



→ September 2005

Reporting on Restricted Substance Legislation for Apparel, Footwear and Sports Equipment.

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[June 15, 2005 | Switzerland | Restricted substances overview](#)

Switzerland's new chemicals decree

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REPORTING ON RESTRICTED SUBSTANCE LEGISLATION FOR APPAREL,
FOOTWEAR AND SPORTS EQUIPMENT

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→ Welcome to ECO-TRACK News



The ECO-TRACK newsletter describes those developments over the past month that may be of interest to ECO-TRACK users, as far as it regards restrictions for substances. Part of the information has been provided over the past months in the form of Regulatory alerts, another part of the information is of a less urgent nature, and therefore only included in this newsletter.

→ New Developments

1. European Union

New proposal to regulate phthalates in toys published

The text of the new phthalates proposal was made available in April. The content was similar to the information as provided to the ECO-track team by the European Commission in the last quarter of 2004. However, this new proposal was put forward to the European Parliament which came forward with a list of suggestions for amendments.

The Parliament and the Council could come to a compromise, of which the most relevant changes as compared to the proposal described in the previous newsletter are:

- the definition of child care articles will include products for hygiene (e.g. changing tables and mats that are placed on changing tables)
- no age limit for the ban on DINP, DIDP and DNOP in toys and child care articles that can be put in the mouth.

→ New Developments

European Union Continued

Substance	<ul style="list-style-type: none"> • bis (2-ethylhexyl) phthalate (DEHP) (CAS No 117-81-7 / EINECS No 204-211-0) • dibutyl phthalate (DBP) (CAS No 84-74-2/EINECS No 201-557-4) • benzyl butyl phthalate (BBP) (CAS No 85-68-7 / EINECS No 201-622-7)
Products	Toys and childcare articles
Requirement	<p>Shall not be used as substances or as constituents of preparations, at concentrations of greater than 0.1% by mass of the plasticised material, in toys and childcare articles.</p> <p>Such toys and childcare articles containing these phthalates in a concentration greater than the limit mentioned above shall not be placed on the market.</p>
Status	Proposal (Common position by the Council*)
Source	Common position adopted by the Council on 4 April 2005 with a view to the adoption of the Directive of the European Parliament and the Council amending for the twenty-second time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles)

→ New Developments

European Union Continued

Substance	<ul style="list-style-type: none"> • di-"isononyl" phthalate (DINP) (CAS No 28553-12-0 and 68515-48-0 /Einecs No 249-079-5 and 271-090-9) • di-"isodecyl" phthalate (DIDP) (CAS No 26761-40-0 and 68515-49-1/ Einecs No 247-977-1 and 271-091-4) • dioctyl phthalate (DNOP) (CAS No 117-84-0 / Einecs No 204-214-7)
Products	Toys and child care articles intended for children and which can be placed in the mouth.
Requirement	<p>Shall not be used as substances or as constituents of preparations, at concentrations of greater than 0.1% by mass of the plasticised material, in toys and childcare articles which can be placed in the mouth by children.</p> <p>Such toys and childcare articles containing these phthalates in a concentration greater than the limit mentioned above shall not be placed on the market.</p>
Status	Proposal (Common position by the Council *)
Source	<p>P6_TA(2005)0266</p> <p>Phthalates in toys and childcare articles ***II</p> <p>European Parliament legislative resolution on the Council common position with a view to the adoption of a directive of the European Parliament and of the Council amending for the twenty-second time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles) (5467/1/2005 – C6-0092/2005 – 1999/0238(COD))</p> <p>(Codecision procedure: second reading)</p>

→ New Developments

European Union Continued**Date of entry into force**

The new proposal with the adopted 'compromise' amendments will not be subject to any further discussions. It will be tabled at the first Council meeting after the summer. It is fair to assume that from then it will take some weeks / months to translate the final text in all EU languages after which it will be published in the Official Journal, probably this fall. It is expected that the Member States will be given up to one year to implement the requirements into their national legislation.

* The Council of the European Union (the "Council of Ministers" or the "Council") is the Union's main decision-making institution. It is composed of the ministers of the Member States and thus constitutes the EU institution in which the governments of the Member States are represented.

For more information:**Phthalates in toys and childcare articles**

<http://www.eco-track.com/docs/eucommposphthalates.pdf>

Phthalates in toys and childcare articles *II**

[http://www2.europarl.eu.int/registre/seance_pleniere/textes_adoptes/definitif/2005/07-05/0266/P6_TA\(2005\)0266_EN.doc](http://www2.europarl.eu.int/registre/seance_pleniere/textes_adoptes/definitif/2005/07-05/0266/P6_TA(2005)0266_EN.doc)

→ New Developments

2. Slovak Republic

Slovak republic notifies new restrictions for chemicals in apparel

Slovakia - Restricted Substances Overview

The Slovak Republic has notified the European Commission of a decree laying down the maximum allowable values for hazardous substances in textiles fibres and yarns, textile, leather and clothing products intended for direct contact with the skin. The information provided for the notification provides the following rationale for this new legislation. The draft decree, in the sense of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, provides for the protection of human health with respect to residues of organic and inorganic contaminants which might pass from textile and leather products in direct contact with skin into the human body. The results of market surveys point to a higher content of harmful substances in particular in products imported from certain Asian countries. Similar national legislation has also been adopted by other Member States, e.g. Germany, Czech Republic, Netherlands. A mutual recognition clause is included in Section 6 of the draft decree.

The standstill period of the EU notification procedure on June 2nd 2005. Parallel to this process the Slovak Republic also notified this measure under the TBT agreement. The final date for comments under the TBT agreement has been set on May 22nd 2005.

Restricted substances

The restricted substances and the maximum limit values are listed in the Annexes in the draft decree. The substances covered are:

Annex A: Maximum allowable values for:

- pentachlorophenol and
- free or escaping formaldehyde.

→ New Developments

Slovak Republic Continued

Annex B: List of chemical substances and products, the use of which in products is restricted or prohibited:

- Nickel and its compounds
- Cadmium and its compounds
- Mercury and its compounds
- Arsenic and its compounds
- Salts and esters of pentachlorophenol
- Polychlorinated biphenyls (except monochlorinated and dichlorinated),
- Polychlorinated terphenyls
- Tris (2,3 – dibromopropyl) phosphate
- Polybrominated biphenyls
- Tris(aziridinyl)phosphanoxide
- Organostannic compounds
- Alkanes, C10 – C13 chloroalkanes (short chain chlorinated paraffins (SCCPs))
- Azo dyes

Annex C: Maximum allowable values for extractable heavy metals:

- arsenic, cadmium, lead, copper, chromium, cobalt, nickel, mercury, antimony, chromium, hexavalent chromium.

Annex D: Maximum values for colour stability of dyed or printed yarns, fabrics, knitwear, or non-woven textiles.

For the maximum values of these substances, please see the [Annexes in the draft Decree](#). The legislation is scheduled to enter into force 1 January 2006.

Current state of affairs

The European Commission and Portugal have presented comments in reply to this notification. The European comments focus on whether or not this proposal is in line with the European agreements on the functioning of the internal market. The Portuguese comments are not public. This means that the proposal will be changed, but it is difficult to predict what the effects will be as far as the restricted substance requirements are concerned. The Ecotrack team will again put forward enquiries to the Slovak government to see what info they can provide in this respect.

→ New Developments

3. Norway**Norway proposes restriction of deca-BDE in products**

The Norwegian environment minister asked the Norwegian Pollution Control Authority in the beginning of this year to draw up plans for a ban on the brominated flame retardant deca-BDE. Norway now notified a proposal to the European Commission, that intends to amend Section 2-20 on pentaBDE and octaBDE of the Produktforskriften, to also include requirements for deca-BDE. It is proposed to enter into force on 1 July 2006.

The proposed exemptions are not relevant to apparel, since they all relate to different types of vehicles.

Substance (CAS Number)	<ul style="list-style-type: none"> • Pentabromodiphenyl ether (CAS: 32534-81-9) • Octabromodiphenyl ether (CAS: 32536-52-0) • Decabromodiphenyl ether (CAS: 1163-19-5)
Products	All products
Requirement	<p>It is also prohibited to produce, import, export and sell products or flame retardant parts thereof, containing one of these substances in concentrations higher than 0.1 % by mass.</p> <p>Such toys and childcare articles containing these phthalates in a concentration greater than the limit mentioned above shall not be placed on the market.</p>
Status	Proposal, proposed date of entry into force: July 2006
Source	Notification to the European Commission

Read more:

Norwegian proposal as notified (in English)

<http://www.eco-track.com/docs/nordeca.pdf>

Current section 2-20 of the Produktforskriften (in Norwegian)

<http://www.lovddata.no/for/sf/md/xd-20040601-0922.html#2-20>

→ New Developments

Norway Continued

Norway extends ban on SCCPs to products

Although Norway is not an EU Member State, considering its EEA membership, Norway usually follows EU legislation. In the case of Short chain chlorinated paraffins, Norwegian legislation however is broader of scope compared to EU legislation.

The harmonised EU legislation lays down that SCCPs and chemical preparations containing these substances are not allowed to be placed on the market for use for fat liquoring of leather and metal working if these are not allowed to contain these substances in concentrations over 0.1%.

Norwegian requirements

Contrary to the harmonised EU requirements, Norway not only prohibits the use of these substances for fat liquoring of leather and metalworking, but for all uses in general. In addition, the scope of the ban also covered solid finished articles that contain more than 0.1% SCCPs.

TÜV Rheinland indicated that although SCCPs are not often used for leather processing, the longer chain substances can contain SCCPs that fall under the definition of SCCPs as unintended impurities. Even so, tests performed by TÜV on leather products shown that this can lead to concentrations well over 0.1% SCCPs in finished products.

In answer to enquiries by the ECO-track team, the Norwegian government confirmed that leather products fall under the scope of "solid finished articles".

→ New Developments

Norway Continued

Substance	Short chain chlorinated paraffins. Short chain chlorinated paraffins means chlorinated alkanes with C 10-13, and a minimum of 48% (w/w) chlorine.
Products	finished products
Restriction	Solid processed articles containing more than 0.1% (w/w) short chain chlorinated paraffins
Status	Existing
Source	Produktforskriften (The Product Regulation, nr. 922 of 1 June 2004, § 2-17.

Read more:

Produktforskriften (section 2-17, in Norwegian)

<http://www.lovdatab.no/for/sf/md/xd-20040601-0922.html#2-17>

4. Sweden**Sweden notifies foreseen PFOS ban**

Sweden notified the Commission of its intention to introduce a ban on PFOS and related substances as well as on products containing PFOS and related substances. The aim of the draft is to reduce the supply of PFOS and PFOS-related substances and discourage new applications of these substances. Emission of PFOS-related substances is assumed to be possible during the whole of their lifecycle, i.e. during manufacture, use and after they have become waste. The Swedish notification explains that once a substance with as serious properties as those of PFOS has reached the environment it poses a threat to living organisms for a very long time.

→ New Developments

Sweden Continued

Substance	PFOS and related substances (as defined in the Swedish proposal)
Products	Chemical products and products containing PFOS and related substances
Requirement	<ul style="list-style-type: none"> • Chemical products containing PFOS or PFOS related substances are not allowed to be marketed to consumers • Chemical products containing PFOS or PFOS related substances are not allowed to be put on the market for professional purposes • Products containing PFOS or PFOS related substances are not allowed to be put on the market <p>Exemptions are not applicable to apparel</p>
Status	Proposal. The legislation is proposed to enter into force as of January 2007. The exemptions to this date are not applicable to apparel.
Source	Förordning om ändring i förordningen (1998:944) om förbud m.m. i vissa fall i samband med hantering, införsel och utförsel av kemiska produkter.

The 96 substances that fall in the category PFOS and related substances are listed in an Annex to the proposed amendment. You can find the list of substances in the document under 'read more'. A translation of the proposal in English is not yet available. The European Member States have until October 5, 2005 to comment on this proposal as far as it may have effects on the functioning of the internal market. This means that there is an official stand still period until this date.

Read more:

96 substances that fall in the category PFOS

<http://www.eco-track.com/docs/cfcontent.doc>

→ New Developments

5. Switzerland

Switzerland adopts new chemicals legislation

As outlined in the alert of Monday May 23rd, Switzerland's parliament has approved of several new texts that reform the Swiss chemicals requirements. It is foreseen to enter into force on August 1, 2005.

For ECO-track subscribers, marketing garments and footwear, the ChemRRV is the most important of the new texts. In the [June 14th special report in Eco-Track](#) a summary is provided of the most recent text available of the ChemRVV. Please note that Switzerland is not a member of the European Union, but it often does follow EU requirements, but is however sometimes more strict than EU requirements.

Overview of topics addressed in the Annexes to the ChemRRV

Please note that substances restricted mainly for consumer health reasons, are not included in the ChemRRV, but in the consumer products ordinance. Examples of substances covered there are nickel and azo colourants (apart from "blue colourant"). Substances covered in legislation other than the ChemRRV are not covered by this report.

→ New Developments

Switzerland Continued**Annexes**

- 1 Provisions relating to specific substances
 - 1.1 Halogenated organic compounds
 - 1.2 Short chain chlorinated paraffins
 - 1.3 Aliphatic chlorinated hydrocarbons
 - 1.4 Substances that deplete the ozone layer
 - 1.5 Substances that are stable in air
 - 1.6 Asbestos
 - 1.7 Mercury
 - 1.8 Octylphenol, nonylphenol and their ethoxylates
 - 1.9 Fireproofing substances
 - 1.10 Substances classified as carcinogenic, mutagenic or toxic to reproduction and other dangerous substances
 - 1.11 Dangerous liquid substances
 - 1.12 Benzene
 - 1.13 Nitroaromates, aromatic amines and azoic dyes
 - 1.14 Di- μ -oxo-di-n-butyl-stannyhydroxoborane (DBB)

- 2 Provisions relating to groups of preparations and objects
 - 2.1 Laundry detergents
 - 2.2 Cleaning products
 - 2.3 Solvents
 - 2.4 Biocidal products
 - 2.5 Plant protection products
 - 2.6 Fertilisers
 - 2.7 Deicing products
 - 2.8 Paints and varnishes
 - 2.9 Plastics
 - 2.10 Refrigerants
 - 2.11 Extinguishers
 - 2.12 Aerosol dispensers
 - 2.13 Fuel additives
 - 2.14 Condensers and transformers
 - 2.15 Batteries and accumulators
 - 2.16 Special provisions relating to metals
 - 2.17 Wooden materials

→ New Developments

Switzerland Continued**Interesting issues**

- Annex 1.2 includes the requirements that textiles and plastic and rubber products are not allowed to contain SCCPs (short chain chlorinated paraffins) in concentrations above 1% (w/w), whereas the harmonised EU requirements only restrict the use of such substances for 2 applications (metalworking and fat liquoring of leather).
- EU Directive 76/769/EEC sets a restriction for the marketing and use of substances and preparations meant for specific purposes containing nonyl phenols and nonyl phenol ethoxylates in concentrations over 0.1%. The scope of this use restriction has been extended by Switzerland to also include octylphenol and octylphenol ethoxylates for these same applications. For octyl phenols and ethoxylates, the date of entry into force is 3 years after the entry into force of the Ordinance (for nonylphenols and nonylphenol ethoxylates 1 year after entry into force of the Ordinance). According to the text available, this restriction is not extended to products, but focuses only on the use of these substances and the marketing of substances and preparations. For more information read Annex 1.8 of the ChemRRV.
- PBB is not mentioned in the paragraph covering flame retardants for textiles such as TRIS and TEPA. PBBs are covered by Annex 1.1: prohibited halogenated organic substances.
- The ban on mercury in Switzerland also covers objects containing mercury that is not limited to unavoidable impurities. No threshold limit is provided, enquiries are made to see if a threshold limit is used for enforcement.
- Please note that in Switzerland, substances that are restricted mainly from a product safety point of view are part of other legislation: For more information please refer to ECO-track or the update report of September 2003.

→ New Developments

Switzerland Continued**Other remarks:**

- Switzerland follows for "Blue colourant" the requirements of EU Directive 76/769/EEC. This means that also in Switzerland, the prohibition of blue colorant focuses on the marketing and use of substances and preparations containing more than 0.1% blue colourant. This ban is not extended to products marketed in Switzerland but which are dyed elsewhere. More information can be found in Annex 1.13. For the requirements that restrict the hazardous amines from azo dyes, reference is made to another legislative text: the Ordinance on consumer products (Verordnung über Gebrauchsgegenstände).

In Annex I you can find a table with information on the requirements for those substances applicable to apparel.

Read more:**Final version of ChemRVV**

http://www.bag.admin.ch/anmeldestelle/publikation/chem_recht/verord/d/ChemRRV.pdf

Eco-track update report covering the foreseen legislation

http://www.eco-track.com/docs/ecotrack_may04.pdf

Consolidated version of Directive 76/769/EEC.

http://europa.eu.int/eur-lex/en/consleg/pdf/1976/en_1976L0769_do_001.pdf

→ New Developments

6. International - POPs

Stockholm convention: suggestion to add POPs

Four chemicals are under consideration for addition to the international blacklist of POPs in the Stockholm Convention. The Stockholm Convention is a global treaty to protect human health and the environment from persistent organic pollutants (POPs). POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. POPs circulate globally and can cause damage wherever they travel. In implementing the Convention, Governments will take measures to eliminate or reduce the release of POPs into the environment. The Convention has been ratified by 97 countries and entered into force in May 2004.

According to Environment Daily, the delegations to the meeting on the Stockholm Convention from 2 – 6 May in Uruguay, decided that the following substance should be considered to be added to the list of POPs:

- Penta-BDE
- Hexabromobiphenyl
- Hexachlorocyclohexane
- Chlordecone

These four chemicals will now first be reviewed by a new review committee, which will first meet after the summer. Should these substances be added after this review, it is likely that those countries that ratified the Convention will in term set national legislation in order to fulfil the obligations of the Convention.

As you can read in Section on NGO issues, Greenpeace requested for another 16 substances to be added.

→ NGO Issues

1. Introduction.

The main issues that can be related to hazardous substances in (consumer) products currently raised by NGOs are often part of their lobby activities in the policy development of REACH.

In the first quarter of 2005 Greenpeace Italy tested several consumer product types on the presence of certain hazardous substances. WWF is planning to compare the presence of hazardous chemicals in human blood in 11 EU countries.

2. Greenpeace Italy.

Survey chemicals in consumer products

Greenpeace Italy commissioned TNO in The Netherlands to run substance tests on 12 consumer products. Among these products there were two items of children's garments.

The substances these items were tested for are:

- Alkylphenols (nonyl phenol, octylphenol and their derivatives)
- Polybrominated diphenyl ethers (PBDEs)
- Organotin compounds
- Phthalate esters
- Synthetic musks

Results for the t-shirt tests

The two t-shirts were tested for alkylphenols, phthalates and organic tin compounds. The results of the study show that in one of the t-shirts NPEO (nonyl phenol ethoxylate) has been found in a concentration of 354 mg/kg. TÜV indicates that a value of this magnitude does not pose a health risk, but it does show that this substance has been used in the manufacturing of this t-shirt.

→ NGO Issues

Greenpeace Italy Continued.

Also the values found for the phthalate DINP are in the samples of both t-shirts of a magnitude that shows that these substances are used. Please note that in sample preparation a representative sample was taken of the complete t-shirt. DINP is likely to be used only in the prints on the t-shirts, which indicates that the concentration in the print itself is likely to be higher than in the sample analysed.

Results of Greenpeace reports in relation to current legislation**Nonyl phenol ethoxylates**

In the European Union there is harmonised legislation that lays down a prohibition of the use of nonyl phenols and nonyl phenol ethoxylates for specific uses in concentrations of over 0.1% (w/w). Among these prohibited uses are:

- Textiles and leather processing except:
- processing with no release into waste water,
- systems with special treatment where the process water is pre-treated to remove the organic fraction completely prior to biological waste water treatment (degreasing of sheepskin).

No prohibition was established for the marketing of textile or leather products containing these substances.

The ECO-track team is currently unaware of stricter requirements in this field.

DINP

DINP is among the 6 phthalates currently banned under the emergency ban in the European Union. Please refer to the relevant section in this report for more information on the latest proposal for EU legislation on phthalates. Garments are currently not part of the definition of childcare articles, and therefore does not fall under the scope of the legislation.

However, when comparing the values found, 12051 mg/kg and 6969 mg/kg, it is concluded that the limit value of 0.1% established for toys and child care articles is exceeded.

→ NGO Issues

Greenpeace Italy Continued.**Greenpeace's conclusion**

Greenpeace concludes this project with a call to wider application of the substitution principle. According to their summary, many hazardous substances are used despite the existence of safer alternatives, because there is no legislative or economic requirement to systematically substitute them with safer alternatives. According to Greenpeace voluntary agreements are not enough to drive innovation and green solutions across the board. Greenpeace is of the opinion that this study shows that companies will continue to manufacture products containing hazardous chemicals, even if they are intended for young children, as long as regulations permit it. REACH needs to provide the legally binding structures to protect human health and the environment, and implement a chemicals policy based on precaution and driving innovation.

Read more:

Report including the test results

<http://www.greenpeace.org/international/press/reports/chemical-additives-in-consumer>

The Chemical Shopping basket: chemical analyses of 12 consumer products:

<http://www.greenpeace.org/international/press/reports/the-chemical-shopping-basket>

→ NGO Issues

3. WWF**Chemicals to be added to the POPs Treaty**

In the end of April, WWF released a list of 20 chemicals that it recommends be added to the Stockholm Convention on persistent organic pollutants (POPs). The Stockholm Convention is an international treaty that currently eliminates or severely restricts the production and use of 12 hazardous pesticides and industrial chemicals.

WWF's press release outlines that many of the chemicals they suggest to be added, are used in everyday products, such as packaging and furniture.

WWF suggests to add the following 20 substances to the POPs treaty:

Pesticides, insecticides, biocides and fungicides	Brominated flame retardants	Perfluorinated compounds	Other chlorinated chemicals	Unintentionally produced chemicals
Hexachlorocyclohexane (HCH)	Hexabromocyclododecane (HCBDD)	Perfluorooctanyl sulfonate (PFOS)	Pentachlorobenzene (penta-CB)	Chlorostyrene (OCS)
	Hexabromobiphenyl (Hexa-BB)	Perfluorooctyl acid and its salts (PFOA)	Short chain chlorinated paraffins (SCCPs)	Polycyclic aromatic hydrocarbons
Edosulfan	Pentabrominated diphenyl ether (penta-BDE)		Polychlorinated naphthalenes (PCNs)	
	Octabrominated diphenyl ether (octa-BDE)		Tetrachlorobenzene (tetra-CB)	
Dicofol	Decabrominated diphenyl ether (deca-BDE)			

→ NGO Issues

WWF Continued.**Non-stick rain - PFOS found in rainwater**

The WWF reported in May of this year about “non-stick rain” in Canada. Scientists have discovered that rainwater falling on the city of Winnipeg in Central Canada is contaminated by substances belonging to the group of perfluorinated chemicals: PFOS and PFCAs (perfluorocarboxylic acids). PFOS was found in concentrations of 0.59 ng/litre.

WWF mentions the following examples of applications where these substances are used: rain proof coats, refrigerants, non-stick pans, grease proof pizza boxes, and agrochemicals. They are stable substances that do not easily break down in the environment. These same qualities that make these substances attractive for consumer use, are those that make them potentially harmful to people and wildlife. Their chemical stability means that they are gradually building up in the environment and the atmosphere.

According to the OECD's assessment of its hazards, PFOS is persistent, bioaccumulative and toxic to mammals. The Freshwater Institute that was involved in this study, pointed out that it was not possible to pinpoint a specific source of the contamination. Both local and remote sources could be contributing to the presence of these chemicals in the atmosphere.

Read more:

WWF news

http://www.panda.org/about_wwf/what_we_do/toxics/news/news.cfm?uNewsID=20401

→ NGO Issues

Annex 1 – Swiss ChemRRV

Selection of requirements of the Swiss ChemRRV that are potentially relevant to apparel.

[Swiss ChemRRV Annex 1.](#)

→ Contacts

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