



SWISS SCC Education Seminar 2011

»Law and Order« actual requirements of legal and social (sustainability) aspects



Participants of the seminar

The seminar was held on November 17 in Olten, Switzerland, organized by Petra Huber. Dr. Philippe Auderset introduced the morning subject to the participants. The focus of the full morning was legal aspects and actual news.

The first subject of the day was the new Cosmetic Directive 1223/2009. Cinzia Vela, Impag AG, gave us an overview about the changes versus the present directive.

One aim of the new directive is harmonization of standards and processes within the EU to achieve simplification of procedures. Contents of the harmonization include the increase of consumer safety, more precision in requirements of safety evaluations and protection of consumers against misleading advertising.

The implementation planning of the new directive is staggered in the regulation of CMR-substances, Nanomaterials and endocrine substances

and their claims. From July 13th, 2013 the new directive will come into force.

The new requirements have been supplemented with clear rules about a »responsible person« and a uniform, central notification procedure. Rules for regulatory market controls and a good administration practice as well as the close cooperation between member states are mandatory.

To guarantee the high health protection level the production according to GMP with respect to harmonized standards like DIN ISO 22716 has to be followed. Changes are made with respect to the classification of CMR-substances and their requirements for the approval and use in cosmetic products. New changes are affecting claims, the administrative market control and the report of and naming of serious unwanted effects under mentioning the product names and the initiated corrective measures.

The second speaker was talking about actual legal question from the viewpoint of the implementation. Ursula Senft from the cantonal laboratory of Zurich summarized this subject with practical examples. The cantonal laboratories examine not only the chemical character of cosmetic products but also the labelling and advertising. The use of anti-microbial substances, UV-filters and others are analytically checked for the conformity with their fixed maximum quantities. The labelling is examined for legibility, completeness, availability of at least one official language (exception warning notice) and healing claims. Since the commencement of the declaration obligatory for allergenic fragrance components investigations with on average fifty probes are conducted annually. Complaint quotas of between 30-50% confirm the necessity of regular inspections. In the area of preservation and bleaching com-

ponents deficiencies are assessed with regular inspections.

The main labelling deficiency is the missing warning notices in all three official languages. Also forbidden claims like »disinfecting« or »anti-inflammatory« are often be found. In the context with this problem of demarcation and regarding the legibility legal regulations allow a certain range of interpretation. Thus the demarcation and legibility result in an increased demand for discussion.

Positive for Swiss producers is that their products are less a reason for complaints in comparison to non EU and EU products.

Kurt-W. Lüthi, from the Swiss Federal Office of Health, the next speaker, summarized the activities within the federal office regarding nanotechnology and nanomaterials.

Nanomaterials can be used in a huge number of applications, in many industrial areas. It is not only the field which needs to be monitored but also the areas of medicine and health, information technology, material science, food and others. Why is nano different and what makes it a risk for humans? Its new physico-chemical properties like the quantum effects.

It's the relation of mass to surface. The surface is much bigger in comparison to macroscopic particles. Another important factor is toxicokinetics. They can penetrate biological membranes. The definition according to the Scientific Committee on Emerging and Newly Identified Health Risks, 2009 is as follows:

Nanomaterials are usually considered to be materials with at least one external dimension that measures 100 nanometers or less or with internal structures measuring 100 nm or less. They may be in the form of particles, tubes, rods or fibres. The nanomaterials that have the same composition as known materials in bulk form may have different physico-chemical properties than the same materials in bulk form, and may behave differently if they enter the body. They may thus pose different potential hazards. Aggregated nanomaterials also need to be assessed in this light as they may exhibit properties that are similar to those of the single nano-particles, especially when they have an unusually large surface area for a given amount of material.

Legally nanomaterials are implemented in the existing laws. Self control

and prevention principles are part of the food-, chemical- and environmental law. Manufacturers are obliged to ensure their products safety. Unfortunately the laws have scientific and methodical gaps. The knowledge about the effect of nanomaterials on men and animals are insufficient. This deficiency of scientific knowledge makes a sound risk analysis impossible. There are no reliable definitions or measurement standards yet to prove the properties of synthetic nanomaterials. These, however, are important prerequisites for a regulation. The specific properties of synthetic nanomaterials are not considered in applicable legislation.

The Swiss legislation has defined an action plan in 2 phases, to recognise the risks of synthetic nanomaterials despite existing scientific gaps and to control them in the frame of the existing legislation. In a first phase scientific and methodical fundamentals and in parallel aids for the safe contact with synthetic nanomaterials should be developed. They must be according to the actual to date knowledge and they must be with a practical orientation. In a second phase the enactment law must be adopted



Coffee break with busy discussions

where appropriate. Today the bridge between phase I and phase II is reached. In the foreground are supplements of existing compulsory registration with information about the identification of nanomaterials and declaration settlements.

All relevant nanomaterial information about the progress of the activities can be found on a website of the Swiss government as a service to the citizens.

After this presentation the seminar delegates went for lunch and the afternoon session was introduced by *Petra Huber* from the ZHAW. The afternoon's subject was all about sustainability, with different examples along the value-added chain; from raw materials to product development and design.

Sustainability – hot air or relevant factor for success? This is the title of the next presentation, presented by *Reto Hagenbuch* from the University of Applied Sciences Zurich (ZHAW), the institute of Environment & Natural Resources.

During the UN-Conference for environment and development in Rio de Janeiro 1992 the political idea of a sustainable development was nominated as leading international development maxim. According to the Rio-declaration a society is sustainable if the needs of the today's society can be satisfied without overexploitation for future generations (take of the interest rate, not of the capital). How can in this context a private company guarantee economical growth and the preservation of jobs (social requirements) and at the same time decouple it from the resources use (ecological requirement)? Additionally companies are more and more forced to establish a sustainability management and to communicate this activity. Sustainability is no longer just nice to have but - if taken seriously – a success factor. *Ms Karin Kleeli*, Director of

Research and Development of Mifa AG in Frenkendorf (CH) showed by means of an example how sustainability in the area of washing agents can be put into practice. With the Vision of Migros Industry the sister company Mifa AG (today Mibelle Group) has signed the »Charter for sustainable washing« of the washing agent industry A.I.S.E and is committed to optimize the whole supply chain from the production of the product up to the washing process at the end consumer and make it more efficient. Therefore according to the given example not only raw material and packaging costs could be saved but also resource consumption of energy and water could be reduced significantly. Practical tips for the end user to make the washing process even more sustainable rounded the exiting excursion.

Ina Schneider, Diplom Designer of the Academy »ecosign« in Cologne (D) demonstrated a refreshing contribution how sustainability can be combined interdisciplinary. After an introduction of the term sustainability with the three pillars, she illustrated in form of projects from the Academy »ecodesign« the big challenges a designer in the 21st century is confronted with. To develop things with a maximized benefit but without extra burden of the environment and to find a common sense between material and content for the communication design.

PD Dr. Barbara Frei-Haller of the University Neuenburg (CH) and foundation board member of the foundation Biovision took the participants on to a journey into the protected forests in East Africa. With the last presentation the social responsibilities and »Fair Trade« aspects were discussed.

By deforestation and overuse these essential and unique eco systems are threatened to die out. Neighboring

farmer families are forced to use wood, medical plants and cattle fodder in a destructive way of the protected areas to secure subsistence. In order to work against this trend Biovision, together with local partner organizations, has initiated a pilot project around the Kakamega Forest in the northwest of Kenya. Native flavour and medical plants are grown by farmers on their own ground. Local co-operations work for a technology transfer close together with the institute »i c i p e« to ensure a controlled cultivation, stable sales prices and they process the raw materials. The extracts of the plants are used to produce a number of products for different health and healing purposes which are sold on local and national markets. Beside the base of life the involved people are sensitized for biodiversity and feel committed by the community to a sustainable handling with the environment.

The next educational seminar this year is standing under the slogan:

»Best ager« – specific challenges of a growing market!

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