The New Zealand Ecolabelling Trust

Licence Criteria for

Toiletry Products

EC-29-15

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Specification change history

Minor clarifications, corrections or technical changes made since the specification was last reviewed and issued in March 2015

Date	Version	Change

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1 Introduction

Environmental Choice New Zealand (ECNZ) is an environmental labelling programme which has been created to help businesses and consumers find products and services that ease the burden on the environment. The programme results from a New Zealand Government initiative and has been established to improve the quality of the environment by minimising the adverse and maximising the beneficial environmental impacts generated by the production, distribution, use and disposal of products, and the delivery of services. The programme is managed by the New Zealand Ecolabelling Trust (the Trust).

ECNZ operates to the ISO 14024:1999 standard "Environmental labels and declarations – Type I environmental labelling – Principles and procedures" and the Trust is a member of the Global Ecolabelling Network (GEN) an international network of national programmes also operating to the ISO 14024 standard.

ISO 14024 requires environmental labelling specifications to include criteria that are objective, attainable and verifiable. It requires that interested parties have an opportunity to participate and have their comments considered. It also requires that environmental criteria be set, based on an evaluation of the environmental impacts during the actual product or service life cycle, to differentiate product and services on the basis of preferable environmental performance.

The life cycle approach is used to identify and understand environmental issues (adverse or beneficial impacts) across the whole life of a product or service (within a defined product or service category). This information is evaluated to identify the most significant issues and from those to identify the issues on which it is possible to differentiate environmentally preferable products or services from others available in the New Zealand market. Criteria are then set on these significant and differentiating issues. These must be set in a form and at a level that does differentiate environmentally preferable products or services, is attainable by potential ECNZ licence applicants and is able to be measured and verified. As a result of this approach, criteria may not be included in an ECNZ specification on all aspects of the life cycle of a product or service. If stages of a product or service life cycle are found not to differentiate environmentally preferable products or services, or to have insufficient data available to allow objective benchmarking in New Zealand, those stages will not generally be included in criteria in the specification. For some issues, however, (such as energy and waste) criteria may be set to require monitoring and reporting. These criteria are designed to generate information for future reviews of specifications.

The Trust is pleased to publish this specification for toiletry products. The specification has been published to take account of substances and processes harmful to the environment, energy management and waste management.

This specification sets out the requirements that toiletry products will be required to meet in order to be licensed to use the ECNZ Label. The requirements include environmental criteria and product characteristics. The specification also defines the testing and other means to be used to demonstrate and verify conformance with the environmental criteria and product characteristics.

This specification has been prepared based on an overview level life cycle assessment, information from specifications for similar products from other GEN-member labelling programmes, relevant information from other ECNZ specifications, publicly available information, and information provided by current licensees.

This specification is valid for a period of five years. Twelve months before the expiry date (or at an earlier date if required), the Trust will initiate a further review process for the specification.

2 Background

In New Zealand the market for toiletry and cosmetic products is growing. These products represent a potentially significant burden on the environment in terms of wastewater loading and subsequent treatment, adverse effects on users, resource consumption and disposal of packaging materials.

The major components in toiletry products include surfactants, builders, preservatives, colorants and fragrances. Components, such as surfactants, may accumulate and may be toxic or otherwise harmful in the environment. Surfactants provide a significant load on waste water systems.

Small quantities of biocides/preservatives are used in toiletries to preserve the products to reduce the potential for the product to spoil and become waste. They are also essential to delivering a safe product to consumers. The use of biocides for purposes beyond preserving the product, such as use as disinfectants or sanitizers can pose significant risk to the environment, human health and welfare. Biocides are intended to kill living organisms including beneficial organisms. Incorrect use of biocides can result in the development of "reduced susceptibility" or an "increased tolerance" of undesirable bacteria to the disinfectant or sanitizer, as well as excessive loading of biocides in waste water systems.

Life cycle studies of toiletry products have found that the release to water was one of the life stages with major environmental impacts. Even after sewerage treatment a certain fraction of the ingredients from these products may end up in the aquatic environment or be adsorbed into the sludge[1]. To reduce environmental health impacts, toiletry ingredients should either be environmentally innocuous or should readily biodegrade, and the degradation products should not pose an increased risk to the environment.

A desirable goal is to reduce or eliminate components that do not aid in the cleaning or protection of hair and skin. To maintain a balance between consumer acceptability and environmental concerns, the advantages and disadvantages must be weighed for each component.

Packaging of toiletries also has environmental impacts, depending upon the type of packaging used and disposal options. Reducing, reusing and/or recycling packaging will conserve valuable resources and reduce the volume of packaging entering the waste stream.

Based on a review of currently available environmental information, the following product category requirements will produce environmental benefits through the reduction of hazardous substances and minimising the impacts of packaging. As information and technology change, product category requirements will be reviewed, updated and possibly amended.

[1] Revision of EU Ecolabel Criteria for Soaps, Shampoos, and Hair Conditioners, Technical report including revised draft criteria proposal for the product group of rinse-off cosmetic products, February 2014.

3 Interpretation

Active Content only means that any filler (e.g. water) present in the ingredient formulation should not be taken into account when determining the classification of that ingredient.

BCF means Bioconcentration Factor. It is the (Concentration of X in an organism) / (Concentration of X in the surrounding environment) and is determined experimentally according to the method in OECD Guidelines for the Testing of Chemicals no. 305.

Bioaccumulable substances are those for which logKow ≥ 3 in accordance with OECD test guidelines 107 or 117 or equivalent. The bioaccumulability of a substance of this type may be tested on fish in accordance with OECD test guideline 305 A-E. If the biological concentration factor (BCF) is ≥ 100, the substance will be regarded as bioaccumulable.

DID means Detergent Ingredient Database, developed by the EU and Nordic Swan ecolabelling authorities. Available from http://ec.europa.eu/environment/ecolabel/products-groups-and-criteria.html.

EDTA means ethylene diamine-tetra-acetic acid or ethylene dinitrilo-tetra-acetic acid or any of its salts.

Energy Management Programme means a program to achieve and sustain efficient and effective use of energy including policies, practices, planning activities, responsibilities and resources that affect the organisation's performance for achieving the objectives and targets of the Energy Policy.

Formulated or manufactured with refers to the preparation of the cleaning product and not to the preparation of the components of the cleaning product unless the components are specifically mentioned in the product specific requirements. Residual or unreacted components are covered by the product specific requirements.

Fragrance & Colouring means organic substances that are added primarily for aesthetic reasons to give colour and smell. Fragrance can also conceal smells from other ingredients.

GEN means Global Ecolabelling Network.

GreenPalm means GreenPalm and GreenPalm Brokerage as trading names of Book&Claim Limited, which is a wholly owned subsidiary of AarhusKarlshamn UK Ltd (AAK) and is endorsed by the RSPO as the official broker for the trade in sustainable palm oil certificates www.greenpalm.org .

HSNO means the Hazardous Substances and New Organisms Act.

ISO means International Organisation for Standardisation.

Label means the Environmental Choice New Zealand Label.

NTA means nitrilotriacetic acid (CAS No. 139-13-9) or any of its salts.

OECD means Organisation for Economic Co-operation and Development.

Readily biodegradable compounds are those which exhibit 70% removal of Dissolved Organic Carbon (DOC), or 60% of Theoretical Oxygen Demand (ThOD) or Theoretical CO2 (ThCO2) production for respirometric methods, when tested in accordance with Directive 67/548/EEC and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD test methods (No. 301 (A to F) in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144), or their equivalent ISO tests.

RSPO means the Roundtable for Sustainable Palm Oil www.rspo.org .

RSPO-certified means Palm Oil that has been certified by an independent accreditation body as meeting the RSPO Principles and Criteria for Sustainable Palm Oil Production (Including Indicators and Guidance October 2007) www.rspo.org .

Safety Data Sheet (SDS) means a document that describes the properties and uses of a substance, that is, identity, chemical and physical properties, health hazard information, precautions for use and safe handling information in accordance with the New Zealand Chemical Industry Council – Preparation of Safety Data Sheets Code of Practice.

Solvent is a general term for a chemically diverse range of liquid substances, which dissolve other materials.

Surfactant or surface-active agent means any substance that is intended to reduce surface tension thereby helping water to surround and remove soils from surfaces.

4 Category Definition

This category includes the following toiletry products for human use:

- Rinse-off products used primarily for cleaning, washing and/or conditioning the skin and/or hair
- Rinse-off products to protect the skin and lubricate the hair before shaving

Products may be for private or professional use.

The following products are not included in this product category:

- Products that are designed to be left on the skin or hair (i.e. not rinsed of with water)
- Products used in the form of a wipe
- Toothpaste
- Hair colorants
- Products that are specifically marketed for disinfecting, anti-bacterial use or limiting growth of-organisms (e.g. bacteria or parasites). An exception is anti-dandruff shampoos and conditioners.

To be licensed to use the Label, a toiletry product must meet all of the relevant environmental criteria set out in clause 5 and the product characteristics set out in clause 6.

Products being marketed as multipurpose i.e. for hand and dishwash in the kitchen, for example, may require an additional licence to be held under the appropriate ECNZ cleaning product specification.

5 Environmental Criteria

5.1 Legal Requirements

Criteria

The product must comply with the provisions of all relevant environmental laws and regulations that are applicable during the product's life cycle.

Verification Required

Conformance with this requirement shall be demonstrated by providing a written statement on regulatory compliance, signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by current documentation:

- identifying the applicable regulatory requirements including specific obligations arising from permits, regulations, and plan rules
- demonstrating how compliance is monitored and maintained.

Where the Licence applicant/holder is not the manufacturer of the toiletry products, information must be provided on environmental regulatory compliance of the manufacturing facility.

Verification of continued compliance with legal requirements will form part of the Licence Supervision Plan.

Explanatory Notes

Relevant laws and regulations applicable to the facilities that are manufacturing the ECNZ-licensed product and the Licence holder's distribution and sales operations, could, for example, include those that relate to:

- producing, sourcing, transporting, handling and storing raw materials and components for manufacture
- manufacturing processes
- handling, transporting and disposing of waste products arising from manufacturing;
- transporting product within and between countries
- using and disposing of the product.

The documentation required may include, as appropriate:

- procedures for approving and monitoring suppliers and supplies
- information provided to customers and contractors regarding regulatory requirements
- evidence of a formal certified environmental management system (for example an ISO 14001 certificate) and supporting records on regulatory compliance (for example, copies of regulatory requirements registers, procedures to manage regulatory compliance, monitoring and evaluation reports on regulatory compliance, internal or external audits covering regulatory compliance and management review records covering regulatory compliance)

- copies of published environmental, sustainability and/or annual reports expressly addressing environmental regulatory compliance (for example verified Environmental Statements prepared under the European EMAS regulations)
- audit reports completed by independent and competent auditors addressing regulatory compliance (for example, reports for other eco-label licences or reports from regulator audits)
- participation by the supplier in the licence applicants/holders own supplier audit programme.

It is not intended to require licence holders to accept increased legal responsibility or liability for actions that are outside their control. The Trust's intention is to ensure any potential for environmental regulatory non-compliance associated with an ECNZ labelled product is managed to a level that minimises risk of reputation damage to the ECNZ label and programme.

5.2 Formulation Requirements

5.2.1 Hazardous Substances

Criteria

a Toiletry products shall not be formulated or manufactured with substances (active content only) that are:
   - classified as Category 1 or Category 2 under the European Commission priority list developed under the Community strategy for endocrine disruptors
   - classified under the Hazardous Substances and New Organisms Act (HSNO) as:
     - 6.1A, 6.1B and 6.1C (acutely toxic)
     - 6.7 (carcinogens)
     - 6.6 (mutagens);
     - 6.8 (reproductive/ developmental toxins)
     - 9.1B (chronic aquatic ecotoxins).

b Any raw ingredient that is classified as 9.1A (acute aquatic ecotoxin) must be readily biodegradable and not potentially bioaccumulative.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with formulation and ingredient information including:

- product formulation information
- ingredient lists
- copies of the safety data sheets, test reports (or other evidence) for all ingredients, demonstrating that they do not contain any substances with of the above classifications.

Additional supporting documentation about quality control and production processes may also be required to demonstrate that compliance with the requirement is checked and consistently achieved.

Explanatory Notes:

- Rubbing/abrasive agents are exempt from the requirements of aquatic ecotoxins.
- Fragrances are exempt from the requirements on aquatic ecotoxins.
- Zinc Pyrithione up to 1% used in anti-dandruff shampoos and conditioners are exempt from the requirements of acute toxicity and reproductive toxicity.
- Trace levels (<0.1 % by weight) of substances reported in SDS to potentially be present as contaminants or impurities in raw materials or component substances are exempt from 5.2.1.
- In this context, a substance is considered to be potentially bioaccumulative if the log K_{ow} (log octanol/water partition coefficient) ≥3.0 (unless the experimentally determined BCF ≤100).
- The list of Category 1 and 2 substances under the European Commissions, Community strategy for endocrine disruptors can be requested from The Trust.

Test Methods

The following test methods, or equivalents shall be used. If equivalent tests are to be used, The Trust may require details of the methods and validation.

- Test methods for readily biodegradable shall be as referred to in Directive 67/548/EEC, and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD test methods (No. 301 A to F) in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests. The 10 days window principle shall not apply. The pass levels shall be 70% for the tests referred to in Annex V.C4-A and C4-B of Directive 67/548/EEC (and their equivalent OECD 301 A and E tests and ISO equivalents), and shall be 60% for tests C4-C, D, E and F (and their equivalent OECD 301 B, C, D and F tests and ISO equivalents).
- Test methods for bioaccumulative shall be as referred to in Directive 98/73 EC, and its subsequent amendments, in particular the methods detailed in Annex V.C13, or their equivalent OECD test methods (No. 305 in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests.
- The BCF shall be determined experimentally according to the method in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144 no. 305.

5.2.2 Formulation Limits

Criteria

a Toiletry products shall not exceed the following limits by weight of the formulated product of substances (active content only) that are classified under HSNO as:

HSNO Classification	Formulation Limit
9.1C (substances which are harmful to the environment)	25%

b All raw materials used must comply with the restrictions and conditions laid down where identified in, "Schedule 5 Components Cosmetic Products Must Not Contain, Except Subject to the Restrictions and Conditions Laid Down", of the New Zealand Hazardous Substances and New Organisms Act 1996, Cosmetics Products Group Standard 2006 (as amended in July 2012) or any subsequent editions.[2]

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with formulation and ingredient information including:

- formulation information and calculations sufficient to establish if the above % limits or specific ingredient requirements are met
- copies of the safety data sheets, test reports (or other evidence) for all ingredients.

Additional supporting documentation about quality control and production processes may also be required to demonstrate that compliance with the requirement is checked and consistently achieved.

Explanatory Notes

Some of the restrictions and conditions on the use of ingredients identified in the cosmetics group standard may require certain information to be provided on the product label (for example the use of nanomaterials). Evidence will be expected under 5.11.1 Product Labels.

[2] See http://www.epa.govt.nz/hazardous-substances/reassessments-reviews/Pages/Reviewing-cosmetics.aspx

5.2.3 Banned Substances

Criteria

Toiletry products shall not be formulated or manufactured with the following compounds or substances:

i ethylene diamine-tetra-acetic acid or ethylene dinitrilo-tetra-acetic acid (EDTA) or any of its salts, except in solid soap, in which case the content may not exceed 0.6mg/g

ii nitrilotriacetic acid or any of its salts (NTA)

iii diethylene triamine pentaacetic acid (DTPA) or any of its salts

iv linear alkylbenzene sulfonates (LAS), alkylphenol ethoxylate (APEO) actives or alkylphenol derivatives (APDs)

v chlorine,reactive chlorine compounds such as sodium hypochlorite or organic chlorinated compounds of chlorine

vi quaternary ammonium salts that are not readily biodegradable

vii phosphates

viii phosphonates, except in solid soap, in which case the content may not exceed 0.6mg/g

ix boric acid, borates or perborates

x Microplastics (Un-dissolvable plastic particles of less that 1mm in size and not biodegradable)

xi Any ingredient which is included in Schedule 4 Components Cosmetic Products Must Not Contain, of the New Zealand Hazardous Substances and New Organisms Act 1996, Cosmetics Products Group Standard 2006 (as amended in July 2012) or any subsequent editions [3]

xii Any substances included on the ChemSec SIN List[4].

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with formulation and ingredient information including:

- product formulation information
- ingredient lists
- copies of the safety data sheets, test reports (or other evidence) for all ingredients, which indicate that they do not contain any of the listed banned substance.

Additional supporting documentation about quality control and production processes may also be required to demonstrate that compliance with the requirement is checked and consistently achieved.

[3] http://www.epa.govt.nz/hazardous-substances/reassessments-reviews/Pages/Reviewing-cosmetics.aspx

[4] See http://www.sinlist.org/

5.3 Surfactants

Criteria

All surfactants must be readily biodegradable and anaerobically degradable.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with details of:

- formulation information identifying all surfactants
- whether each surfactant is readily biodegradable as determined using the DID list or results of relevant tests. (Surfactants with an entry "I" or "P" in the relevant column are not readily biodegradable and shall not be used. If test reports are provided they must be from a laboratory competent to carry out the relevant test methods)
- whether each surfactant is anaerobically biodegradable as determined using the DID list or results of relevant tests. (Surfactants with an entry "N" in the relevant column are not anaerobically biodegradable and shall not be used. If test reports are provided they must be from a laboratory competent to carry out the relevant test methods).

Explanatory Notes

Where documentation is lacking in accordance with the below testing requirements, the substance may be exempted from the requirement of anaerobic biodegradability if any of the three alternatives are satisfied:

- Readily biodegradable and low adsorption (A<25%) or
- Readily biodegradable and high desorption (D>75%) or
- Readily biodegradable and not bioaccumulative.

In this context, a substance is considered to be potentially bioaccumulative if the log K_{ow} (log octanol/water partition coefficient) ≥ 3.0 (unless the experimentally determined BCF ≤100).

The 2014 DID list can be found at http://ec.europa.eu/environment/ecolabel/products-groups-and-criteria.html under the product groups and criteria for the EU Ecolabel, or can be obtained on request from The Trust.

Test Methods

The following test methods, or equivalents shall be used. If equivalent tests are to be used, The Trust may require details of the methods and validation.

- Test methods for readily biodegradable shall be as referred to in Directive 67/548/EEC, and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD test methods (No. 301 (A to F) in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests. The 10 days window principle shall not apply. The pass levels shall be 70% for the tests referred to in Annex V.C4-A and C4-B of Directive 67/548/EEC (and their equivalent OECD 301 A and E tests and ISO equivalents),

and shall be 60% for tests C4-C, D, E and F (and their equivalent OECD 301 B, C, D and F tests and ISO equivalents).

- The test method for anaerobic degradability is ISO 11734, Ecetoc No. 28 (June 1988). The requirement is a minimum of 60% ultimate degradability under anaerobic conditions (up to 60 days based on OECD Guideline 311).
- Test methods for bioaccumulative shall be as referred to in Directive 98/73 EC, and its subsequent amendments, in particular the methods detailed in Annex V.C13, or their equivalent OECD test methods (No. 305 in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests.
- The BCF shall be determined experimentally according to the method in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144 no. 305.

5.4 Biocides and Preservatives

Criteria

a The product may only include biocides in order to preserve the product, and in the appropriate dosage for this purpose alone.

b Preservatives must be approved, and the concentration in the final product shall not exceed the maximum authorized concentration, in Schedule 7 Preservatives Cosmetic Products May Contain Subject to Restrictions, of the New Zealand Hazardous Substances and New Organisms Act 1996, Cosmetics Products Group Standard 2006 (as amended in July 2012) or any subsequent editions.

c Preservatives must not release substances that would contravene the 'Product Formulation' requirements in Section 5.2 above.

d Preservatives must not be bioaccumulable.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by:

- copies of the safety data sheets of any preservatives added, together with information on their exact concentration in the final product
- information on the dosage necessary to preserve the product
- documentation of the concentrations of the biocides in the final product.

Explanatory Notes

Criterion a does not apply to ingredients (eg: quaternary ammonium salts) added for other functions but which may also have biocidal properties.

Test Methods

- Test methods for bioaccumulative shall be as referred to in Directive 98/73 EC, and its subsequent amendments, in particular the methods detailed in Annex V.C13, or their equivalent OECD test methods (No. 305 in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests.

- The BCF shall be determined experimentally according to the method in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144 no. 305.

5.5 Enzymes

Criteria

a The enzyme production micro-organism shall be absent from the final enzyme preparation.

b Enzymes must not be present in aerosol products.

c In other products, enzymes must be present in liquid form or as a dust-free granulate.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by documentation including:

- a signed declaration of compliance with these requirements from the enzyme producer
- formulation specifications for aerosol products, if applicable.

5.6 Fragrance

Criteria

a Fragrance must be produced and used in accordance with the "Code of Practice" compiled by the International Fragrance Association (IFRA). A copy can be obtained from the IFRA website at www.ifraorg.org.

b Fragrance containing nitromusk or polycyclic musk compounds must not be used

c Substances being used for the primary purpose of fragrance must not be added to products being marketed specifically for infant or baby use.

All substances added for functions other than smell but that could also be considered a fragrance (for example, essential oils) must comply with 5.6a and 5.6b.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by:

- signed declaration(s) on compliance with the IFRA Code of Practice, from the fragrance manufacturer(s) covering all fragrances used
- formulation and ingredient information including details of fragrance ingredient contents, identifying fragrances used and their CAS numbers.

Additional supporting documentation about quality control and production processes may also be required to demonstrate that compliance with these requirements is checked and consistently achieved.

5.7 Colourants

Criteria

a Colorants used must be included on the lists contained in Schedule 6, Colouring Agents Cosmetic Products May Contain with Restrictions, of the New Zealand Hazardous Substances and New Organisms Act 1996, Cosmetics Products Group Standard 2006 (as amended in July 2012) or any subsequent editions.

b Colourants may be added to products provided that they have been approved for use in foodstuffs or are not bioaccumulative.

The colouring agent is not considered to be bioaccumulative if the BCF <100 or if Log K_{ow} < 3.0.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by:

- formulation and ingredient information, identifying colourants used and their colour Index (CI) numbers
- E-number (or number allocated by the New Zealand Food Safety Authority) for each colourant which proves that it has been approved for use in foodstuffs
- copies of the material safety data sheets, test reports (or other evidence) for all colourants, which indicate that they are not bioaccumulable.

Additional supporting documentation about quality control and production processes may also be required to demonstrate that compliance with this requirement is checked and consistently achieved.

Test Methods

- Test methods for bioaccumulative shall be as referred to in Directive 98/73 EC, and its subsequent amendments, in particular the methods detailed in Annex V.C13, or their equivalent OECD test methods (No. 305 in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144) or their equivalent ISO tests.
- The BCF shall be determined experimentally according to the method in OECD Guidelines for the Testing of Chemicals, ISBN 92-64-1222144 no. 305.

5.8 Palm Oil and Palm Kernel Oil

Criteria

a The licence applicant (or holder) must have an effective purchasing policy for all palm oil, palm kernel oil (or derivatives) or raw materials that are manufactured from palm kernel oil (including surfactants) to maximise the use of palm oil and palm kernel oils from sustainable sources. This shall include implementing a preferential purchasing policy that includes the following stepped policy:

- Purchasing raw materials from suppliers which contain RSPO-certified sustainable palm oil or palm kernel oil
- Purchasing raw materials which use palm oil or contain palm kernel oil from suppliers who have policies in place to purchase certified sustainable palm kernel oil or who support sustainable palm oil and palm kernel oil through GreenPalm and to increase the percentage over time
- Where suppliers of raw materials who have policies around sustainable palm oil and palm kernel oil are not available, directly purchasing and redeeming GreenPalm certificates for the volume of palm oil and palm kernel oil used within the product.

b Licence holders must report annually to The Trust on palm oil and palm kernel oil, including:

- quantities of raw materials from suppliers whose products contain RSPO-certified sustainable palm oil and palm kernel oil
- quantities of raw materials from suppliers who support sustainable palm oil production through GreenPalm and the percentage of palm oil and/or palm kernel oil used in the production of the raw materials procured with GreenPalm certificates
- quantities of any GreenPalm certificates procured and redeemed by the licence holder.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by documentation:

- recording the raw materials and the supplier of these materials which contain palm kernel oil
- including a copy of the palm oil and palm kernel oil purchasing policy
- including certificates for RSPO certification and chain of custody for any certified palm oil or palm kernel oil
- copies of palm oil and palm kernel oil policies from suppliers and evidence of any RSPO certified palm oil and palm kernel oil used or GreenPalm certificates redeemed in relation to the raw material ingredients
- copies of any GreenPalm certificates purchased and redeemed directly by the licence holder
- annual reports on the palm oil and palm kernel oil procurement programme
- describing management systems in place to ensure that these requirements are consistently met.

5.9 Waste Management

Criteria

a The licence applicant/holder and product manufacturer must have effective waste management policies and procedures and/or a waste management programme.

b Licence holders must report annually to The Trust on waste management, including:

- quantities and types of waste recovered for reuse internally and externally
- quantities and types of waste recycled internally and externally
- quantities and types of waste disposed of to landfill
- quantities and types of waste burned internally for energy recovery
- waste generation related to production
- initiatives taken to reduce waste generation and improve recovery/recycling of waste
- initiatives or requirements for suppliers or contract manufacturers.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by documentation that:

- describes the waste management policies, procedures and programmes
- includes annual reports to The Trust on waste generation, minimisation and management.

5.10 Energy Management

Criteria

a The licence applicant/holder and product manufacturer must have effective energy management policies and procedures and/or an energy management programme.

b Licence holders must report annually to The Trust on energy management, including:

- total energy use
- breakdown of total energy use to types of energy used
- energy use related to production
- initiatives taken to reduce energy use and improve energy efficiency
- initiatives taken to calculate and reduce CO2 emissions associated with energy use
- initiatives or requirements for suppliers or contract manufacturers.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by documentation that:

- describes the energy management policies, procedures and programmes
- includes annual reports to The Trust on energy use and management.

5.11 Consumer Information

5.11.1 Product Labels

Criteria

a The toiletry products shall be accompanied by instructions for proper use so as to maximise product performance and minimise waste. These instructions shall include information on reuse, recycling and/or correct disposal of packaging.

b All toiletry products must comply with the labelling requirements of Schedule 1 "The conditions of the group standard" of the New Zealand Hazardous Substances and New Organisms Act 1996, Cosmetics Products Group Standard 2006 (as amended in July 2012) or any subsequent editions.

c The following or equivalent words should be clearly displayed on the packaging. Any proposed changes/alterations to this wording must be submitted to and approved by The Trust.

"All toiletry products have an effect on the environment. Always use the correct dose for maximum efficiency and minimum environmental impact."

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with samples of labels and packaging.

Additional supporting documentation about quality control and labelling processes may also be required to demonstrate that compliance with these requirements is checked and consistently achieved.

5.11.2 Product Claims

Criteria

a No claim or suggestion, on the packaging or by any other means, shall be made that the product has an antimicrobial action.

b All claims made in relation to the product must be able to be substantiated as required by the New Zealand Fair Trading Act. The licence holder shall provide evidence to support the claim to The Trust.

c Products that claim therapeutic benefits must be registered as Medicines under the Medicines Act 1981.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with:

- information on any definitions relied on in making the claim
- information held by the company making the claim or provided by reputable suppliers that can substantiate the claim

- information from other reasonable sources (for example, scientific or medical journals)
- for c. information from the New Zealand Medicines and Medical Devices Safety Authority (Medsafe), demonstrating that the product has been assessed and registered as a medicine

Additional supporting documentation about quality control and labelling processes may also be required to demonstrate that compliance with these requirements is checked and consistently achieved.

Explanatory Notes

- Any claim a business makes about a good or service must be substantiated – whether the claim is express or implied. This would include claims made about products being "all natural" or "plant based".
- Further information on the Medicines Act can be obtained from www.medsafe.govt.nz .

5.12 Packaging Requirements

Criteria

a All plastic packaging must be made of plastics that are able to be recycled in the country where the product is sold.

b Primary packaging must not be impregnated, labelled, coated or otherwise treated in a manner, which would prevent recycling (i.e. PVC sleeves, metallic labels).

c All plastic packaging (including containers and measuring devices) must have a plastic resin identification code clearly visible on each item weighing more than 25 grams.

d Information shall be provided to The Trust at application and thereafter reported annually on PVC and/or phthalates used in the packaging. This should include information from production records and/or suppliers on:

- the percentages by weight of recycled and virgin PVC
- the particular production processes (membrane cells, non-asbestos diaphragms, modified diaphragms, graphite anodes, mercury cells, closed-lid production etc) used to produce chlorine and VCM for the PVC being used in the packaging for ECNZ-licensed products (including the locations of the production)
- information, where available, on waste disposal, wastewater treatment and emissions to air (occupational exposure, emissions from the factory and emissions from the final PVC resin)
- information on any Environmental Management System (EMS) for the production process, including requirements for waste, water, air and product-related requirements
- the types of stabilisers used
- the types and amounts of any phthalate plasticisers present in recycled content of the PVC (if that information is available) and/or added when manufacturing PVC
- research and initiatives implemented on substitutes for phthalates identified as of concern by regulators
- any product stewardship arrangements for the packaging.

Note: Regulators have identified the following phthalates to be of concern - dibutyl phthalate (DBP), diisobutyl phthalate (DIBP), butyl benzyl phthalate (BBP), di-n-pentyl phthalate (DnPP),

di(2-ethlyhexyl) phthalate (DEHP), di-n-octyl phthalate (DnOP), diisononyl phthalate (DINP) and diisodecyl phthalate (DIDP).

e Metal packaging shall not be used. Small parts of metal, e.g. part of a hand pump or sealing foil, may be used.

f The weight: content ratio of packaging used on the product as sold to the consumer must not exceed 0.30 g/g. Post-consumer recycled packaging material is excluded from this requirement.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with the following documentation and evidence.

- Conformance with criterion (a) shall be supported by documentation verifying the packaging is recyclable
- Conformance with criteria (b and c) shall be demonstrated by providing samples of all plastic containers and components, and information on their constituent parts and their recyclability
- Conformance with criterion (d) shall be demonstrated by providing initial and ongoing annual reports to the Trust on PVC and plasticisers used. This should include as much of the available information required in d) as possible
- Conformance with criterion f) shall be supported by examples of packaging and copies of calculations demonstrating that the WUR meets the requirements. Calculations may be based on the theoretical fill volume, provided that a specification for the method of filling is provided in support of the theoretical value. Otherwise, the WUR should be determined at the time of filling the packaging, or soon thereafter, to avoid erroneous results due to settling of the product.

6 Product Characteristics

6.1 Hazardous Properties of the Product

Criteria

a The toiletry product must not be classified under the HSNO regulations as:

- Subclasses 6.1A or 6.1B (acutely toxic)
- Subclass 6.5 (sensitisers)
- Subclass 6.6 (mutagenic)
- Subclass 6.7 (carcinogenic)
- Subclass 6.8 (reproductive/developmental toxicants)
- Subclass 6.9A (target organ systemic toxicants)
- Class 8.2 (skin corrosive)
- Class 8.3 (eye corrosive)
- Subclasses 9.1A or 9.1B (ecotoxic)

b The Licence Applicant/Holder shall provide a copy of the "Record of Group Standard Assignment" to demonstrate how the resulting product has been classified under the New Zealand Hazardous Substances and New Organisms (HSNO) Act.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported with product Safety Data Sheets and the record of Group Standard Assignment, showing the classification of the product.

Explanatory Notes

- Information on preparation of a Safety Data Sheet can be obtained from the New Zealand Environmental Protection Agency (EPA) website.
- Where raw ingredients have been used in quantities above the cut off limits under HSNO, for classifications such as but not limited to an 8.3A or 6.5B, then the licence holder will be expected to provide information about the process and chemical reactions that remove the hazard classification of the raw ingredients (ie the saponification process in soap) or test results demonstrating the resulting product is not classified as, for example, a sensitiser.

6.2 Product Performance

Criteria

The toiletry product must be fit for purpose.

Verification Required

Conformance with this requirement shall be stated in writing and signed by the Chief Executive Officer or other authorised representative of the applicant company/Licence holder. This statement shall be supported by documentation:

- identifying the applicable standards, specifications and or consumer/customer requirements
- demonstrating how compliance is monitored and maintained (including quality control and assurance procedures)
- records of customer feedback and complaints.

7 Requirements and Notes for Licence Holders

Monitoring Compliance

Prior to granting a licence, The Trust will prepare a plan for monitoring ongoing compliance with these requirements. This plan will reflect the number and types of products covered by the licence and the level of documentation appropriate to provide confidence in ongoing compliance with criteria. This plan will be discussed with the licence applicant and when agreed will be a condition of the licence.

As part of the plan, The Trust will require access to relevant quality control and service delivery records and the right of access to the office facilities. Relevant records may include formal quality management or environmental management system documentation (for example, ISO 9001 or ISO 14001 or similar).

The monitoring plan will require the Licence holder to advise The Trust immediately of any noncompliance with any requirements of this specification which may occur during the term of the licence. If a non-compliance occurs, the licence may be suspended or terminated as stipulated in the Licence Conditions. The licensee may appeal any such suspension.

ECNZ will maintain the confidentiality of identified confidential information provided and accessed during verification and monitoring of licences.

Using the Environmental Choice Label

The Label may appear on the wholesale and retail packaging for the product, provided that the product meets the requirements in this specification and in the Licence Conditions.

Wherever it appears, the Label must be accompanied by the words ‘Toiletry Products’ and by the Licence Number e.g. ‘licence No1234’.

The Label must be reproduced in accordance with the Environmental Choice NZ programme’s keyline art for reproduction of the Label and the Licence Conditions.

Any advertising must conform to the relevant requirements in this specification, in the Licence Conditions and in the keyline art.

Failure to meet these requirements for using the Environmental Choice NZ Label and advertising could result in the Licence being withdrawn.