

## NGOs demand full disclosure of information on chemicals in products

*Could you imagine a doctor trying to help a patient without knowing the chemicals he/she has been exposed to? Could you imagine an architect designing homes without knowing the chemicals present in the building materials? Could you imagine manufacturing toys without knowing the composition of the plastics being used; toys that children surely will end up putting in their mouths? Could you imagine buying a fragrance for your teenager children without knowing if it may contain harmful chemicals? Could you imagine being sensitive to certain chemicals and not being able to know if the computer or T-Shirt you need contains them? Could you imagine selling pizzas in cardboard without knowing that it may contain harmful chemicals?*

These inconceivable situations are real life in Europe and in the rest of the world. Citizens, doctors, authorities, professional users and not even companies know the chemical constituents of products placed in the market.

Having poor access to the information on chemicals in products jeopardize stakeholder's ability to make decisions and take appropriate action on chemical hazards, exposure, risks and management. This is true for all stakeholders, which are inside or outside the supply chain.

**In order to protect people and the environment from the risks posed by hazardous chemicals and in order to safeguard material loops in a circular economy without compromising chemical safety aspects, EEB and IPEN demand legally binding requirements for full transparency on the chemical contents in all constituent components of products together with requirements for information sharing between all stakeholders in supply chains.**

### What information is disclosed today?

In the EU the existing legal information requirements on chemical constituents of products are different for preparations and articles:

**Preparation:** means a mixture or solution composed of two or more substances<sup>1</sup> (for example a paint, solvent, shampoo, detergent, cream, disinfectant, weed killer). Although they are regulated by different pieces of legislation, there is a general obligation to disclose information on their chemical ingredients.

**Cosmetic and personal care products** shall disclose any ingredients over 0.1% on the packaging.

**Plant protection products and biocides** shall disclose only the ingredients added as active substances, therefore, part of its composition remains unknown. This information is disclosed on the packaging and is also available on national authority registers.

**Industrial chemicals** (detergents, cleaners, paints, etc.) shall disclose only the chemical components over 0,1 % that have been classified as hazardous according to the EU Classification, Labelling and Packaging (CLP) Regulation. This information is provided on the packaging and also in the Safety Data Sheet (SDS). This regulation covers a limited number of hazard classes. For example, health hazards

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<sup>1</sup> Regulation 1907/2006 REACH

such as neurotoxicity or endocrine disruption, or environmental hazards, such as terrestrial toxicity or damage to the ozone layer, are not considered. Furthermore, companies are responsible for classifying substances and preparations, which implies subjective interpretation of the CLP classification rules. Therefore, one company may consider that a chemical is hazardous and disclose it as an ingredient, while another company does not and does not inform about its presence in the preparation<sup>2</sup>. ECHA's database of notified substances clearly illustrates how different companies have considered hundreds of different classifications for the same chemicals.

**Article:** means an object that during production is given a special shape, surface or design, which determines its function to a greater degree than its chemical composition does<sup>3</sup> (for example a bottle, plastic sheet, computer, table, T-Shirt, brick, toy, pencil...). Chemical information disclosure requirements are very limited for articles. Those falling under the scope of REACH must disclose substances of very high concern (SVHC) present above 0,1 % (w/w) in the article, and only if the substance is present in quantities exceeding 1 tonne per year in the annual production volume of the product in question. Industry has the obligation to notify this to ECHA and to downstream users through SDS, as well as to consumers if requested by them. These information disclosure requirements apply only to the 173 substances included until now in the candidate list, out of the over 115.000 substances placed in the EU market<sup>4</sup>. Cosmetic products, food and feeding stuff, medicines and medical devices, and waste are also excluded. Therefore, chemical constituents of the vast majority of articles are unknown.

## Citizens' right know

**"..., it is unbelievable that the EU, US or any other country have not yet demanded full information on which of these substances are used where.... Transparency must be the way forward. I personally regard this as a human right."** Professor Åke Bergman, Executive Director Swetox<sup>5</sup>.

Under Article 19 of the International Covenant of Political and Civil Rights, everyone has the right to seek and receive information, which in case of illness or environmental damage due to hazardous chemicals is crucial to give effect to other rights, such as due process, guarantees to a fair trial and the right to a remedy. According to the International Covenant for Economic, Social and Cultural Rights, it is a human right to have safe and healthy working conditions (Article 7b)<sup>6</sup>. Furthermore, the International Labour Organization's Chemicals Convention (c.170) recognizes that workers have right to information about the hazards of chemicals used in the workplace, and employers have a duty to inform workers in this regard<sup>7</sup>. Unless we have full transparency of chemicals in products, none of these rights can be fully ensured. Why should we accept that international conventions are compromised because certain companies consider the chemical composition of their products to be confidential intellectual property?

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2 Companies should use the harmonised classification of substances when existing.

3 Regulation 1907/2006 REACH

4 ECHA's C&L database contains the list of substances notified by EU manufacturers and importers

5 Guest column - Professor Åke Bergman, Swetox, Chemical Watch, November 2016

<https://chemicalwatch.com/51016/guest-column-professor-%C3%A5ke-bergman-swetox>

6 International Covenant for Economic, Social and Cultural Rights

7 International Labour Organization Chemicals Convention

As citizens, we should have the right to know which substances we are exposed to through the products we are in contact with in our daily lives in order to be able to protect ourselves and the environment. How can we make informed decisions as if we don't know what we are purchasing?

In a consumer survey among 6.224 respondents in six countries (Brazil, China, Germany, India, United Kingdom and United States) sponsored by major chemical companies, 84% of respondents from developed countries and 88% of respondents from developing countries listed ingredient transparency as one of the most important issues companies should solve<sup>8</sup>.

Innovative tools, such as Apps and on-line databases can complement labels in order to ensure that consumer information needs at the shopping spot are met and also facilitate full citizen access to chemical composition of products when demanded.

### Authorities' obligation to know

***“There are currently no mechanisms to collect and generate information on substances in imported articles other than for substances on the Candidate List. This makes it difficult to identify substances of potential concern in imported articles and to initiate action in a proactive manner. This is particularly challenging for substances not registered in the EU”, ECHA 2016<sup>9</sup>.***

The above statement is just an example of how authorities are also in the dark regarding information on chemical composition of products, which hinders their enforcement capacity and their ability to comply with their obligation to protect the population and the environment.

Without information on what chemicals are in use authorities' capacity to prioritise hazardous substances for regulatory action or to develop policies is completely hindered.

### Companies need to know

***“Transparency is an essential ingredient in building credibility and trust with employees, stakeholders and customers alike”, Marks and Spencer.<sup>10</sup>***

***“Most product sectors do not have sufficient information systems in place to enable the reliable exchange of chemical content information that is needed to meet current and future regulatory and customer demands”, CPA<sup>11</sup>.***

***“Consumers and downstream users need access to information about chemicals in products throughout the supply chain to enable them to choose safer products, thereby incentivizing innovation toward safer alternatives”, CIEL<sup>12</sup>.***

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8 Raphael Bemporad, Amy Hebard and Daniel Bressler. Rethinking Consumption. Consumers and the future of sustainability. BBMG, GlobeScan and SustainAbility

9 Report on the Operation of REACH and CLP 2016.  
[https://echa.europa.eu/documents/10162/13634/operation\\_reach\\_clp\\_2016\\_en.pdf](https://echa.europa.eu/documents/10162/13634/operation_reach_clp_2016_en.pdf)

10 Clean Production Action. The Case for Chemical Transparency Customers and business leaders are driving the trend to full chemical ingredient disclosure. CPA, February 2017.

11 Mark Rossi, CPA. The Business Case for Knowing Chemicals in Products and Supply Chains. UNEP, 2014

**Downstream users** need to know the chemicals in the products they use in order to be able to control and prevent chemical risks at workplaces and to be able to properly manage their waste. They also need to know the composition of the products they sell in order to avoid liability claims and to be able to respond to the growing transparency demands from consumers and, most important, in order to be able to meet existing and future regulatory demands. Companies can incur significant costs, both in monetary terms and in terms of brand reputation, when they do not know the chemicals in their products or are out of compliance with government regulations; on the other hand, companies create value by integrating knowledge of chemicals in products and supply chains into company management and customer information systems<sup>13</sup>.

**Recyclers:** simply need to know the ingredients of the products/waste streams that they aim to re-inject into new materials streams within a circular economy in order to ensure the best protection of human health and environment, and build public confidence in the safety of recycled materials.

**The lack of information on chemicals present in products significantly reduces the possibility to safely reuse or recycle them into new products once their life has ended, or even to adequately manage them as waste. Not only in within the EU, but also when waste is being shipped to developing countries and countries with economies in transition. This compromises the goals of the EU to advance towards a circular economy.**

## Steps forward

**"It's likely that industry will start to recognise the need for a harmonised way to collect information across many sectors, as it will be more efficient and cost effective. In ten years from now, if we have one or two or three common standards, we will be able to collect data in simple and complex supply chains, and share data between different sectors."** Timo Unger, environmental affairs manager at Hyundai Motor Europe<sup>14</sup>.

Several initiatives and tools have already been developed and are already in place in some countries and sectors that facilitate the disclosure of information on chemical ingredients of products:

**The UNEP's Chemicals in Products Programme (CiP programme):** has published an overview of systems for providing information regarding chemicals in products and of stakeholders' needs for such information<sup>15</sup> as well as a guidance for stakeholders on exchanging chemicals in product information<sup>16</sup>.

**The Substances in Products in the Nordic Countries database (SPIN Database)**<sup>17</sup> based on data from the Product Registries of Norway, Sweden, Denmark and Finland, provides information on chemicals used in preparations. Although the names of products are not displayed, it is a good example of how information could be compiled and disclosed online.

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12 Driving Innovation: How Stronger Laws Help Bring Safer Chemicals to Market. CIEL

13 Mark Rossi, CPA. The Business Case for Knowing Chemicals in Products and Supply Chains. UNEP, 2014

14 Chemicals Watch 21 March 2017. Experts call for global standard to communicate chemicals in products  
<https://chemicalwatch.com/54570/experts-call-for-global-standard-to-communicate-chemicals-in-products>

15 <http://web.unep.org/chemicalsandwaste/what-we-do/science-and-risk/chemicals-products-cip-programme>

16 [http://drustage.unep.org/chemicalsandwaste/sites/unep.org.chemicalsandwaste/files/publications/Guidance%20for%20Stakeholder%20in%20Exchanging%20CiP%20Information\\_October2015.pdf](http://drustage.unep.org/chemicalsandwaste/sites/unep.org.chemicalsandwaste/files/publications/Guidance%20for%20Stakeholder%20in%20Exchanging%20CiP%20Information_October2015.pdf)

17 <http://www.spin2000.net/spinmyphp/>

**The IMDS (International Material Data System)** of the automotive industry contains information, including chemical constituents of all materials used for car manufacturing. This database shows that collection of chemical ingredients in products is feasible even in highly complex supply chains as for the automotive industry. Data is only available to companies operating in the sector<sup>18</sup>.

**Tox-FOX** is a smart phone App developed by the German environmental NGO BUND that allows consumers to check if cosmetic products contain endocrine disruptors by scanning the bar code<sup>19</sup>.

## Our policy demands

**EEB and IPEN propose the stepwise development of an EU Online register with full disclosure of chemical ingredients in products, freely accessible,** that would allow:

- Citizens to access easily information necessary for informed choices when buying products, and appropriate risk reduction measures;
- Enforcement and policy development by public authorities;
- Sharing of information throughout the supply chain;
- Easy access of information for proper waste management and recycling;
- Access of information to academia, NGO, technical institutes, and trade associations; and
- Improvement of the quality of the information provided in SDS (through the automated update of new hazard or risk management information, if connected to ECHA's substance classification and labelling database).

The register could begin to be developed by including the chemical compositions of all products already obliged to be fully or partially disclosed, namely those of mixtures and articles, as mentioned above.

In a second step, products with an Ecolabel or products from companies that voluntarily disclose chemical ingredients could be added.

**Finally, once legally binding requirements are in place for full transparency on the chemical contents of all intentionally added chemicals in a product (along with impurities that are chemicals of concern) should be disclosed; it should include products from all sectors.**

## Contacts

### EEB

Dolores Romano  
Senior policy officer - Chemicals and nanotechnology  
[dolores.romano@eeb.org](mailto:dolores.romano@eeb.org)

### IPEN

Olga Speranskaya, [olga@ipen.org](mailto:olga@ipen.org)  
Alexandra Caterbow, HEJSupport, IPEN EU liaison office, [alexandra.caterbow@hej-support.org](mailto:alexandra.caterbow@hej-support.org)

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18 <http://www.mdsystem.com/imdsnt/startpage/index.jsp>

19 <https://www.bund.net/chemie/toxfox/>