EEB and BEUC comments on Revision of EU Ecolabel for Footwear

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Summary

The European Commission is revising the EU Ecolabel for Footwear. In September 2013, the Joint Research Center presented the study carried out to support this process and criteria proposals. These documents were discussed at the 1st AHWG meeting organised in Seville on 8 October 2013[1]. This position paper provides EEB and BEUC comments to the draft proposal.

EEB and BEUC strongly support the inclusion of ambitious criteria for the restriction of hazardous chemicals in this product group:

- Full restriction of PFCs due to persistency and toxicity.
- Establishing a flexible approach where chromium-free tanning can be promoted, at least in shoes intended for babies and children. For the rest, in addition to chromium VI, it is needed to limit chromium III.
- More comprehensive requirements for minimising pollution content of waste water release are recommended.

EEB and BEUC fully endorse the criterion as suggested by JRC in the first criteria proposal, as allowing the use of PVC in Ecolabelled footwear undermines seriously the credibility of the EU Ecolabel. The arguments to support the exclusion of PVC are well developed in the preliminary background study.

[1] http://susproc.jrc.ec.europa.eu/footwear/whatsnew.html

No.	Comment from	Contact Person	Reference: - document - section/task - page	Subject of the comment	Comment
1	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Scope definition Page 12 ff	Scope definition	EEB and BEUC are in favour of the attempt to legally enlarge the product scope also to protective footwear. Rationale: the inclusion of protective footwear may allow for the application of the EU Ecolabel under GPP purchases. Protective footwear is a frequently purchased item under GPP, especially for governmental gardening and forestry work wear. EEB and BEUC see the necessity to cover leather accessories with an EU Ecolabel, too, but see room for an individual product group in which one could set higher criteria than for footwear, because the products are often in even closer contact to the skin and may have less requirements for durability.
	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.1.4 Page 39	Biocides	Biocides are used for the protection of leather and textiles during different production processes. These substances are all toxic and should be avoided to the greatest possible extent. The proposal as made in the Technical Report (JRC and RDC 2013) is reasonable and can be supported: It is recommended to add the following: Biocides have to be avoided as far as possible with technical measures. If preservatives are used for protection during the transportation and storage of leather they shall meet the following conditions for the use on leather: - 4-chloro-3-methylphenol < 600 mg/kg - N-octylisothiazolinone < 250 mg/kg - o-phenylphenol < 1000 mg/kg

					- 2-(thiocyanomethylthio)benzothiazole < 500 mg/kg (criteria for the Blue Angel footwear). The preservation of the final product is not allowed. The incorporation or treatment of the final product or parts during the production process with the objective of producing a treated article with disinfecting properties or odor-preventing properties is not allowed. The extensive discussions with different stakeholders in Germany during the definition of the criteria for the Blue Angel for textiles and leather showed that it is possible to avoid biocides completely in the production process of textiles, but not with leather. It is therefore recommended to follow the proposal in the technical report and add the details as described above.
2	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.1.4 Page 42	Flame retardants	EEB and BEUC endorse the criteria suggestion by JRC. We are aware that this exclusion may be difficult to reach by work wear shoes for fire brigadiers, but would prefer the clarity of the regulation over the potential labelling for this niche product.

3	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.1.4 Page 45	PFCs	Additionally to the restriction suggested by JRC, EEB / BEUC are in favour of a full exclusion of PFCs. Hydrophobic (water-repelling), and oleophobic (oil-repelling) manmade PFCs substances are used in surface coating and as protectant formulations for leather products and textiles. These are high molecular persistent substances which can contain as contamination PFOS and PFOA, their toxicity is well known. PFOS and PFOA are not directly used in the production. All perfluorinated 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 avoid the use of these substances in EU Ecolabel. To follow the precautionary principle especially with regard to exclude persistent substances it is recommended to forbid the use of PFC in eco-labeled products.
4	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.1.1 Hazardous substances	Chromium	Based on the AHWG discussions and the corresponding positive remarks by industry pioneers, EEB / BEUC see room to postulate chromium-free tanning. Since we are aware that this would be a quantum-leap not easy to be achieved by the mass market, we suggest to follow the approach JRC suggested for the textile product group in the cotton criteria: One could ask for chromium-free tanning specifically for footwear intended for babies and children and thus allow for a differentiation within the product group. It is clear and already defined in the EU Ecolabel for footwear from 2009 that Cr (VI) should be no detectable. Chromium (VI) is not used intentionally in the production of leather, but may be formed within the leather by oxidation of chromium (III) used for the tanning of the leather, during the different stages of production, manufacturing, use phase and

					incineration. The amount of extractable chromium is a quality parameter for chromium tanning. The better the process is performed the less the extractable chromium can be detected. During the development of the Blue Angel for footwear this was discussed in detail with different stakeholders. It was concluded that it is possible and reasonable to decide on a value of 200ppm of extractable Chromium (III) in leather. It is recommend – in addition to the chromium (VI) regulation - to include in the EU Ecolabel for footwear a limit for chromium (III) of 200 ppm.
5	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.1.3 Page 35	Emissions to water	Waste water release is a relevant parameter for footwear production. It should be regarded separately for leather, textiles and for rubber, because in the production of these materials noteworthy amounts of waste water are released. Which individual criteria and values are to be set has to be discussed. At least COD, chromium, a parameter for biodegradability (BOD or better Zahn-Wellens-Test) and one parameter for ecotoxicity (eg fish egg-, daphnia-, algae-toxicity) should be defined. In addition a spectral absorption coefficient for colored waste water is an essential parameter. Depending on how ambitious the label is planned criteria for sulfide, ammonium, nitrogen, phosphor, adsorbable or extractable organic halogen and heavy metals can also be discussed. It is recommended to define separate criteria for leather, textiles and rubber. At least a limit for COD, chromium, a parameter for biodegradability and a parameter for ecotoxicity should be defined. Additional criteria to be discussed as described in the Technical Report.

6	EEB / BEUC	Blanca Morales	Criteria proposal, first version as of September 2013 Criterion 5.2.4 Page 66	PVC usage	EEB / BEUC fully endorse the criterion as suggested by JRC in the criteria proposal, as allowing the use of PVC in Ecolabelled footwear undermines seriously the credibility of the EU Ecolabel. Avoidance of PVC in Ecolabelled products is a cardinal issue for a united array of environmental, consumer and public health NGO's. Although it is only EEB and BEUC that are physically represented in the EUEB, the reality is that there is a united group of active consumers, public health and environmental organisations across all of Europe and beyond that demand substitution of PVC and phthalates. It is certain that the Ecolabel can survive without PVC-products, but it is just as clear that the Ecolabel cannot survive without consumer trust and credibility. We strongly call for criteria that will keep the Ecolabel honest, credible and most importantly environmentally meaningful. The evidence provided in the background and technical report justifies the exclusion of PVC. We would like to highlight the following quotes from the JRC report: *"The evidence found indicated PVC may cause environmental problems, especially considering possible risk to hazardous exposure during product life cycle, since it requires hazardous chemicals in production, releases harmful additives and creates potentially toxic wastes. If the end of life treatment is not managed correctly, significant impacts can arise from this life cycle phase, especially if the footwear is exported to or reused in non-European countries where the end of life is not controlled*". *According to the estimates of SMART Technology, approximately 15% of post-consumer shoe waste in the UK is*

					collected and re-distributed as second hand shoes, while the rest (85%) is disposed of in landfills. The possible impact of the footwear end-of-life should be carefully analysed. No available data have been found on the main destination countries for footwear distributed through charity networks. In this case, it is not possible to exclude uncontrolled burning of PVC-containing shoes. ***The potential for dioxin formation and emission of other toxic substances can result from uncontrolled or not appropriately run combustion process***. Some additional important considerations: PVC shows a lot of undesirable properties, especially over its LC, environmental and health risks can be identified: **Production: Vinil Chloride is classified as Carcinogenic Category 1** (H350) according to CLP. Also IARC show that sufficient evidence exists for classification of VC as Group 1 (carcinogenic to humans, IARC, different years). VC also helps form ground-level ozone, which adversely affects breathing and interferes with photosynthesis in plants. Exposure to PVC dust may cause asthma and affect the lungs. **Manufacturing and use**: PVC used in footwear contains additives, e.g. cadmium, lead, phthalates and organotin compounds. Additives can leach out, or volatilize from the product over its lifetime. This is relevant for the environment AND for humans. The Federal Environmental Agency together with the Federal Institute for Risk Assessment (both Berlin, Germany) state that action is needed, because organotins in sandals can under worst case conditions result in a high contribution to the ADI (acceptable daily intake).

					Waste: Burning PVC will strongly contribute to air acidification. A particular issue to be considered is the possible formation of dioxins and furans resulting from an improperly run combustion process. PVC was identified as providing considerable chloride input to waste water. It is estimated that about 10% of cadmium found in waste incinerators and landfills originates from PVC. **LCA perspective**: According to JRC technical report RDC Environment has run a confidential study for a footwear brand. The objective was to assess the environmental impacts of PVC and to compare them with alternative thermoplastics (SBS, SEBS, TPU, TPE-O, EVA, and LDPE). It is described that *in general terms, from the LCA perspective, it could not be clearly stated that PVC environmental performance is more impactful than that of alternative thermoplastics*. The question is - which were the criteria to perform this assessment? It is very sophisticated to evaluate and compare environmental impacts of different materials. Often it comes to compare “apples and oranges”. To include the results of this study and work with it, it is necessary to know the whole background. Otherwise it is not possible to evaluate the results. On the other hand it is quite clear and well documented, that PVC has a relevant environmental and toxicological impact. In addition, different labels forbid the use of PVC in the footwear product group definition (e.g.Blue Angel, Nordic Swan) and many brands are on the way to becoming PVC-free; among others, Nike, Adidas, Esprit, Puma, and Timberland have recently announced these intentions. According to JRC technical report the alternatives are increasingly well known and well developed, and in many cases, they are already cost-competitive with PVC.