susproc.jrc.ec.europa.eu/detergents/stakeholders.html>

1. Criteria validity shall not be longer than 4 years

BEUC and the EEB consider the criteria validity is of high importance in the EU Ecolabel scheme. In our view, a 4 years period is already long enough for safer alternatives to come up on the market and scientific evidence-based studies to be published. In order to make the EU Ecolabel a signpost and a front-runner in the green sector, it is crucial that the scheme is given flexibility to be able to reflect the market's innovations in the criteria. Such an approach would ensure that the EU Ecolabel stay at the forefront of innovation and comply with the highest safety and environmental standards existing on the market.

The JRC proposal of different transition periods seems reasonable to better distribute the workload by competent bodies evaluating the applications of existing license holders. However, the EEB and BEUC recommend a different grouping of the product groups. The shorter periods should be for the products with expected higher exposure: HDD, LD and HSC.

2. Scope and definitions

Fabric softeners should be strictly excluded from the scope

The EEB and BEUC welcome the exclusion of fabric softeners from the scope of laundry detergents. However, they should also be excluded from Industrial and Institutional Laundry Detergents.

Fabric softeners do not have any cleaning properties and are not needed in the washing process. In addition, they may have a high level of ecotoxicity to aquatic organisms and they are poorly biodegradable. Besides, it remains difficult to differentiate the formulations of the existing products and to identify the best environmentally performing formulation.

Ready-to-use (RTU) product shall not be included in the scope of Hard Surface Cleaners (HSC). Non-concentrated products should not be in the scope of Laundry Detergents (LD)

BEUC and the EEB are still in favour to completely restrict RTU products from Hard Surface Cleaners (HSC) product group, in alignment with the Blue Angel and the Austrian ecolabel scheme. As RTU products are not necessary for HSC and there is no environmental benefits compared to concentrated HSC, BEUC and the EEB highly recommend using concentrated products instead of RTU products.

Ecolabelling RTU products can have as a consequence that the consumer gets a wrong perception that the environmental performance of these types of products is equal to concentrated products bearing the EU Ecolabel, which is not the case.

RTU products lead to higher environmental impacts due to more emissions to air (SO_x, NO_x and CO₂) given that the transport needed is much higher than for concentrated products, as more water is being transported. With the reference values suggested up to 15 times more transport work can be anticipated.

According to data provided by JRC almost every country that has awarded EU Ecolabels to All-Purpose Cleaners, has awarded some to RTU products. For this reason the JRC proposes for the moment to not *fully* remove the option of certifying RTU all-purpose cleaners. The EEB and BEUC would like to clarify what does this mean. Partly remove? How?

Even if ecolabeled RTU products are still on the market it cannot be seen how the situation will change in the next years if these products can still get the EU Ecolabel.

The same principle is valid for liquid LD. In this category, the market offers concentrated formulas (35 ml is the most common dose per washing but we can accept until 70 ml) and non-concentrated ones (70 to 110 ml) and very often the brand has both formulas. To avoid the same problems caused by RTU products, the EEB and BEUC recommend limiting the volume per dose to 70 ml in the EU Ecolabel for LD. in order to push for more concentrated products.

Multi-component systems in Industrial and Institutional Laundry Detergents (IILD)²

It is appreciated that the demand from BEUC and the EEB that each component should be tested separately has been accepted. However, the requirement set is that multi-component systems will be tested as a whole. Does this mean that each component will be assessed individually? This needs to be clarified. In addition, fabric softeners are still not excluded in IILD and BEUC and the EEB recommend excluding them like in LD. We are not in favour of the higher values for CDV, aNBO and anNBO suggested for multi-component systems. These values are significantly higher than those set for single component systems without any justification given to this.

3. Assessment and verification requirements for all product groups

It is appreciated that the former sentence: "*In exceptional cases, if the ingoing substances included in a mixture are unknown, the applicant can supply the information requested in (i) for the mixture*" has been changed in: "For each ingoing substance listed, the safety data sheet (SDS) in accordance with Regulation (EC) No 1907/20066 of the European Parliament and of the Council shall be provided. Where an SDS is not available for a single substance because it is part of mixture, the applicant shall provide the SDS of the mixture".

We are still concerned that some substances may become hidden in a mixture. Therefore, we propose to lower the cut-off limit in the Ecolabel requirements to 0.0010% which is the safest threshold, in order to limit impurities of excluded substances which might be in products from the production process³. This will force the manufacturers of mixtures to go beyond the requirements of the SDSs and ask for more information on the mixture.

² For multi-component system the scope is (fabric softeners are still included): *Included in this product group are multi-component systems constituted of more than one component used to build up a complete detergent or a laundering program for an automatic dosing system. Multi-component systems may incorporate a number of products such as fabric softeners, stain removers and rinsing agents, and they shall be tested as a whole.*

³ The limit of 0.0010% refers to impurities of excluded substances which might be in products at the production process. Until now this has been regulated via the Limit of detection of the analytical method but it is not described which analytical methods have to be used. It is also regulated via this method in the Blue Angel.

Blue Angel Laundry detergents - Measurement thresholds

Every substance that exceeds a concentration of 0.010% by mass in the final formulation must comply with these Basic Award Criteria. This also applies to the raw materials used in the product, any listed additives and impurities.

In the case of substances dealt with by the following criteria, a deviating measurement threshold of 0.0010% by mass in the final formulation applies:

3.5 Biodegradability of organic substances;

3.6 Toxicity to aquatic organisms;

3.8 Exclusion of substances;

3.9 Requirements for specific substances.

There is no lower measurement threshold for fragrances.

4. Toxicity to aquatic organisms: Critical Dilution Volume (CDV) values for IILD and for IIDD

BEUC and the EEB advocate for stricter CDV limits.

The CDV limits of the Blue Angel are stricter for Dishwashing Detergents and for Laundry Detergents.

We are very concerned to see that no improvement has been brought to the CDV limits of IILD and IIDD.

In the technical report for IILD, it is described that, for the calculations made with the 2007 DID list, CDV values for only four different products were provided by stakeholders (Table 10). The values are significantly lower than the current limits for all water hardness levels but the JRC argues that the lack of data does not allow the revision of the thresholds. The same is true for IIDD.

The EEB and BEUC still request lower limits as lack of data should not be the reason to maintain the same values. It seems to be possible to define lower limits, according to the responses received. Stakeholders had the possibility to deliver more data. We cannot accept that the JRC advocates that the absence of information on the CDV values for more products is a reason not to strengthen the criteria. We believe that the JRC should suggest strengthened thresholds and if the industry believes that this value is too strict they should show JRC that a wide variety of products do not meet the strengthened criteria. In the current way of working, the thresholds will be kept low and industry does not get any incentives to share information.

5. Anaerobic Biodegradability of all surfactants without exceptions

BEUC and the EEB recognize the improvement that has been brought to this requirement in line with our previous recommendations.

However, BEUC and the EEB strongly recommend ensuring biodegradability under anaerobic and aerobic conditions for all surfactants, regardless of their classification.

According to the JRC the proposal takes into account the SCHER opinion and the precautionary concerns of some stakeholders. Anaerobic biodegradability is required now for surfactants classified as hazardous to aquatic environment. For other hazard classifications no derogation is given for surfactants in this criteria version so they cannot be used above the agreed cut-off limit.

In the Blue Angel, surfactants which are not anaerobically degradable are not allowed. BEUC and the EEB believe that real application of the precautionary principle would mean to ensure that only surfactants which are anaerobically biodegradable are allowed. There are enough such surfactants available in the market. Why wait? In compliance with the precautionary principle, it is of high importance to make sure that all surfactants are covered by this requirement, in case they are not classified.

It is indeed feasible for manufacturers to produce products where all surfactants are anaerobically biodegradable. Indeed, among the surfactants that are included in the DID-list database and have been tested, 43 out of 97 are anaerobically biodegradable, 46 are not tested, or test results are not yet published.

6. Biodegradability of organic compounds

BEUC and the EEB welcome requirements on biodegradability (aerobic and non-aerobic) of organic compounds. However, the limits can be further reduced at least for Laundry Detergents as required by the Blue Angel.

7. Excluded and restricted substances criteria and derogations

Exclusion of Endocrine Disrupting Chemicals (EDCs)

The EEB and BEUC strongly call for the introduction of a criterion that will require the *non-presence of EDCs in EU Ecolabelled detergents according to the WHO definitions⁴ of an **endocrine disruptor** and a **potential endocrine disruptor**.*

WHO definitions of endocrine disruptor and potential endocrine disruptor

An **endocrine disruptor** is an exogenous substance or mixture that alters function(s) of the endocrine system and consequently causes adverse health effects in an intact organism, or its progeny, or (sub)populations.

A **potential** endocrine disruptor is an exogenous substance or mixture that possesses properties that might be expected to lead to endocrine disruption in an intact organism, or its progeny, or (sub)populations.

Hormone-disrupting chemicals or EDCs have been linked to various severe human health problems, including cancer, infertility and obesity. Consumers may encounter these harmful chemicals in a large range of commonly-used products. There is an urgent need to reduce consumer exposure to EDCs and the EU Ecolabel cannot continue to disregard this important aspect.

⁴ <http://www.who.int/ipcs/publications/en/ch1.pdf?ua=1>

In line with criteria set by the Nordic Swan for cleaning products⁵, since the start of the revision, NGOs have advocated for the exclusion of Endocrine Disrupting Chemicals in EU Ecolabelled Detergents. We have strong concerns that this important question is left unaddressed in the end, missing the opportunity of setting requirements that will further differentiate the EU Ecolabel as a label of environmental excellence and address people's worries on the potential health impacts of cleaning products.

The JRC rejected the formulation of such a requirement until criteria would be made available by the Commission⁶. The Commission published⁷ its proposal on 15 June but still the criteria are not yet agreed and this process will not be concluded before the vote on the EU Ecolabel for detergents takes place in November this year. A criterion excluding EDCs should nonetheless be set in the revised decisions on the EU Ecolabel for the different detergent product groups.

The EEB and BEUC propose to refer to the widely accepted WHO definitions of *known* and *potential* EDCs. At the same time, it will be necessary to set a mechanism to identify these chemicals and to create a reference list. To this aim, the EU Ecolabel could use as a legal precedent the criteria under the Biocides Regulation like the recently agreed Medical Devices Regulation (See Annex I, point 7.4.1). An alternative option, could be to refer to the EU's priority list of substances for further evaluation of their role in endocrine disruption (as done by the Nordic Swan)⁸, and keeping in a clause that the list should be updated when legal criteria under the Biocides Regulation are adopted.

It will be important to ensure that regardless of the criteria that the EU will finally agree upon to identify EDCs, the EU Ecolabel will address the exclusion of not only *known* EDCs but also *potential* EDCs, given that the precautionary principle is central to the EU Ecolabel Regulation. To this end, the EEB and BEUC highly recommend using as a reference the U.S. TEDX List of Potential Endocrine Disruptors⁹ (at least in the user manual), which is a well-respected reference. Every chemical on the TEDX List has one or more verified citations. Each citation is from published, accessible, primary scientific research demonstrating effects on the endocrine system.

The SIN list for EDCs can also be considered as best practice, given that a very high percentage of chemicals listed are gradually included in the REACH SVHCs candidate list.¹⁰ ChemSec uses the REACH criteria and best available evidence to conclude on substances that are EDCs.

⁵ <http://www.nordic-ecolabel.org/Templates/Pages/CriteriaPages/CriteriaGetFile.aspx?fileID=1625>

⁶ [Revision of six European Ecolabel Criteria for detergents and cleaning products: Technical Report 3.0](http://ec.europa.eu/health/endocrine_disruptors/policy/index_en.htm) (see page 184).

⁷ http://ec.europa.eu/health/endocrine_disruptors/policy/index_en.htm

⁸ Substances with potential for endocrine disruption of Category 1 or 2 in EU's priority list of substances for further evaluation of their role in endocrine disruption:

http://ec.europa.eu/environment/chemicals/endocrine/pdf/final_report_2007.pdf (from Appendix L, page 238).

⁹ <http://endocrinedisruption.org/endocrine-disruption/tedx-list-of-potential-endocrine-disruptors/overview>

¹⁰ See for example <http://chemsec.org/wp-content/uploads/2015/10/The-32-to-leave-behind-EDC-folder.pdf>

Nanoparticles should be excluded

In line with other Type I Ecolabels and taking account of the precautionary principle, the EU Ecolabel should not allow the use of nanoparticles. Only specific nanoparticles that have been adequately assessed for toxicity and ecotoxicity and prove to be safe should be accepted.

The exclusion of microplastics is welcome

The EEB and BEUC highly welcome the proposal for microplastics. Following the discussion along the criteria revision process it was agreed to exclude microplastics from the EU Ecolabel for detergents and cleaning products. As explained in the 2nd Technical Background Report a broad range of definitions, which are not entirely compatible are currently available. More coherence between the definitions is needed at the EU level. Following the proposal made during the consultation process, the current criteria will refer to the definition of microplastics contained in the Blue Angel label.

Micro-organisms based cleaning products (MBCPs) excluded until benefits are well-known

As described in the Technical Report 3.0 (version 2 of May 2016) for the revision of the EU Ecolabel criteria for detergents and cleaning products¹¹, the JRC had proposed to exclude MBCPs from the EU Ecolabel based on several arguments, and in particular:

- *The potential safety concerns: (page 25) The restriction on the intentional addition of micro-organisms is kept in this proposal based on potential safety concerns (see Section 3.10.10). The report also highlights: "to the best of our knowledge health hazards associated with unintentionally contaminating food with the micro-organisms in the products have not been studied in depth".*
- *The understanding that such type of products are not covered by the Detergents Regulation, as stated in Question 7.9 of FAQ concerning the correct implementation of the Detergents Regulation (European Commission 2011): (page 80) as the scope of the EU Ecolabel criteria for all detergent and cleaning product groups refers to the scope of the Detergents Regulation, it follows that such products are de facto excluded.*

Despite the above, a revised version of the Technical Report on the chapters dealing with MBCPs has been distributed by the JRC on 8 of June. This version does allow the use of MBCPs and presents a new interpretation of this question: *following discussions with DG GROW and industry, it has been established that the Detergents Regulation should be interpreted to mean that microbial cleaning products that have the combined action of traditional surfactants and bacteria fulfil the definition of a detergent as set out in the Detergents Regulation and fall, therefore, under its scope and Question 7.9 of the FAQ is not applicable to them.*

Therefore this type of products has been included automatically in the EU Ecolabel scope. It has been proposed to allow them regardless of potential safety concerns and potential environmental impacts and despite lack of sufficient studies showing the benefits of such products compared with chemical based detergents and cleaning products.

¹¹ <http://susproc.jrc.ec.europa.eu/detergents/stakeholders.html>

The EU Ecolabel Regulation states that ecolabel criteria shall be determined considering *the net environmental balance between the environmental benefits and burdens, including health and safety aspects, at the various life stages of the products* (Article 3 (d)). Therefore, the EEB and BEUC strongly disagree with the consideration made by the JRC in Chapter 3.10.10 rejecting the need to further consider and research health and safety aspects before allowing such products:

"As health and safety are not the primary concern of the EU Ecolabel, no specific in depth study can be launched during a revision besides a review of available publications and legislation".

BEUC and the EEB still hold the view that MBCPs should not be in the scope of the EU Ecolabel, given that at this time there is no clear indication on the benefits that they bring to the products and there is need for studying health, safety and environmental aspects more in depth. Their potential acceptance should be underpinned by environmental assessments of products containing microorganisms compared with chemical detergents.

The revised version 3 of the Technical Report does not clearly show if and to what extent the use of products containing micro-organisms have less environmental impact than those which are chemical-based. Only a study by Spök and Klade (2009) is quoted on lower use of acids and surfactants by MBCPs. However, another quoted study by Arvanatakis (OECD 2015) highlights that *"potential environmental problems might arise if this type of cleaning products become more common and the release into the environment of micro-organisms is important"*.

The technical background is not conclusive enough on the benefits of using micro-organisms:

"While the results are interesting, the cited studies did not specifically look at how effective the products were at removing dirt, which is the main concern of the Detergents Regulation and the main criteria for the fitness of use of the EU Ecolabel".

"No journals publications could be found comparing the efficacy of MBCPs to that of "traditional" cleaning products in a household setting".

Last but not least, the use of micro-organisms will have an impact on the criteria proposed. However, this possibility has not been properly assessed during the criteria revision process and raises many questions on the overall ambition level if micro-organisms are allowed. In this regard, if micro-organisms are used the amount of chemicals used in the formulation should be further restricted. Due to lack of data, lowering the thresholds for toxicity for aquatic organisms (CDV) is only proposed for the next revision. The use of micro-organisms is neither considered to increase the ambition of the criterion on biodegradability. This is an unacceptable approach as there will not be any clear environmental benefit in allowing the use of micro-organisms.

If despite, the above considerations, it is decided to allow micro-organisms in cleaning products, the criteria should be fully aligned those used in the Nordic Swan. In this regard, we strongly recommend the following improvements:

- Accept its use **only for professional products**. The Nordic Swan has this requirement in order to ensure that only trained personal use such products. Whereas the technical report considers that such products are safe for all type of

users, it also raises concerns related to the risk of increased exposure associated with the mode of action: *while the micro-organisms used are required to be safe for use in foodstuff, no study has been conducted on the safety of inhaling them. Moreover, these micro-organisms (or the enzymes they produce or their bi-products) have not been vetted to be ingested after they have been in contact in a dirty surface, which is a completely different application from their use in foodstuff.*

Based on the above considerations, the JRC proposes to apply the precautionary principle just by “informing users” that there are micro-organisms present in the formulation, the potential hazards and that the products shall not be used with a spray bottle or on surfaces in contact with food.

Since kitchen cleaners are in the scope of this product group, it is difficult to see how such products will not be used on surfaces which are in contact with food!

The EEB and BEUC think that putting the burden for reducing risks on users is unacceptable and that the real application of the precautionary principle would be not to spread for the moment the use of such products until health and safety aspects are properly assessed. Furthermore, it does not help to market the EU Ecolabel if claims on hazards and precautionary mode of uses are needed to accompany the label.

- **Intrinsic resistance of micro-organisms** should not be exempted when determining susceptibility to the listed antibiotic classes. The Nordic Swan does not make this exemption. How will it be possible to differentiate between intrinsic resistance and acquired resistance due to exposure to antibiotics through the time?
- The product should not be used in places where **immunocompromised people** are present, as required by the Nordic Swan.
- It should be **proved that there is a benefit of using the products**. As required by the Nordic Swan, it is important to show evidence that the cleaning product has better performance as compared with the criterion set on fitness for use and that it can degrade proteins, starch and fat. According to the technical report, the same approach of the Nordic Swan is not followed because micro-organisms contained in MBCPs may have different mode of actions and it is preferable to document all claims made on mode of actions through third party testing. While, NGOs certainly support third party testing, it should be considered that also very general claims could be used without referring to a particular mode of action, and it will be difficult to identify which aspects should then be assessed.

Dishwashers Detergents: additional classification H314 on the end product

The EEB and BEUC strongly support the JRC proposal regarding the moving from “total chemicals” to “dosage requirements” for DD. Dosage criteria will promote concentrated products which bring significant environmental benefits with regard to less transport emissions and less packaging.

As concentrated products might be toxic and harmful to consumers, BEUC and the EEB support the JRC proposal to set strict requirements on the end product. We agree that the final product shall not be classified and labelled as being acutely toxic, a specific target organ toxicant, a respiratory or skin sensitizer, carcinogenic, mutagenic or toxic for reproduction, or hazardous to the environment, in accordance with CLP Regulation.

BEUC and the EEB are pleased that the end product shall not be classified as H314 (causes severe skin burns and eye damage). However, we recommend to clearly combine all the excluded classifications under the headline "final product" (at the moment "corrosive properties" are not included under the headline "final product" and we find this to be confusing).

Derogation for enzymes not supported

BEUC and the EEB do not support the derogation granted to subtilisin in HDD and ACP regardless of their concentration. Subtilisin is one of the available protein-removing enzymes and is classified as hazardous to the environment.

In the latest draft criteria, the JRC still propose to derogation subtilisin in HDD products. According to ECHA the enzyme is classified with the following hazards:

- H302: Harmful if swallowed;
- H335: May cause respiratory irritation;
- H315: Causes skin irritation;
- H319: Causes serious eye irritation;
- H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled;
- H400: Very toxic to aquatic life;
- H411: Toxic to aquatic life with long lasting effects.

The derogation of this enzyme is based on its beneficiary function of washing/cleaning at lower temperature of water (which is the main environmental hotspot). However, the benefit of lower temperature of water for HDD is not obvious. Therefore we are still do not support the extension of the derogations to Subtilisin.

Derogations should not be accepted for surfactants classified H400

BEUC and the EEB are concerned about the use of surfactants classified as H400 (very toxic to aquatic life) and H412 (harmful to aquatic life with long-lasting effects).

If the derogation for H412 is kept, we highly recommend lowering the threshold of the derogation which is too high. It has been shown that many products can comply with a much lower threshold than 25%.

Preservatives

The EEB and BEUC are satisfied that there is no hazard proposed for derogation in this substances group.

Concerning **isothiazolinones**, the EEB and BEUC highly recommend its non-use. The Good Environmental Choice ecolabel in Sweden do not accept them. At least they should be completely banned in hand dishwashing detergents and hard surface cleaners as the exposure can be similar to that of rinse off cosmetics.

The proposed requirements restricting them above certain concentrations are welcomed, but far from sufficient.

Very recently, the EU's Scientific Committee on Consumer Safety concluded that "*for rinse-off cosmetic products a concentration of 15 ppm (0,0015%) of MIT is considered safe for the consumer from the point of view of induction of contact allergy*". With this background the EEB and BEUC consider the suggested concentration of 50ppm for MIT as unacceptable for the EU Ecolabel.

Concerning BIT, the SCCS concluded in 2012¹² that *“Benzisothiazolinone is a skin sensitiser in animal models with potency similar to methylisothiazolinone [...] There is no information on what may be safe levels of exposure to benzisothiazolinone in cosmetic products from the point of view of sensitisation [...] Until safe levels of exposure have been established, the use of benzisothiazolinone in cosmetic products as a preservative or for other functions cannot be considered safe in relation to sensitisation.”*

If isothiazolinones are not excluded the allowed concentration limits should be further reduced, based on the SCCS opinions:

- 15 ppm for MIT according to the new scientific opinion;
- 0 ppm for BIT, i.e. not allowed as preservative;
- 15 ppm for CMIT/MIT combination.

Fragrances should be excluded from EU Ecolabel

BEUC and the EEB appreciate that fragrances will be evaluated on a substance and not mixture basis.

We highly welcome the proposed further restrictions.

However, the EEB and BEUC are still in favour of restricting fragrances in EU Ecolabelled detergents as they do not improve the cleaning efficiency and are not needed in the product formulation to be performant.

At least, fragrances should be banned not only in IIDD but in addition in IILD.

Fragrances are very toxic to the environment and are often classified as H412 (Harmful to aquatic life with long-lasting effects). The EEB and BEUC are not in favour of derogating this hazard and prefer maintaining its restriction in addition to other hazards toxic to the environment.

8. Phosphorus content should be further restricted

BEUC and the EEB welcome the restriction of phosphates in DD, HDD, HSC and LD. However, both organisations consider that phosphates should be banned as well in IILD and IIDD. Phosphorus content should be further limited, based on the following reasons:

1. Phosphates have strong environmental impact. They highly contribute to eutrophication and detergents are among the biggest sources discharging phosphates after agriculture. Product design changes can be easier achieved for detergents than changes in agricultural production processes which also contribute to eutrophication. Phosphates in detergents can easily be replaced with other builders, strong amino acid derived organic chelating agents such as zeolites, MGDA, GDLA, available on the European market. Therefore we do not see technical barriers to ban phosphates completely.
2. Other schemes such as Nordic Swan or Good Environmental Choice (GEC) have not only banned phosphates but have also set very strict criteria on phosphorus

¹² http://ec.europa.eu/health/scientific_committees/consumer_safety/docs/sccs_o_099.pdf

content: GEC does not accept professional dishwashing detergents with Phosphorous and Nordic Swan have set strict limits for phosphorus content. For hard water the JRC accepts 0,50g P/litre, which is more than 6 times higher phosphorus content than the Nordic Swan criteria¹³ for professional dishwashing detergents accepts (0,08 g P/litre).

3. Strict limits do not prevent the products from being successful on the market as both Nordic Swan and GEC products benefit from a large uptake in the market. The Nordic Swan has more than 200 products labelled both in Sweden and Norway. At least 3 products labelled with GEC can be counted in Denmark where water is hard. In addition, Diskteknik, a Swedish manufacturer produces phosphorus-free products carrying the Nordic Swan.
4. Products from other ecolabelling schemes demonstrate that our request is feasible. As this is already done in other schemes, the EU Ecolabel should remain a frontrunner in the market. Therefore, thresholds for phosphorus content should be lowered in the revised criteria.

9. Packaging

No substances of very high concern in packaging material

BEUC and the EEB consider that packaging should be addressed as an intrinsic part of the product given that it is required during its functional life to contain the mixture. This consideration was also reflected in the outcome of the task force on the EU Ecolabel and chemicals¹⁴. Therefore, the exclusion of Substances of Very High Concern (SVHC), as referred to in Article 57 of Regulation (EC) No 1907/2006, shall also apply to the packaging material of the detergents.

In addition, BEUC and the EEB strongly encourage the JRC to clearly exclude PVC in the packaging material. PVC is known to be very harmful to human health and the environment at all the life stages: emissions of vinyl chloride monomer (VCM) during PVC production create volatile pollutants, and PVC has a very low recyclability potential.

Minimum filling level

The EEB and BEUC recommend requiring a minimum filling level for the different products. When testing detergent products, consumer organisations have found big differences between packaging volume and product volume. Especially in powder and capsules products, the packaging filling rate is often 50 to 60%. This leads to higher environmental impacts such as more emissions to air due to transport, as more air is being transported.

¹³ Nordic Ecolabelling of Dishwasher detergents for professional use Version 2.6 • 21 June 2010 – 31 March 2018.

¹⁴ http://ec.europa.eu/environment/ecolabel/documents/Chemicals%20HTF_Approach%20paper.pdf

10. Sustainable sourcing of palm oil, palm kernel oil and their derivatives, reservations expressed regarding the Book and Claim system

In general, the EEB and BEUC support the criterion. However, there are concerns that certification options currently available such as RSPO do not offer enough guarantee of sustainable production. In this regard we would like to require that only traceable palm oil is allowed. This includes sources from organic farming or "identity preserved" (IP) and "segregated" (S) palm oil. Mass balance could be accepted only as a compromise during a transitional period.

The use of the Book and Claim supply chain system has a very low level of traceability and does not provide sufficient guarantee that the palm oil is sustainable and that it is not destroying forests and potentially triggering conflicts in local communities. The Book and Claim system only guarantees that the manufacturer of the detergents pays a certain amount per tonne of palm oil to a producer or a plantation that is producing RSPO-certified¹⁵ palm oil, in order to get the "Green Palm certificates". The main reason why manufacturers are more likely to buy Book and Claim palm oil is that it is much cheaper to buy green certificates than to buy palm oil which is actually certified. This certification system based on a trading system cannot be used in the EU Ecolabel as it does not bring any added value with regards to the authenticity of the sustainable palm oil compared to conventional palm oil trading systems.

According to RSPO, the demand for identity preserved and segregated palm oil is currently not big enough and an increased demand will foster higher availability of certificates. It would be justified for the EU Ecolabel to promote the use of those certificates that offer better guarantees to the consumer on the origin of the palm oil, even if they may be more expensive than book and claim. Therefore, the EEB and BEUC suggest that for chemical derivatives of palm oil the standards required are not lowered, and that only IP and S certifications would be acceptable. Mass Balance would be a compromise option versus book and claims certificates if IP or S are not available.

Mass balance palm oil is available from many suppliers such as Sasol, BASF, Henkel, Evonik. BASF has recently presented surfactants for cosmetic formulations or household cleaners with palm oil and palm kernel oil used to produce these ingredients that are certified by the Roundtable on Sustainable Palm Oil (RSPO) and sourced either through the supply chain system 'Segregated' or 'Mass Balance'. As these surfactants are already on the market, it is of high importance that they are used in Ecolabel products. These methods offer better guarantees that the palm oil is coming from sustainable plantations.

¹⁵ Roundtable on Sustainable Palm Oil.

11. Additional comments on EC Ecolabel protocol for testing laundry detergents (version 22/06/2016)

The proposed test protocol is quite similar to the one that Euroconsumers apply for comparative tests. However, the following remarks are important to be considered:

- Point 2.2 Washing machine types:
 - The total program duration, 100-120 min, is quite long and does not correspond to the main choice of consumers. Is this duration supported by any evidence? With such long duration programs the question arises whether the performance is achieved by mechanical action of the washing machine or by the efficiency of the products. Euroconsumers chooses shorter programs duration when testing detergents. Usually 55 minutes, but up to 1h20 minutes could be acceptable.
- Point 2.5 Stain sets
 - AISE stain sets seems a good choice. However, some stains do not allow differentiating products properly and for that reason Euroconsumers do not use exactly the same stain sets when testing detergents.
- Point 2.12 Number of cycles
 - Only in the case that colour care is claimed by the manufacturer, it is proposed that a separate set of 15 additional cycles is performed for colour maintenance CSD (colour safe detergent) and HDD/LDD (heavy duty detergent/light duty detergent). We agree that those additional cycles are compulsory for CSD, but it is important to consider that HDD/LDD, whenever presented as universal products, are expected to provide a colour protection to a certain extent and consumers count on that. Therefore the 15 additional cycles should also be performed on universal products by default. We would agree with an exemption of performing the 15 additional cycles on HDD/LDD for colour maintenance only in the case that the product claims to be especially formulated for white laundry.

END