



**BEUC AND EEB COMMENTS ON VARIOUS PRODUCT
GROUPS FOR DISCUSSION AT THE EUEB MEETING OF
23 APRIL 2008**

April 16th 2008

EEB and BEUC appreciate the work that has been done in the development process of the EU Ecolabels for textiles, bed mattresses, wooden furniture and indoor and outdoor paints and varnishes.

However, we are extremely disappointed with some final proposals and changes which are undermining the principle that EU Ecolabel is a voluntary tool of environmental excellence and is meant to represent the best environmental performing products, which shall go beyond legislation. As a result the proposals undo environmental improvements that have been principally agreed by participants in the revision and development process and are not consistent with significant advances that could be achieved.

In this paper we would like to bring to the attention of the Commission and the Members States some fundamental changes that need to be done to the final criteria. Further aspects have been addressed in EEB and BEUC precedent position papers.

1. Comments related to horizontal issues

- Flame retardants (EU Ecolabel for bed mattresses, textiles and wooden furniture)

EEB and BEUC are extremely disappointed with the new wording which allows using halogenated and brominated flame retardants despite general concerns about their harmful properties for human health and the environment and the fact that less problematic substitutes are available.

EEB and BEUC have repeatedly demanded total exclusion of flame retardants during the revision and development of EU Ecolabels for bed mattresses, textiles and wooden furniture. As a minimum we strongly demand the following changes:

- Halogenated and brominated flame retardants should not be allowed.
- At the very least, to be consistent with European legislation, all polybrominated diphenyl ethers, including Deca-BDE, should be clearly excluded. The current requirement based on the threshold value implies problems of enforcement due to analytical problems when assessing impurities in Deca-BDE. Since no guarantee of purity can be presented on commercial product below 0,1%, brominated flame retardants in general and Deca-BDE in particular should be excluded.
- The wording on first paragraph “flame retardants that at the time of application fulfil the classification criteria of any of the following risk phrases” is too weak. It should be changed accordingly with the formulation used in other criteria based on R-phrases: “which are assigned or may be assigned at the time of application any of the following risk phrases”
- Clarification on the second paragraph is needed so the fact of having a registration number under REACH does not prevent from compliance with the general restriction on R-phrases and the exclusion of halogenated and brominated flame retardants.

EEB and BEUC are substantially in disagreement that PBDEs, including Deca-BDE, have not been excluded. It is unacceptable that the proposed criterion allows the use of these substances that have been banned in electrical and electronic equipment through by the Directive on Restriction of Hazardous Substances following risks to environmental and human health. That EU Ecolabel is not consistent with existing legislation is fundamentally wrong but this is all the more worrying considering that exposure levels to these substances in textiles and bed mattresses are bigger than in electrical and electronic equipment.

Short-chain chlorinated paraffins and BFR are included in the list of chemicals requiring priority action of the OSPAR Strategy on Hazardous Substances¹. Bromine flame retardants have been detected in household dust, in flora and fauna and human breast milk. They are persistent and do bioaccumulate in living organisms. Brominated flame retardants are known to have endocrine disrupting properties. Additionally they are significant sources of polybrominated dioxins and dibenzofurans². On this basis a review by the World Health Organization's International Program on Chemical Safety concludes that brominated flame retardants "should not be used where suitable replacements are available and future efforts should encourage the development of further substitutes³." In this regard, EU Ecolabel should not lack behind companies policies to use safer alternatives and individual European countries which have required companies to replace BFRs.

Finally, the third paragraph of the proposed criterion represents an improvement in terms of providing availability of the necessary information to ensure well-characterisation of the chemicals. However, the requirement does not ensure alone that the substances are not harmful for the environment and human health as it only addresses proper characterisation of the chemicals, which should be a minimum applied to all chemicals in EU Ecolabel and not only to flame retardants.

Biocides (textiles, bed mattresses)

The change introduced in the final document is unacceptable and inconsistent with the general agreement of the EUEB on exclusion of biocides.

EEB and BEUC urge Member States to call for re-introduction of the original wording discussed at EUEB which does not allow use of biocides.

EEB and BEUC would like to reiterate their concern about the use of biocides for textile products with the EU Ecolabel. The occurrence of antibiotics, biocides and bacteria resistant to them has been proven in various environmental compartments like waste water, surface water, ground water, sediments and soils (Kümmerer 2004)⁴. The proven capability of bacteria to exchange the genetic codes of resistance urged renowned microbiologists to ask for applying the precautionary principle before using biocides in consumer products (Dettenkofer and Spencer 2007)⁵.

1 OSPAR Strategy with regard to Hazardous Substances OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic.

2 World Health Organisation. International Programme on Chemical Safety. Environmental Health Criteria. Brominated Diphenyl Ethers. <http://www.inchem.org/documents/ehc/ehc/ehc162.htm>

3 World Health Organization. International Programme on Chemical Safety, Environmental Health Criteria 205: Polybrominated dibenzo-p-dioxins and dibenzofurans (<http://www.inchem.org/documents/ehc/ehc/ehc205.htm>) and reference from Stefan Posner: <http://www.inchem.org/documents/ehc/ehc/ehc162.htm>

4 Kümmerer, K. 2004: Resistance in the environment. IN: Journal of antimicrobial chemotherapy. Vol. 54. 2004 Pages 311 - 320

5 Dettenkofer M. and Spencer, R.C. 2007: Importance of environmental decontamination - a critical view IN: Journal of Hospital Infection. Volume 65, Supplement 2, Proceedings of the Sixth International Conference of the Hospital Infection Society. June 2007, Pages 55 - 57

Sustainable Forest Management - Percentage of wood originating from sustainable managed forests (wooden furniture and bed mattresses)

EEB and BEUC strongly demand that the level of 70% of virgin wood originating from sustainable managed forests, both for solid wood and wood-based materials, be established so that EU Ecolabel is awarded to the best environmental performing products and does not undermine existing public procurement policies.

This requirement has not yet been finalised by the Commission. The originally suggested level of 70% should not be weakened since EU Ecolabel is meant to represent the best environmental products and should not lack behind existing national procurement policies. The level of 70% is accepted by most forest certification schemes including the FSC and the PEFC and is in line with what is being demanded through current national procurement policies. Availability of certified wood is justified and further substantiated through data and facts provided in the Forest Product Annual Market Review 2005/2006 (UNECE, 2006)⁶, which reflect that 50% of the EU 25 forests are certified. The report also shows that the current potential supply of certified forest products exceed actual demands in many markets (UNECE, 2006: p. 103).

Finally, to ensure that the EU Ecolabel does not become irrelevant it has to guarantee that only credible and independent forest certification schemes will be allowed. In this regard reference to the criteria listed in paragraph 15 of the Council Resolution of 15 December on a Forestry Strategy for the EU and further development is not strong enough. The principles and measures of sustainable forest management need to be established.

Sustainable Forest Management - Genetically modified trees (wooden furniture and bed mattresses)

EEB urges for the re-inclusion of this requirement.

The final proposal has deleted the original proposal that wood originating from forests that are not certified as being sustainably managed shall not originate from genetically modified trees, in spite of lack of public acceptance of genetically modified organisms and enough scientific concerns on environmental impacts to apply the precautionary principle in this area. Moreover, allowing wood from GM trees in ecolabel products would fatally undermine the credibility of the scheme.

Formaldehyde (bed mattresses and wooden furniture)

EEB and BEUC call for support of the emission level of 50% of E1 and demand that the emission level of formaldehyde for substances and preparations for surface treatment is changed to 0.05 ppm instead of 1 ppm (ref. 3.2.2 EU Ecolabel for wooden furniture)

EEB and BEUC welcome that the levels of formaldehyde emission from untreated raw wood-based materials have been established at 50% of the threshold value that would allow it to be classified as E1 according to standard EN 312-1. Formaldehyde has been classified as carcinogenic by the World Health Organisation and contributes significantly to indoor air pollution. The emission level E1 is already used as European standard and required by several European countries in construction and furniture. EU Ecolabel should go beyond legislation and requirements that are widely used in Europe. Furthermore UEA, federation of furniture manufactures, has expressed its support on a requirement of 50% of E1.

We strongly disagree with the emission level of formaldehyde for substances and preparations for surface treatment which should be should be 0.05 ppm instead of 1 ppm (ref. 3.2.2 EU

⁶ <http://www.unece.org/trade/timber/docs/fpama/2006/fpamr2006.pdf>

Ecolabel for wooden furniture). The exception accorded to fibreboards (ref. 2.2.2.4.b. EU Ecolabel for wooden furniture and ref. 5.b.ii for bed mattresses) is neither acceptable.

2. Comments related to product groups

EU Ecolabel for Textiles

Organic cotton

EEB and BEUC call for support on the requirement that a minimum 3% of organic cotton is used on an annual basis

We appreciate the distinguished discussions to respect the further development of the organic cotton sector and thank the AHWG for elaborating a creative corresponding criterion. Although originally EEB and BEUC would like to see a higher percentage to impulse a significant environmental improvement, we acknowledge, that companies should be given the chance to get acquainted to this new type of thinking and planning around their raw material purchase.

The formulation of the criterion gives companies the space to design the textile products intended for labelling with a high degree of technical and design freedom, but nevertheless induces the creation of an informed and environmentally sound raw material purchase policy.

It also helps companies to catch up with the rapid developments happening in the market for organic cotton textiles. Although these developments are reflected well in consumer magazines and fashion journals all over Europe, it is much more a strategic element than just a fashion trend. Companies want to establish a higher transparency for the raw material that they are supplied with and develop a concept for increasing volumes of organic cotton⁷.

The minimum percentage target suggested by the final criteria document enters into this field without restricting it to companies that are already familiar with the issue.

EU Ecolabel for wooden furniture

PVC

EEB and BEUC call on Member States to ask for the use of materials that do not contain PVC

The final proposal has not addressed the requested exclusion of PVC from this EU Ecolabel.

EU Ecolabel for indoor and outdoor paints and varnishes

Halogenated organic solvents and phthalates (ref. 6h, 6i)

EEB and BEUC urge Member States to ask for the exclusion of all halogenated solvents and phthalates

While the criterion largely supported by the EUEB requested that halogenated organic solvents and phthalates be not used in the product before or during the tinting, the final proposal has weakened this requirement.

END

⁷ See for example C & A: <http://www.c-and-a.com/aboutUs/socialResponsibility/environment/weCare/>).