



**BEUC and EEB comments on various product groups for
discussion at the EUEB meeting of 17 and 18 March 2009**

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While EEB and BEUC acknowledge recent attempts to improve the EU Ecolabels for textiles, bed mattresses and footwear, we cannot support the current proposals unless key concerns are addressed, namely: criteria for flame retardants and biocides in bed mattresses and textiles and PVC in footwear.

We would like to restate that the proposals put at risk the credibility of the Ecolabel Scheme and undermine the EU Ecolabel as a voluntary tool of environmental excellence, which should follow a precautionary approach and is meant to represent the best environmental performing products.

Considering what is happening with the products mentioned above, as well as previous discussions on other Ecolabel product groups, we call for a systematic reflection within the EU Ecolabelling Board on how criteria should be fixed so that the use of chemicals that are hazardous for human health and the environment is avoided as much as possible. It is urgent to discuss about this issue and find the right way to deal with it in the future.

EEB and BEUC cannot support the current proposals for the revision of the Ecolabels for textiles, bed mattresses and footwear if the following key concerns are not addressed and appropriate change is made to the related criteria:

Flame retardants (EU Ecolabel for bed mattresses and textiles)

EEB and BEUC call for Member States to reject the Commission proposal unless halogenated flame retardants are excluded. The exclusion of use should as a very minimum concern those flame retardants which are covered by the RoHS Directive. Alternatively, the scope of both Ecolabels should be changed to exclude textiles and bed mattresses which have been flame retarded.

EEB and BEUC are extremely worried with the Commission's proposal which will allow the use of dangerous halogenated flame retardants, despite general concerns about the hazardous properties for human health and the environment of many of these substances and the existence of less problematic substitutes or design alternatives to achieve flame retardancy without use of flame retardants.

It is unacceptable that the proposed criterion allows the use of hazardous flame retardants, such as DecaBDE, which have been banned in electrical and electronic equipment through the Directive on Restriction of Hazardous Substances. That EU Ecolabel is not consistent with existing legislation is fundamentally wrong. It is all the more worrying considering that exposure levels to these substances from textiles and bed mattresses are known to be much higher than exposure from electrical and electronic equipment.

EEB and BEUC are strongly concerned that dangerous flame retardants are allowed in Ecolabelled bed mattresses and textiles. In particular, there is increasing evidence about widespread occurrence of DecaBDE both in the environment and in the human body, and related adverse effects (carcinogenicity, neurotoxicity and endocrine

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disrupting effects) as described in various risk assessments. Furthermore, its degradation and metabolism lead to the formation of more toxic and accumulative lower brominated congeners (pentaBDE and octaBDE) banned in Europe¹. Thus, in 2002 and 2005 the Scientific Committee on Toxicity, Ecotoxicity and the Environment and the Scientific Committee on Health and Environmental Risks strongly recommended risk reduction measures for this substance².

Furthermore, the Commission has disregarded the positions expressed by a large majority of Member States' representatives during the EU Ecolabelling Board of April 2008. In this meeting, many Member States stated their wish to exclude halogenated flame retardants and, as a minimum those flame retardants which are banned in all electrical and electronic equipment through RoHS. The specific criterion proposed by the Commission for Ecolabels for textiles and mattresses seems to be stricter as it does not allow the use of flame retardants unless flame retardancy is required by law. However, we do consider that the exemption offered might lead to inconsistencies in harmonisation and enforcement across the EU, as manufacturers could prove the existence of such legal requirements in countries where they wish to market their products and could get authorisation for the use of such substances.

This might result in confusion of consumers and loss of confidence in the Ecolabel in general as they will not be reassured that the Ecolabelled textiles or bed mattresses they buy do not contain hazardous flame retardants. Additionally, we would like to restate that there are no legal requirements in the EU which oblige the use of chemicals flame retardants, as flame retardancy can be achieved through other design solutions (ex. fire barriers, fabric structure, choice of the fibres...).

Biocides (textiles, bed mattresses)

EEB and BEUC urge Member States to call for re-introduction of the original wording which prohibits the use of biocides both in textiles and bed mattresses and which was supported by the majority of Member States during the EUEB of April 2008.

We acknowledge that the new requirement for biocides in textiles improves the former Commission's proposal rejected by Member States during the EUEB in April 2008, as it excludes textiles treated with biocides from the scope. However, we are concerned about the exemption given for those biocides whose use is justified for the protection of human health. According to the Commission's explanatory statement³, the protection of human health would always justify the use of biocides in Ecolabelled bed mattresses.

We oppose the introduction of this wording which implies that the use of biocides in Ecolabel could be justified for health purposes. Biocides are by definition hazardous substances and there are scientific concerns that these substances may increase the

¹ Directive 2003/11/EC.

² CSTEE, *Opinion on the results of the Risk Assessment of Bis (pentabromophenyl) ether, Environment and Human Health part*, 31 October 2002. SCHER, *Opinion on update of the risk assessment of Bis(pentabromophenyl)ether (decabromodiphenylether)*, 18 March 2005.

³ Table of substantive modifications of criteria documents (since last document received), 4 March 2009.



resistance of bacteria (as concluded by the Scientific Committee on Emerging and Newly Identified Health Risks⁴) which may consequently put human health at risk.

Moreover, the Commission's proposals for textiles and bed mattresses disregard the fact that hazardous substances should be avoided in Ecolabelled products and that there are technical alternatives to biocides for the protection of human health (ex. use of microfibrils, which can be periodically removed and washed for repelling mites and allergens in bed mattresses).

The Commission's proposals would only allow the use of biocides which are included in Annex I of the Biocides Directive (98/8/EC). Whilst this is presented as being restrictive, the current state of the art in the implementation of the Biocides Directive makes it difficult to assess the consequences of such proposals. For instance, we ignore which biocides could be included in Annex I and it is not excluded that problematic substances such as triclosan could be part of the list. Furthermore, it is not guaranteed that the biocides of Annex I would have undergone a risk assessment for the specific application in textiles or bed mattresses and that they are approved for use in these products.

PVC in Footwear

EEB and BEUC call for the reintroduction of the criterion prohibiting the use of PVC in Ecolabelled footwear.

We are extremely disappointed that the current revision process is used to "undo" the existing requirement excluding PVC in footwear since 2002. Whilst we welcome a new criterion ("4.h") excluding phthalates, we do not see it as a mean to avoid the use of PVC given that soft PVC can be produced with alternative plasticizers. The chlorine content, leading to significant amount of classified hazardous waste, including dioxins and furans, when incinerated, remains a concern not resolved if PVC is not excluded.

We find that unacceptable and we strongly believe that this step backwards will seriously put at risk the credibility of the Scheme and will be misleading for consumers as the Ecolabel is supposed to avoid use of harmful substances (as stated in box 2 for information appearing on the Ecolabel).

END

⁴ SCNIHR, Effects of the Active Substances in Biocidal Products on Antibiotic Resistance, 19 January 2009.