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NOTE

From:	IT delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
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Subject:	Better protection of consumers and the environment from harmful substances in detergents - IT comments on Danish non-paper on Detergents Regulation



Ministero della Salute

Ex DIREZIONE GENERALE DELLA PREVENZIONE SANITARIA
Ex Ufficio 4 - Prevenzione del rischio chimico, fisico e biologico e promozione
della salute ambientale, tutela salute e sicurezza nei luoghi di lavoro

Better protection of consumers and the environment from harmful substances in detergents

Italy agrees with the issue exposed by the Danish non-paper

There are many Borderline products on the market for detergents and biocides: these are products with detergent claims (therefore would be characterized by mechanical action to achieve an adequate level of hygiene) but which have the fulfillment of biocidal products (therefore characterized by chemical action, aimed at reducing dangerous human infestations; in the case of disinfectants, they reduce the bacterial population by 3 logs [99.9%], through chemical action).

These products are not illegal, as the claim is for detergents, but they represent serious problems:

- excessive use of chemicals that are often harmful to human and environmental health: if the purpose is mere cleansing, it makes no sense to use chemicals with concentrations of biocidal action.
- selective pressure on microorganisms, with possible onset of resistance: detergents must have mechanical action, so they must not operate a selective pressure on microorganisms.

These products are difficult to counteract with enforcement activities, also because if detergent and biocide legislation are based on the claim, there are no legislative footholds to sanction such products.

In addition, this legislative vacuum allows the marketing of detergents from third countries, with serious environmental damage for Europe and unfair competition for EU companies that properly invest in biocides.

It could be easier to intervene in the legislation on detergents, as it would be sufficient to define that a detergent cannot contain biocidal substances at concentrations that would exert a biocidal action by chemical mechanism.

The issue raised in the non-paper concerns the borderline between the detergent regulation and the BPR, an issue that is related to a practical issue submitted on 2019 to the BPRS (Biocide products regulation subgroup of the FORUM ECHA) and to an issue previously raised among the biocides CAs and concluded with an **Article 3(3) decision in 2022 (COMMISSION IMPLEMENTING DECISION (EU) 2022/146 of 1 February 2022** determining whether a product containing Alkyl (C12-16) dimethylbenzyl ammonium chloride is a biocidal product, pursuant to Article 3(3) of Regulation (EU)).

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