

REGULATORY FITNESS OF CHEMICALS LEGISLATION (EXCLUDING REACH)

Key priorities for the detergents and maintenance products industry

27 May 2016

A.I.S.E., the International Association for Soaps, Detergents and Maintenance Products recognises the benefits provided, and supports the development of chemical and chemical-related legislation at EU level in order to achieve the following objectives:

- protecting human health and the environment ;
- ensuring free movement of chemical substances (internal market);
- stimulating competitiveness and innovation.

However, A.I.S.E. considers that **EU chemical and chemical-related legislation's effectiveness in achieving its objectives of ensuring a well-functioning internal market and stimulating competitiveness and innovation could be greatly improved**. In practice, companies are often faced with concrete issues in the EU member states due to legislation not being effectively implemented, being interpreted differently, or not being adapted to the issues at stake. This often undermines the achievement of the mentioned objectives.

Hereunder, we highlight the fundamental changes which should come out of the European Commission's regulatory Fitness Check. We believe that it represents a unique opportunity to address industry's concerns in line with the EU Better Regulation agenda. Industry's key concerns focus on:

1. Consumer understanding and relevance of safety information on product labels (CLP).

A.I.S.E. representing the household care sector as well as the professional cleaning and hygiene sector considers that CLP labels are effective tools in order to communicate hazards to professional users.

However, the current system is not adapted to the issues at stake when it comes to communicating hazards to consumers. Labels appear confusing, overloaded and may not provide the consumer with relevant and meaningful information about safe use of the product, which is the main purpose of a label. A.I.S.E., on behalf of its members, is committed to participate in the development of more effective options, and supports changes that will:

- enhance consumers' perception and understanding of safety information, toward a safe use of products;
- develop new labels/communication tools (e.g. QR tags, online information) that without compromising on safety will streamline hazard communication, while enabling greater flexibility and innovation in Europe;
- require information on the product's actual risks when used.

A.I.S.E. calls onto the European Commission to take the opportunity of the ongoing REFIT exercise and upcoming Staff Working Document to address the topic of consumer understanding and relevance of safety information on product labels, for the benefit of consumers, industry, and society at large.

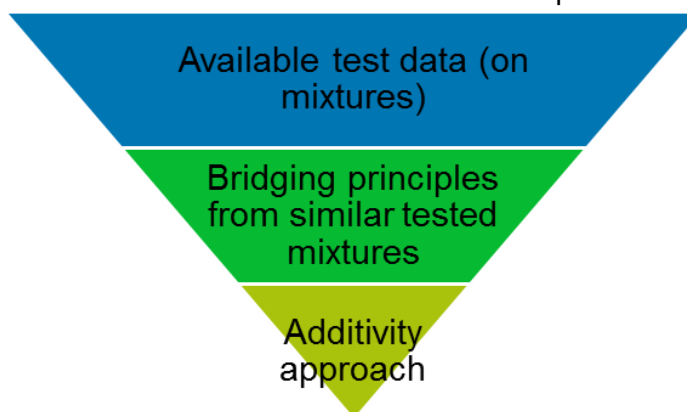
2. Classification and labelling of detergents products (for skin and eye effects), and subsequent application issue in member states (CLP).

In response to CLP challenges for the classification of detergent and cleaning products, A.I.S.E. developed and launched in 2013, the Detergent Industry Network for CLP Classification “*DetNet*”, a collective approach to share toxicological data on mixtures and classify detergent and cleaning products for skin and eye effects¹.

DetNet is a secured web-based IT system containing more than 200 detergent and cleaning product reference formulations for which compositional details and skin and/or eye toxicological studies (*in vivo* and/or *in vitro*) are available. By applying CLP “bridging principles” when test data are not available, an expert can assess if he can derive the classification of an untested mixture by comparison with similar tested mixtures.

Companies currently face diverging interpretations by EU Member States in the application of CLP Bridging Principles, Weight of Evidence from available tested mixtures and interpretation of test results.

To address these various interpretations and inform Member States about the validity of industry's approach², A.I.S.E. is organising a CLP workshop on 18 October 2016. We call onto the European Commission to re-affirm the prevalence of mixture data (including alternative test methods when appropriate), and therefore the possibility to use available test data on current and historical mixtures via the application of CLP Bridging Principles, as the favoured way (before the additivity approach³) for the classification of detergent and maintenance products, thus effectively reflecting the CLP hierarchy⁴ (see image).



¹ <http://www.det-net.eu/>.

² As supported by EU legislation

³ conventional calculation method

⁴ Article 9, Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (CLP Regulation)

3. Availability of active substances needed for the manufacturing of in-can preservatives (Biocides Regulation)

Preservatives remain fundamental for the good conservation of detergents and maintenance products. A.I.S.E. is highly concerned about the state of the ongoing review process for active substances under the Biocidal Products Regulation (PT6).

A.I.S.E. recently launched a survey (February 2016) amongst member companies to understand the current situation as regards use and availability of active substances used for in-can preservation. The main conclusion of the survey is that although many options exist at least 'on paper' to preserve detergents (+40 active substances available), the choice is quite limited *in practice* because of formulation incompatibility, public perception and limits to spectrum of action.

The detergents and maintenance products industry therefore faces an increasingly worrisome situation because only a handful of substances can be effectively used by companies, all of which are subject to review, in line with the requirements of the Biocidal Products Regulation. In the future, the industry may therefore find itself in a situation where most substances could no longer be used or might be severely restricted due to specific conditions of use and very low limit concentrations, adding further business uncertainty and unpredictability.

A.I.S.E. therefore calls on to the European Commission, the EU member states, and ECHA to ensure a more realistic approach that, without compromising on safety, will give greater consideration to the exposure rather than a pure scientific evaluation of hazard of the substances.

Furthermore, the socio-economic and downstream consequences should be considered during the review of PT6 substances (for instance, in order to avoid market distortions, it should be ensured that a critical mass of relevant PT6 active substances remain available following the scrutiny of the Biocidal Products Committee). This could be done by grouping the review of active substances (from the same families) during upcoming meetings of the BPC.

The industry calls for a holistic approach balancing end-users' safety, the environmentally responsible use of chemicals, with the role and usefulness of safe ingredients.

A.I.S.E., the International Association for Soaps, Detergents and Maintenance Products, is the official representative body of this industry in Europe. Our membership totals 31 national associations across Europe and beyond. Through this network, we represent over 900 companies supplying both household and professional cleaning, as well as maintenance products and services. These range from small and medium-sized enterprises to large multinationals.



