

REACH & CLP HUB: What are the regulatory challenges for suppliers of detergents and cleaning agents?

Regulations affecting cleaning products are getting ever tighter with restrictions on microplastics on their way. Self-restriction via ecolabels could help, say knoell project managers Andrea Uptmoor and Friederike Danneberg

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Detergents and cleaning agents are affected by various regulations within the EU. Again and again, the industry sector in Europe finds itself affected by the tightening of existing regulations or by the implementation of new ones. For example, a restriction on the use of microplastics currently under discussion in the EU would also apply to the products.

Meanwhile, many companies are choosing to follow stricter requirements on a voluntary basis in order to apply for an ecolabel – a voluntary environmental performance certificate awarded to products and services for meeting specific criteria which reduce overall environmental impact.

Existing regulations

The most important piece of legislation facing producers of detergents and cleaning products is 2004's detergents Regulation. But, depending on the product, the CLP and the biocidal products Regulations can also be relevant for manufacturers in this sector.

Furthermore, REACH can also be important. The Regulation's Annex XVII includes restrictions on the use of certain substances that pose a risk to human health or the environment, some of which are relevant to detergents and cleaning products. At present, this annex includes 73 entries, but new substances are frequently added.

And now Echa is discussing a proposal to restrict the intentional use of a whole group of substances in products for professional users and end consumers: microplastics.

This too will have an impact on the detergents and cleaning sector.

Microplastics in detergents and cleansers

Some detergents and cleaning agents contain microplastic particles to achieve the desired properties of the product. For example, they can change the consistency of the product, clean surfaces, or serve as carriers for other substances, such as fragrances which can be encapsulated to slow the release of their perfume, extending their effect. And, the addition of

microplastics can be used to soften laundry and prevents its discolouration.

After they have been used, most detergents and cleaning agents reach wastewater unimpeded. Sewage plants cannot filter microplastic particles completely due to a lack of sufficient technical standards. In Germany, according to the Fraunhofer Institute, detergents and cleaning agents discharge about 55 tons of microplastics into the country's sewage system every year. Microplastic particles have great longevity – in most cases they are not biodegradable – and remain in the soil, rivers and sea, where they accumulate over time.

In order to reduce the release of microplastics into the environment, the European Commission [asked](#) Echa to prepare a proposal on the restriction of microplastics added during the manufacture of products. This Reach Annex XV restriction report was published in [January 2019](#). It defines microplastics as solid, polymer-containing particles that consist of $\geq 1\%$ particles with a diameter of between 1nm and 5mm. Furthermore, polymer fibres with a length between 3nm and 15mm and a length-to-diameter ratio of more than three are also affected.

The restriction intends to ban such particles and fibres where they have been intentionally added in a product, both for professional users and end consumers. Exceptions are made for industrial applications, medical devices and a few other product groups. Natural and biodegradable polymers are also excluded from the restriction. However, the exemptions would be subject to an annual reporting obligation to Echa.

The proposed restriction is planned to enter into force in 2022. However, different transition periods are proposed depending on the intended use of the product. Accordingly, a five-year transitional period will probably apply to detergents and cleaning agents, giving manufacturers time to develop and introduce alternatives.

Echa ran a [public consultation](#) from March to September last year where interested parties could submit comments on the proposal. These are now being reviewed by the Committee for Risk Assessment (Rac) and Committee for Socio-economic Analysis (Seac). The final reports of the two committees are expected mid-year, after a second public consultation phase. The Commission will make a final decision on entry into force and full scope by the beginning of next year.

Ecolabels and voluntary restriction

While many product manufacturers are concerned about the growing regulatory requirements, others are choosing to go further than the law requires with regard to restrictions on the raw materials they select.

This self-restriction often results in their product portfolio being approved for an ecolabel, helping suppliers to draw attention to their products' environmental credentials. According to data from the German Federal Environment Agency, when given the choice, consumers of detergents and cleaning agent products will opt for environmentally friendly products.

The best known ecolabel with a brand awareness of more than 90% in Germany and also well-known in other countries is the "Blauer Engel" ("Blue Angel"). It can be found on laundry and dish-washing detergents as well as on window and sanitary cleaners. In many EU countries, the EU Ecolabel can be found on products – it covers the same product groups and is more attractive when the products are sold in several EU countries.

A third key European ecolabel for this sector is the Nordic Swan which is awarded by Scandinavian countries but well-known worldwide.

The criteria that a product must meet to be awarded an ecolabel are very similar for all three schemes mentioned. The interpretation of some guidelines may vary, and the limits set may also differ in some cases – often the ecolabel whose criteria for a certain product category were last updated sets the strictest limits. The criteria of newly introduced product categories of national ecolabels must – according to the EU Ecolabel Regulation – always be at least as strict as the requirements of the EU Ecolabel in the corresponding category.

They include for instance that no substances listed on the Echa candidate list may be contained in concentrations above 0.1%. And raw materials with certain classifications that are hazardous to the environment or human health are only permitted as components of the formulation in exceptional cases. The use of palm oil-based compounds is also limited. Besides the ingredients, the packaging is also scrutinised by the authorities. The applicants not only have to show that their products meet the strict requirements for raw materials and overall recipe. They also have to prove that their performance is comparable with others of a similar standard and that the higher environmental credentials do not come at the expense of performance.

The use of microplastics is already banned in products with ecolabels. So why not make a virtue out of necessity, stay ahead of the increasingly stringent requirements and get customers' attention by signing up to a scheme?

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