INCPA
International Network of Cleaning Product Associations
Representing products that improve the quality of life

Associação Brasileira das Indústrias de Productos de Limpeza e Afins (ABIPLA)

Accord Australasia (ACCORD)

American Cleaning Institute (ACI)

Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien (A.I.S.E.)

Canadian Consumer Specialty Products Association (CCSPA)

Consumer Specialty Products Association (CSPA)

Japan Soap and Detergent Association (JSDA)

Principles for Chemicals Management Policies

Background:

The **International Network of Cleaning Product Associations (INCPA)** is an informal coalition of trade associations located in various regions of the world that represent cleaning product formulators. The Network coordinates and actively engages in targeted efforts to better understand and address chemical management issues of an international or a cross-regional nature that affect the cleaning products industry.

Belief Statement:

Cleaning products are essential to society. INCPA members are committed to developing, manufacturing, distributing, and marketing innovative, sustainable and effective products that are safe for consumers and the environment. The Network's members are committed to the development of products that improve the quality of life through hygiene and cleanliness, can be used safely and without unreasonable risk to the environment, and fulfill the principles of sustainability, as well as meeting or exceeding governmental safety requirements.

The member associations of INCPA support chemical management policies at the national, regional, and intergovernmental levels that meet the following principles.

<u>Protect Consumers and Technological Innovation</u>

Chemical management policies should:

1. *Promote company, government, and other programs to enhance consumer awareness of the importance of reading and following label instructions for safe product use, storage, and disposal.*
2. *Protect and promote innovation in new technologies, processes, and product development to support the global competitiveness of chemical producers, distributors, users, and retailers.*
3. *Minimize imposition of potential trade barriers and be consistent with the rules of international trade*.

   There should be no discrimination in the way that technical regulations, standards, and conformity assessment procedures are applied between domestic and imported products, nor between imports from different supplying economies with comparable standards and regulatory systems.
4. *Minimize the impact on competition*.

   Regulation should be designed to have minimal impact on competition. Although it may be necessary, for example, to regulate some aspects of commercial practice, regulation should avoid imposing barriers to entry, exit, or innovation. Regulation should not restrict competition unless it can be demonstrated, in a fully transparent manner, that the benefits to the community from a restriction on competition outweigh the costs; and the objectives of regulation can be achieved only by restricting competition.

<u>Prioritization Screening and Assessment</u>

Chemical management policies should:

1. *Lead to the development and implementation of a process to set priorities for chemical substances and uses that require safety evaluation at the national or regional level, taking into consideration both*

the potential degree of hazard and potential exposure, with reasonable timelines to complete the process.

Such processes should screen chemicals and uses based on existing information, and in the process learn what, if any, other information might be necessary for substances needing a safety evaluation. The underlying methodology for the prioritization system should be scientifically sound, well documented and publicly available.

2. *Recognize industry voluntary measures*.

   Industry programs provide effective tools to manage the health, safety and environmental aspects of a chemical throughout its lifecycle on a voluntary or co-regulatory basis.

3. *Look to company-performed safety assessments of products (formulations) that take into consideration the product's life-cycle*.

   The assessments should be performed prior to marketing and when emerging health and environmental concerns warrant. The process should assure that the risks of chemical manufacture, distribution, use, disposal, and recycle or reuse are adequately characterized and considered.

4. *Follow a tiered risk assessment approach in order to reach risk management decisions efficiently*.

   Assessments should use increasingly higher tiers of information until the level of uncertainty is diminished to the point it allows a level of risk to be deemed acceptable or risk management steps need to be taken. For example, if an assessment using worse case assumptions shows that a risk is acceptable, further refinement of the assessment should not be required. Such risk assessment should cover all intended uses throughout the product life cycle.

5. *Utilize relevant international standards wherever possible*.

   The WTO Agreement on Technical Barriers to Trade (TBT) recognizes the important contribution that international standards make in furthering the objectives of the General Agreement of Tariffs and Trade (GATT) 1994 by improving efficiency of production and facilitating international commerce. The Agreement obliges WTO Members to use relevant international standards (if such standards exist or their completion is imminent), or the relevant parts thereof, as a basis for their technical regulations, except when such standards or their relevant parts would be an ineffective or inappropriate means for fulfilling the legitimate objectives pursued.

Data/Information Availability, Sources, and Transparency

Chemical management policies should:

1. *Be based on an expectation that chemical producers, distributors, users, and retailers have hazard and use/exposure information on chemical substances needed for safe use*.

   Industry should provide governments and the public with meaningful information about safety to enhance public confidence and trust in the industry, including ingredient communication systems where appropriate, while respecting confidentiality of information where it is essential to business.

2. *Avoid unnecessary and duplicative chemical screening processes, data development, and animal testing*

   a. Data and information submitted under the chemical management systems applicable in one jurisdiction should be leveraged to the extent possible in other jurisdictions, as well as information from inter-governmental organizations. Examples include the:

      i. High Production Volume (HPV) ICCA/OECD program (International Council of Chemical Associations/Organization for Economic Cooperation and Development)

      ii. High Production Volume (HPV) U.S. Challenge program (U.S. Environmental Protection Agency)

      iii. High Production Volume (HPV) Japan Challenge program (Japan – METI, MHLW and MOE)

      iv. Canadian Chemical Management Plan (Health Canada and Environment Canada)

v. European Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) regulation, (European Union: DG-Environment and DG Enterprise)

vi. Amended Chemical Substances Control Law (Japan – METI, MHLW and MOE)

b. The development, governmental acceptance, and use of alternative test methods validated by internationally recognized principles that do not compromise the protection of human health and the environment while reducing, refining, and replacing animal testing should be encouraged.

3. *Be developed in consultation with stakeholders, subject to public review and comment and periodic re-review*.

Effective consultation is fundamental in ensuring that the optimal regulatory outcomes are achieved. Consultation ensures that both the regulator and the regulated understand the problems, have alternative options to address the problems, and can identify costs as well as enforcement and compliance mechanisms in administering the regulatory requirements. It also enables civil society to engage directly with government in identifying and addressing problems, leading to a more engaged and constructive dialogue with all parties involved.

4. *Have a clear delineation of regulatory responsibilities and effective and transparent accountability mechanisms*.

Overlapping or inconsistent regulation within the jurisdictions can have significant adverse consequences for economic and regulatory efficiency. High level political support is critical for implementing successful regulatory reform initiatives. An integrated policy is essential in ensuring that policies and regulations are mutually supportive and not duplicative. There is also a need for institutional mechanisms to monitor and enforce the integrated policy and to oversee the cost/benefit and regulatory impact assessment processes established to introduce transparency and accountability into the regulation making processes.

The overarching institutional framework for the national harmonisation of regulation should:

a. Encourage continuous dialogue with the regulated community and other stakeholders regarding conflicting or duplicative mandates to achieve greater regulatory efficiency;

b. Encourage the timely development of nationally consistent and preferably uniform regulations;

c. Discourage regulatory agencies and standards setting bodies from adopting unduly stringent and poorly justified regulations;

d. Promote compliance with decisions to rationalize and harmonize areas of regulation.

Regulatory Decisions

Chemical management policies should:

1. *Base regulatory decisions on sound scientific safety assessments that address the safety of priority chemicals for intended uses*.

Good regulation should attempt to standardize the exercise of bureaucratic discretion, so as to reduce discrepancies between government regulators, reduce uncertainty, and lower compliance costs. However, this should not preclude an appropriate degree of flexibility to permit regulators to deal quickly with exceptional or changing circumstances or recognize individual needs. Nor should it ignore the danger of administrative action effectively constituting regulation and thus avoiding disciplines of regulation review. There is a need for transparency and procedural fairness in regulation review, and administrative decisions should be science-based and subject to effective administrative review processes.

2. *Apply appropriate and proportionate use-restrictions and/or other regulatory action on identified priority chemicals when scientific based assessments indicate that a substance otherwise cannot be used safely in a product or use application*.

3. *Base regulatory decisions on a "weight-of-evidence" approach, and provide a means to consider a chemical's risks, benefits, and costs (including social benefits and costs), as well as those of potential alternatives*.

4. *Provide appropriate staff and financial resources to regulators to assure that the chemical management system can be implemented efficiently and effectively*.

5. *Encourage collaboration between governmental authorities and with international agencies. Confidential Business Information relevant to a safety assessment should be shared between governments under appropriate assurances of protection against disclosure*.

6. *Lead to regulatory processes that produce predictable decisions to provide legal certainty*. *Lead to decisions on ingredients that are informed by the best environmental and human health information*.

   Any alternatives should be technologically feasible, deliver the same or better value in cost and performance, provide an improved profile for health and environmental issues, account for economic and social considerations, and have the potential to result in lasting change.

7. *Impose chemical regulations that are the minimum required to achieve their stated objectives.*

   Specifically, regulations should:

   a. Ensure overall benefits justify costs, and ensure that the regulatory approach chosen has higher net benefits than its feasible alternatives.

   b. Be kept simple to avoid unnecessary restrictions

   c. Target at the problem to achieve the objectives

   d. Not impose an unnecessary burden on those affected; proportionate to the problem and set at levels that avoid unnecessary costs

   e. Not restrict competition, unless net benefit is demonstrated

   f. Not be unduly prescriptive; performance and outcomes focused

   g. Be accessible, transparent and accountable; readily accessible to the public and easy to understand, clear and concise, written in plain language and communicated effectively

   h. Be flexible enough to deal with special circumstances

   i. Be open to appeal and review

   j. Be integrated and consistent with other laws; address a specific market failure or other significant problem not addressed by other regulations, and recognize existing regulations so as to avoid overlap/duplication and international obligations

   k. Be enforceable; able to be monitored and policed effectively, and fairly and consistently enforced

For information about INCPA, go to www.INCPA.net.