The New Zealand Ecolabelling Trust

Licence criteria for Personal Care

EC-29-20

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Specification change history

Minor clarifications, corrections or technical changes made since the specification was last reviewed and issued in September 2020.

Date	Version	Change
01/06/2023	EC-29-20 June 2023	Environmental Choice New Zealand renamed to Eco Choice Aotearoa and all references in this document amended to reflect the new name. 'EC-29-20 Toiletry Products' specification renamed to 'EC-29-20 Personal Care' Wording in Section 7 'Use of the Eco Choice Aotearoa Label' updated. The requirement for the label to be accompanied by the specification name is now optional.

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1 Introduction

Eco Choice Aotearoa (ECA) is an environmental labelling programme that 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 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).

ECA operates to the ISO 14024 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 products 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 ECA licence applicants, and is able to be measured and verified. As a result of this approach, criteria may not be included in an ECA 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 the 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 revised specification for personal care products. The specification has been revised to take into account substances and processes harmful to the environment, energy and waste management, packaging, appropriate use, and efficacy of the products.

This specification sets out the requirements that personal care products will be required to meet in order to be licensed to use the ECA 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 ECA 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

The domestic market of the Cosmetics industry in New Zealand is currently around $1.5 billion in total retail value sales[1] (the export market is an additional 10% value).

Personal care products represent a potentially significant burden on the environment in terms of wastewater loading and subsequent treatment, resource consumption and disposal of packaging materials. The major components in personal care products include surfactants, builders, preservatives, colorants and fragrances. Some components may accumulate, be toxic, or otherwise be harmful to the environment. Surfactants are a burden on wastewater 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 risks to the environment, human health and welfare. Biocides are intended to kill living organisms, and so can kill 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 wastewater systems.

The most significant changes to this revised specification are:

- Inclusion of "leave on" products. Life cycle studies of personal care products have found that the release of these products to water was one of the life stages with major environmental impacts.
- As the products go directly (e.g. soap, shampoo) or indirectly (e.g. lotions, hairstyling products) down the drain after use, properties such as biodegradability, bioaccumulability and aquatic toxicity have been considered relevant for all product ingredients. The Trust has also carefully considered the use of essential oils and other hazardous ingredients in products, given that natural, plant-based or organic cosmetics can have hazardous properties.
- Inclusion of personal care products used in the form of a wipe, provided they meet the criteria in the "International Wastewater Services Flushability Group (IWSFG) (Publicly Available Specification) 1:2018 Criteria for recognition as a flushable product" specification, are also now included in the specification.
- New criteria for soybean oil were added as it is becoming a common ingredient in skin care serums, gels and lotions.

Sunscreen was considered for inclusion. However, the Trust decided that until there is such a NZ mandatory sunscreen standard or similar, sunscreen will remain excluded from the personal care products specification.

The following personal care product requirements will produce environmental benefits through the reduction of hazardous substances, minimising potential for contaminants in water, reducing the burden on wastewater treatment systems, improving energy efficiency, and minimising the impacts of packaging. As information and technology change, personal care product requirements will be reviewed, updated and possibly amended.

[1] Discussion Paper –Protecting Businesses and Consumers from Unfair Commercial Practices, by: Cosmetic Personal care and Fragrance Association of New Zealand, to the Ministry of Business Innovation and Employment (2019)

3 Interpretation

🌏 (Environmental Responsibility) means a criterion or sub-clause within the ECA specification which addresses an environmental concern.

🤼 (Social Responsibility) means a criterion or sub-clause within the ECA specification which addresses a social concern.

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.

Anaerobically degradable means the degradation of compounds by micro-organisms in the absence of oxygen.

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 $\log K_{ow} \geq 3$ 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 guidelines 305 A-E. If the biological concentration factor (BCF) is ≥ 100, the substance will be regarded as bioaccumulable.

CAS number is a unique numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature.

Colourant means a substance that is added primarily for aesthetic purposes to give colour to the product.

DID means Detergent Ingredient Database, developed by the EU and Nordic Swan ecolabelling authorities. Available from the Trust.

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

Energy Management Programme means a programme 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.

Essential oil means an odorous product, usually of complex composition, obtained from a botanically defined plant raw material by steam distillation, dry distillation, or a suitable mechanical process without heating.

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 means organic substances that are added primarily for aesthetic reasons to provide smell. Fragrance can also conceal smells from other ingredients.

GEN means Global Ecolabelling Network.

HSNO means the Hazardous Substances and New Organisms Act.

INCI means International Nomenclature of Cosmetic Ingredients. INCI names are systematic names internationally recognised to identify cosmetic ingredients (i.e. plant extracts, oils, chemicals). They are developed by the International Nomenclature Committee (INC) and published in the International Cosmetic Ingredient Dictionary and Handbook.

IFRA means the International Fragrance Association, the global representative body of the fragrance industry.

ISO means International Organisation for Standardisation.

Microbead means a water-insoluble plastic particle that is less than 5 mm at its widest point[2].

Nanomaterial means a material having particles or constituents of nanoscale dimensions, or one that is produced by nanotechnology.

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

OECD means Organisation for Economic Co-operation and Development.

Parabens are a group of synthetic compounds commonly used as preservatives in a wide range of health, beauty and personal care products.

Phthalates are a family of chemical compounds primarily used to make plastics more flexible and harder to break. They are often called plasticizers. Some phthalates are used as solvents (dissolving agents) for other materials.

REACH means the Registration, Evaluation, Authorisation and Restriction of Chemicals Authorisation. It is a regulation of the European Union, adopted to improve the protection of human health and the environment from the risks that can be posed by chemicals, while enhancing the competitiveness of the EU chemicals industry.

Readily biodegradable compounds are those which exhibit 70% removal of Dissolved Organic Carbon (DOC), or 60% of Theoretical Oxygen Demand (ThOD) or Theoretical CO_2 ($ThCO_2$) 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 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.

RTRS means Round Table Responsible Soy http://www.responsiblesoy.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 means any substance that is intended to reduce surface tension thereby helping water to surround and remove soils from surfaces.

Waste Management Programme means a programme to achieve and sustain efficient and effective minimisation and disposal of waste including policies, practices, planning activities, responsibilities and resources that affect the organisation's performance for achieving the objectives and targets of the Waste Policy.

4 Category definition

This category includes the following personal care products for human use:

- Rinse-off products used primarily for cleaning, washing and/or conditioning the skin and/or hair and teeth;
- Rinse-off products to protect the skin and lubricate the hair before shaving;
- Leave-on products including perfume, deodorant, hair colouring products, insect repellents and self-tanning products, as well as cosmetics. The category also includes children's 'toy' cosmetics and face paint; and
- Personal care products used in the form of a wipe.

Products may be for private or professional use.

The following products are not included in this product category:

- Sunscreen;
- Aerosols including products packaged in pressurised cans or cans requiring propellants, are not included. Pump or trigger sprays that are not pressurised and do not require the use of propellant are acceptable; and
- 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 personal care 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 EC-58-19 Detergent and Cleaning Products specification.

5 Environmental criteria

5.1 Legal requirements

Criteria

a The licence applicant/holder must demonstrate how applicable environmental legal requirements are met, including that all necessary consents and permits are in place.

b Where the licence holder is not the manufacturer of the personal care product(s), the licence holder must have a documented requirement for the manufacturer to manage its compliance with applicable environmental regulatory requirements (for example, via supply contract conditions).

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; and
- Copies of wording from supply contract conditions or other documented requirements for contract manufacturers (if applicable).

Verification of continued compliance with legal requirements will form part of the Licence Supervision Plan. This will include requirements, if any, for ongoing supervision assessment of downstream warehousing or other distribution activities.

Explanatory notes

Relevant laws and regulations applicable to the facilities that are manufacturing the ECA-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, handling and disposing of waste products arising from manufacturing;
- Transporting product within and between countries; and
- 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 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); and
- Participation by the supplier in the licence applicants/holder's 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 ECA labelled product is managed to a level that minimises risk of reputation damage to the ECA label and programme.

5.2 Formulation requirements

5.2.1 Hazardous substances

Criteria

a Personal care products shall not be formulated or manufactured with substances (active content only) as :

- 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 substances);
  - 6.6 A or B (mutagenic substances);
  - 6.7A or B (carcinogenic substances);
  - 6.8A or B (reproductive/developmental toxic substances); and
  - 9.1B (ecotoxic in the aquatic environment)

b Additionally, any raw ingredient that is classified as 9.1A (very ecotoxic in the aquatic environment) 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 substances with any of the above classifications; and
- A completed table of information (Table C1 in Appendix C).

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.

Relevant test methods are listed in Appendix A.

Exemptions:

- Rubbing/abrasive agents are exempt from the restrictions on aquatic ecotoxic substances.
- Fragrances are exempt from the requirements on aquatic ecotoxic substances.
- 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 not to be potentially bioaccumulative if the BCF <100 or if Log K_{ow} < 3.0; and where there is information on both BCF and Log K_{ow}, the values for BCF must be used.
- The list of Category 1 and 2 substances under the European Commission's Community Strategy for endocrine disruptors can be requested from the Trust.

5.2.2 Formulation limits

Criteria

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

HSNO Classification	Formulation Limit
9.1C (substances that are harmful in the aquatic 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 Environmental Protection Agency (EPA) Cosmetics Products Group Standard 2017, or any subsequent editions.

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; and
- A completed table of information (Table C1 in Appendix C).

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 5.12.1 Product labels.

5.2.3 Banned substances

Criteria

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

i BHT (butylated hydroxytoluene) and BHA (Butylated hydroxyanisole);
ii D4 (octamethylcyclotetrasiloxane), D5 (decamethylcyclopentasiloxane) and D6 (dodecamethylcyclohexasiloxane) in a concentration equal to or greater than 0.1% by weight of each substance;
iii 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 0.6 mg/g;
iv nitrilotriacetic acid or any of its salts (NTA);
v diethylene triamine pentaacetic acid (DTPA) or any of its salts;
vi linear alkylbenzene sulfonates (LAS), alkylphenol ethoxylate (APEO) actives or alkylphenol derivatives (APDs);
vii halogen or halogenated compounds including reactive chlorine compounds (e.g. hypochlorites) and organic chlorine carriers (e.g. Triclosan) and benzalkonium chloride.
This does not include sodium chloride or fluoride compounds in oral hygiene products;
viii quaternary ammonium salts that are not readily biodegradable;
ix parabens;
x phthalates;
xi phosphates;
xii phosphonates, except in solid soap, in which case the content may not exceed 0.6 mg/g;
xiii boric acid, borates or perborates;
xiv microbeads;
xv any ingredient which is included in Schedule 4 Components Cosmetic Products Must Not Contain, of the EPA, Cosmetics Products Group Standard-2017, or any subsequent editions;
xvi sodium lauryl sulphate (SLS) in toothpaste;
xvii zinc pyrithione; and
xviii any substances included on the ChemSec Substitute It Now (SIN) List - a list of hazardous chemicals that are used in a wide variety of articles, products and manufacturing processes.

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; and
- A completed table of information (Table C1 in Appendix C).

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.

5.3 Surfactants

Criteria

All surfactants must be readily biodegradable and anaerobically degradable.

Note: surfactants in toothpaste are exempt from the requirement on anaerobic degradability.

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 licence holder. This statement shall be supported with details of:

- Formulation information identifying all surfactants;
- A completed table of information (Table C1 in Appendix C);
- Whether each surfactant is readily biodegradable as determined using one of the following methods:
  - The DID list (Surfactants with an entry “I” or “P” in the relevant column are not readily biodegradable and shall not be used);
    OR
  - Results of relevant tests (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 one of the following methods;
  - The DID list (surfactants with an entry “N” in the relevant column are not readily biodegradable and shall not be used);
    OR
  - Results of relevant tests (if test reports are provided, they must be from a laboratory competent to carry out the relevant test methods)
    OR
  - Where documentation is lacking in accordance with the above testing requirements, the substance may be exempted from the requirement of anaerobic biodegradability if any of the three following alternatives are satisfied:
    - Readily biodegradable and low adsorption (A<25%);
      OR
    - Readily biodegradable and high desorption (D>75%);
      OR
    - Readily biodegradable and not bioaccumulative.
      - The surfactant is not considered to be bioaccumulative if the BCF <100 or if Log K_{ow} < 3.0; and
      - Where there is information on both BCF and Log K_{ow}, the values for BCF must be used.

Relevant test methods are listed in Appendix A.
The DID list can be obtained on request from the Trust.

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;
Note: This criterion does not apply to ingredients (e.g. readily biodegradable quaternary ammonium salts) added for other functions but which may also have biocidal properties

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 with Restrictions, of the EPA Cosmetics Products Group Standard 2017, or any subsequent editions;

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

d Preservatives must not be 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 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; abd
- A completed table of information (Table C1 in Appendix C)

Relevant test methods are listed in Appendix A.

5.5 Enzymes

Criteria

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

b 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; and
- A completed table of information (Table C1 in Appendix C).

5.6 Fragrance

Criteria

a Fragrance ingredients 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; and
- not use nitromusk or polycyclic musk compounds.

b The fragrance substances in the table below may be included up to a maximum of 100 ppm (0.010 %) per substance in rinse-off products and a maximum of 10 ppm (0.0010 %) per substance in leave-on products:

INCI name (or, if none exists, perfume name according to CosIng*)	CAS number
Cananga Odorata and Ylang-ylang oil	83863-30-3; 8006-81-3
Eugenia Caryophyllus Leaf / Flower oil	8000-34-8
Jasminum Grandiflorum / Officinale	84776-64-7; 90045-94-6; 8022-96-6
Myroxylon Pereirae	8007-00-9;
Santalum Album	84787-70-2; 8006-87-9
Turpentine oil	8006-64-2; 9005-90-7; 8052-14-0

*Cosing is the European Commission database for information on cosmetic substances and ingredients.

c All substances added for functions other than smell but that could also be considered a fragrance 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; and
- A completed table of information (Table C1 in Appendix C).

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~~ Colourants used must be included on the lists contained in Schedule 6, Colouring Agents Cosmetic Products May Contain with Restrictions, of the EPA Cosmetics Products Group Standard 2017, 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; and
- Where there is information on both BCF and Log K_{ow}, the values for BCF must be used.

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; and
- A completed table of information (Table C1 in Appendix C).

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.

Relevant test methods are listed in Appendix A.

5.8 Sustainable oil

5.8.1 Palm oil and palm kernel oil

Criteria

a The licence applicant/holder or product manufacturer 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 RSPO PalmTrace and aim 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 RSPO credits, through RSPO PalmTrace, 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 RSPO PalmTrace and the percentage of palm oil and/or palm kernel oil used in the production of the raw materials procured with RSPO PalmTrace credits; and
- Quantities of any RSPO PalmTrace credits procured and redeemed by the licence holder.

Verification required

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

- Recording the raw materials and the supplier of the materials which contain palm oil or palm kernel oil;
- Including a copy of the palm oil or 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 RSPO PalmTrace credits redeemed in relation to the raw material ingredients;
- Copies of any RSPO PalmTrace credits purchased and redeemed directly by the licence holder;
- Annual reports on the sustainable oil procurement programme;
- Describing management systems in place to ensure that these requirements are consistently met; and
- A completed table of information (Table C1 in Appendix C).

5.8.2 Soybean oil

Criteria

a For products containing soybean oil, the licence applicant/holder or product manufacturer must have an effective purchasing policy for all soybean (or derivatives) or raw materials that are manufactured from soybean (including surfactants) to maximise the use of soybean from sustainable sources. This shall include implementing a preferential purchasing policy that includes the following stepped policy for soybean oil:

- Purchasing raw materials from suppliers which contain RTRS-certified sustainable soybean oil;
- Purchasing raw materials which use soybean oil from suppliers who have policies in place to purchase certified sustainable soybean oil or who support sustainable soybean oil through RTRS and aim to increase the percentage over time;

- Where suppliers of raw materials who have policies around sustainable soybean oil is not available, directly purchasing and redeeming RTRS credits for the volume of soybean oil used within the product.

b Licence holders must report annually to the Trust on soybean oil, including:

- Quantities of raw materials from supplier's products contain RTRS-certified sustainable soybean oil;
- Quantities of raw materials from suppliers who support sustainable soybean oil production through RTRS and the percentage of soybean oil used in the production of the raw materials procured with RTRS Soy credits; and
- Quantities of any RTRS Soy credits procured and redeemed by the licence holder.

Verification required

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

- Recording the raw materials and the supplier of these materials;
- Including a copy of the soybean oil purchasing policy;
- Including certificates for RTRS certification and chain of custody for any certified soybean oil;
- Copies of soybean oil policies from suppliers and evidence of any RTRS-certified soybean oil used or RTRS Soy credits redeemed in relation to the raw material ingredients;
- Copies of any RTRS Soy credits purchased and redeemed directly by the licence holder;
- Annual reports on the soybean oil procurement programme;
- Describing management systems in place to ensure that these requirements are consistently met; and
- A completed table of information (Table C1 in Appendix C).

5.9 Waste management

Criteria

a The licence applicant/holder must have effective waste management policies and procedures and/or a waste management programme covering the manufacturing and packaging processes.

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; and
- 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; and
- Includes annual reports to the Trust on waste generation, minimisation and management.

Where a licence applicant/holder is a wholesale or retail supplier of the cleaning product, evidence that the manufacturer holds a current ECA-licence covering the relevant detergent products will be sufficient to demonstrate compliance with these requirements.

5.10 Energy management

Criteria

a The licence applicant/holder 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 CO_2 emissions associated with energy use; and
- 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.

Where a licence applicant/holder is a wholesale or retail supplier of the cleaning product, evidence that the manufacturer holds a current ECA-licence covering the relevant detergent products will be sufficient to demonstrate compliance with these requirements.

5.11 Consumer information

5.11.1 Product labels

Criteria

a Thepersonal care 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 Allpersonal care products must comply with the labelling requirements of Schedule 1 “Conditions of the group standard” of the EPA Cosmetics Products Group Standard 2017, or any subsequent editions; and

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

> “Allpersonal care products have an effect on the environment. Always use the correct dose for maximum efficiency and minimum environmental impact.”

d Any nanomaterials/particles present shall be clearly indicated in the list of ingredients. The names of such ingredients shall be followed by the word “nano” in brackets.

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:

- samples of labels/packaging; and
- a completed table of information (Table C2 in Appendix C).

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 1986. The licence holder shall provide evidence to support the claim to the Trust; and

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 part b this statement shall be supported by evidence sufficient to substantiate the claim being made; and
- For part 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”; and
- 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 they are 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 Metal packaging shall not be used. Small parts of metal, e.g. part of a hand pump or sealing foil, may be used;

e 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; and
- Conformance with criterion (e) 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 Product performance

Criteria

The product must be fit for its intended use and conform, as appropriate, to relevant product performance standards.

Verification required

Conformance with this requirement shall be demonstrated by providing a written statement of compliance, signed by the Chief Executive Officer or other authorised representative of the applicant company/licence holder.

Conformance shall be supported by a statement and/or the following documentation:

- Demonstrating how compliance is monitored and maintained (including quality control and assurance procedures); and
- Records of customer feedback and complaints.

6.2 Hazardous properties of the product

Criteria

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

- subclasses 6.1A or 6.1B (acutely toxic)
- subclass 6.5 (sensitisers)
- subclass 6.6A or B (mutagenic)
- subclass 6.7A or B (carcinogenic)
- subclass 6.8A or B (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 in the aquatic environment)

b The Licence Applicant/Holder shall provide a copy of the "Record of Group Standard Assignment" to demonstrate how the resulting product(s) has been classified under the 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;
- the record of Group Standard Assignment, showing the classification of the product; and
- a completed table of information (Table C2 in Appendix C).

Explanatory notes

- Information on preparation of a Safety Data Sheet can be obtained from the 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.

6.3 Product form

Criteria

a If the licence holder uses refillable containers for its ECA-licensed products, the licence holder shall provide information to the Trust on:

- Consumer demand for refillable containers;
- Volume of product sold in refillable containers; and
- Difference in the WUR between refillable containers and non-refillable containers.

b Products must not be sold as aerosols or packaged in pressurised cans or cans requiring propellants. Pump or trigger sprays that are not pressurised and do not require the use of propellant are acceptable.

c Single use applicators (wipes) must meet the criteria in the International Wastewater Services Flushability Group (IWSFG) Publicly Available Specification (PAS) 1:2018 “Criteria for recognition as a flushable product”.

Verification required

Conformance with this requirement shall be demonstrated by providing a written statement of compliance, 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 on the use of refillable containers;
- Conformance with criterion (b) shall be supported by information demonstrating that sprays containing propellants are not used;
- Conformance with (c) shall be supported by test results, or other information, demonstrating that the wipes meet the international flushability specification; and
- A completed table of information (Table C2 in Appendix C).

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. The plan will also reflect the nature of the licence holder (whether a manufacturer and supplier, a wholesale/retail supplier with contract manufacturing, or involved in other arrangements with contract manufacturing and brand ownership). It will specifically provide for supervision of the licence holder's contractual or other explicit arrangements with suppliers, customers or other agents/parties to ensure all relevant requirements of this specification and Licence Conditions are met (including those related to legal requirements, packaging and labelling, information about products, product claims and use of the Label). 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 non-compliance occurs, the licence may be suspended or terminated as stipulated in the Licence Conditions. The licensee may appeal any such suspension.

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

Using the Environmental Choice Label

The licence holder shall supply information on the proposed use of the label on products or promotional material.

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 Licence Number e.g. 'licence No1234'. It is optional to include the spec name.

The Label must be reproduced in accordance with:

- the Licence Conditions; and
- the Eco Choice Aotearoa programme's brand kit which includes examples of keyline art for reproduction of the Label.

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

Appendix A: Test methods

Any test reports submitted shall be from a laboratory competent to carry out the relevant 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.

Appendix B: Hazardous Substances Classifications

Table B1 – Hazardous Substances Classifications banned or restricted in EC-29[3]

New Zealand HSNO	Globally Harmonised System
Toxicological hazards	
6.1A (Oral)	Acute Tox.1, H300 – Fatal if swallowed
6.1A (Dermal)	Acute Tox. 1, H310 – Fatal in contact with skin
6.1A (Inhalation)	Acute Tox. 1 and 2, H330 - Inhalation Vapours, Dust or Mists
6.1B (Oral)	Acute Tox. 2, H300 -Toxic if swallowed
6.1B (Dermal)	Acute Tox. 2, H310 – Toxic in contact with skin
6.1B (Inhalation)	Acute Tox. 2, H330 - Inhalation Vapours, Dust or Mists
6.1C (Oral)	Acute Tox.1, H301 – Toxic if swallowed
6.1C (Dermal)	Acute Tox.1, H311 – Toxic in contact with skin
6.1C (Inhalation)	Acute Tox.1, H311 – Toxic in contact with skin
Sensitisers	
6.5A	Category 1/1A/1B, H334 – Respiratory Sensitiser may cause allergy, Asthmatic symptoms or difficulty breathing if inhaled
6.5B	Category 1/1A/1B, H317 – Skin Sensitiser may cause allergic skin reaction
Carcinogens, mutagens and reproductive toxins	
6.6A	Category 1A/1B, H340 - Mutagen
6.6B	Category 2, H341 - Mutagen
6.7A	Category 1A/1B, H350 - Carcinogen
6.7B	Category 2, H351 - Carcinogen
6.8A	Category 1A/1B, H360 – Reproductive Toxicity
6.8B	Category 2, H361 – Reproductive Toxicity
6.9A (Single Exposure)	Category 1, H370 – Causes damage to organs
6.9A (Repeated Exposure)	Category 1, H372 – Causes damage to organs
Corrosives	
8.2A Corrosive to dermal tissue UN PGI	Category 1A, H314 – Causes severe skin burns and eye damage
8.2B Corrosive to dermal tissue UN PGII	Category 1B, H314 – Causes severe skin burns and eye damage
8.2C Corrosive to dermal tissue UN PGIII	Category 1C, H314 – Causes severe skin burns and eye damage
8.3A Corrosive to ocular tissue	Category 1, H318 – Causes serious eye damage

[3] Environmental Protection Authority (New Zealand Government), January 2012, Labelling and hazardous substances – hazard and precautionary information technical guide, https://www.epa.govt.nz/industry-areas/hazardous-substances/guidance-for-importers-and-manufacturers/labelling-and-safety-data-sheets/

Ecotoxic substances	
9.1A	Category 1, H400 – Very toxic to aquatic life (Acute)
9.1A	Category 1, H410 – Very toxic to aquatic life with long lasting effects (Chronic)
9.1B	Category 2, H411 – Very toxic to aquatic life with long lasting effects (Chronic)
9.1C	Category 1, H412 – Harmful to aquatic life with long lasting effects

NOTE: The United Nations' Globally Harmonised System of Classification and Labelling of Chemicals (GHS) aims to provide a single, international hazardous property classification system. The table above shows the (broadly) equivalent New Zealand HSNO Classifications and the United Nations' Globally Harmonised System (GHS) classification.

It is important to note that the HSNO Classifications and GHS are classification frameworks and the particular classifications applied to a substance may vary between jurisdictions (for example Europe, the United States and New Zealand each have their own agency with responsibility for assessing and classifying hazardous substances). Differences between classifications can be due to the weight placed on particular toxicity studies (i.e. a jurisdiction may consider that a study is flawed) or in the event that new information becomes available (i.e. differences in the timing of the classification or re-classification of a substance). Where there is a discrepancy between the classifications applied to specific substances in the different schemes, the Trust's appointed technical advisors will review supporting information regarding the classifications on a case-by-case basis to determine and recommend to the Trust how these discrepancies should be managed within the life cycle context of the relevant product category. Where appropriate, technical clarifications and changes, with accompanying explanation, will be included in the relevant specification.

Appendix C: Information tables

Table C1: Formulation information table

Ingredient	Supplier	Ingredient function	Applicable sub-clauses of EC-29?	Any Supplier Statements required? (e.g. IFRA, E-Number, anaerobic degradation)	% in final product formulation	Does it meet the requirements in the applicable sub-clauses? (✓/✗)
e.g. cream-cleanser	*Toiletries-r-us*	*Surfactant*	*5.2; 5.5*	*Anaerobically degradable and biodegradable*	*9%*	✓

Table C2: Product information table

Product (Name)	Is the following information from 5.12.1 on the product labels? (✓/✗)					Can you substantiate any product claims made? (✓/✗)	Does the product packaging meet the requirements in 5.13? (✓/✗)	What is the weight utility ratio of the product packaging?	What are the HSNO classifications of the final product?
	Instructions for use (including dosage and dilution)	List of ingredients?	Legal requirements (HSNO/Group Standard)?	Nanomaterials present?	The required ECA statement?				
e.g. Shampoo	✓	✓	✓	✗	✓	✓	✓	*1.8*	*e.g. 9.1D*