Accord Actions in response to Expert Panel Recommendations

Recommendation	*Action Taken*	*Rationale*
1. The Scheme documentation should contain a logic tree showing the logic behind the development of the evaluation scheme.	Recommendation adopted. A logic tree has been included in Scheme documentation (also see Recommendation 15)	Inclusion of a logic tree as per Recommendation 1 is anticipated to aid the application process and provide additional transparency regarding the technical evaluation.
2. Companies accredited by this Scheme commit to discussing with the user or purchaser of their products the end destination of the product and make a recommendation to the user or purchaser accordingly regarding its potential impact in that environment.	Recommendations 2 and 3 were considered together and addressed through the following changes to the Standard Criteria document: • Addition of Section 7, "Additional Information": "*Applicants may have additional requirements relating to, but not covered by the Scheme as detailed in sections 1-6.* *"Such requirements could include, for example:* *"Additional advice regarding the suitability of the product to direct-release scenarios (for products that are assessed as meeting all criteria for this Scheme).* *"Additional explanation/feedback regarding specific*	It is beyond the scope of this Scheme for the third-party assessor to provide individual feedback as part of every assessment. This addition to the Standard Criteria provides the mechanism by which applicants with additional requirements may discuss these with the third-party assessor.
3. The third-party assessor should indicate products		

that are unsuited to direct-release scenarios.	*aspects of, or the outcome of, the third-party assessment.* *"All such requirements are subject to negotiation with the third party assessor including regarding an additional fee for the additional service requested."* • Increased information around product destination: *"For the vast majority of contexts, the immediate receiving environment for commercial cleaning products post-use is the sewage/wastewater system operating in the specific area of use. This Scheme does not, nor can it, consider all potential disposal scenarios including accidents and intentional misuse." (Section 6.2)* *"Direct-release scenarios are uncommon, with the vast majority of commercial cleaning products entering a wastewater treatment system following use." (Section 6.2.2)* *"Meeting the 10-day window for ready biodegradation test is very conservative for most commercial products, the vast majority of which will enter sewage treatment systems." (Section 6.2.2 - Note 4 to Table 1)* *"This Scheme does not, nor can it, take into account all potential misuse scenarios, including accidental or intentional unregulated release to natural waterways." (Section 6.2.2 - Note 12 to Table 1)*	Whilst customer requirements do differ, the vast majority of commercial cleaning products will end up in wastewater treatment systems following use. Customers requiring direct-release products will be uncommon, and will enquire of the manufacturer regarding their specialised needs. It is therefore most pragmatic that the third-party assessor only provide information regarding the suitability of a product to direct-release scenarios upon request, as per Section 7 of the Standard Criteria. This information will help reinforce that the vast majority of commercial cleaning products end up in the sewage treatment system, and that this scheme does not nor can it consider all potential scenarios including accidents and intentional misuse of product.

4. Companies accredited via this Scheme should guarantee their full compliance with national and State and Territory public health, workplace and environmental regulatory frameworks and /or standards.	Recommendation not adopted. The following changes (in bold) were made to the Standard Criteria document: *"This Scheme also recognises that Australia has a rigorous regulatory system for the protection of human health and therefore does not duplicate requirements and protections already in existence. Such a practice would be seeking to leverage compliance, which is a* ***legal and*** *mandatory requirement, for commercial advantage.* ***Rather, it is expected that the Applicant (and contract manufacturer, for products where the Applicant is not also the manufacturer) complies with all relevant environmental and human health regulations (including labour, anti-discrimination and safety regulations). Any non-compliance with regulatory requirements should be dealt with by relevant regulatory authorities.*** *"****Relevant Australian regulatory bodies include*** *NICNAS (National Industrial Chemicals Notification and Assessment Scheme), the TGA (Therapeutic Goods Administration), APVMA (Australian Pesticides and Veterinary Medicines Authority), the ACCS (Advisory Committee on Chemicals Scheduling),* ***FSANZ (Food Standards Australia New Zealand) and the Australian Competition & Consumer Commission (ACCC).****"*	Australia has a rigorous regulatory system. Compliance with national and State and Territory regulations is a legal requirement and therefore does not need to be guaranteed/duplicated via this Scheme. Instances of non-compliance need to be dealt with by the appropriate authorities. Addition of this information to the Standard Criteria will help to make clear the role of Australia's regulators.

5. Accord provide contingency action for potential company non-disclosure of certain key ingredients in the Scheme.	Recommendation covered in the legal documentation for the Scheme.	The issue of non-disclosure, and other potential instances of non-compliance with the Scheme requirements, are best addressed through legal mechanisms.
6. A whole-of-use assessment should be made in considering the relative toxic effects of product concentrates *versus* diluted product.	Recommendation not adopted. The following changes (in bold) were made to the Standard Criteria document: *"Each of the **undiluted** chemical product components, **or the undiluted whole product**, must meet the requirements for aquatic toxicity, persistence and bioaccumulation set out in **Table 1…**" (Section 6.2.2)* The following note was added to the Standard Criteria document: *"The criteria in Table 1 provide a highly conservative approach for the vast majority of commercial cleaning products. The assessment is performed on the undiluted ingredients, but in most real-life contexts these components will be diluted prior to product use,*	A whole-of-use/risk assessment is beyond the scope of this Scheme, since the third-party assessor cannot perform a reliable product risk assessment that considers all potential legitimate use scenarios, let alone account for accidental spills and intentional misuse. Addition of this information helps clarify: • That the criteria in Table 1 relate to the neat ingredients in the product, and not the diluted product • That the approach taken in Table 1 is highly conservative, given that the toxicity requirements relate to the neat ingredients which, for the majority of products will be diluted in use, again when entering the wastewater/sewage treatment system, and finally when entering the receiving waters following treatment. The Report of the Expert Panel describes the Scheme as taking a "highly conservative approach for products that will eventually enter the sewage treatment process" (p4)

	diluted subsequently as they enter the wastewater system, and then diluted finally as they enter receiving environmental waters following treatment. Therefore any toxic effects of the undiluted ingredients will be significantly mitigated by the time they reach environmental waters." (Section 6.2.2 – Note 11 to Table 1)	
7. Product toxicity should be assessed on the product as a whole at point of use, and where this information is not available, use of individual chemical acute toxicity data is appropriate.	Recommendation incorporated. The following changes (in bold) were made to the Standard Criteria document: *"Each of the undiluted chemical product components, or the **undiluted whole product**, must meet the requirements for aquatic toxicity, persistence and bioaccumulation set out in Table 1…" (Section 6.2.2)* The following note was added to the Standard Criteria Document: *"Where available, whole-product toxicity test data will be considered in preference to individual ingredient data" (Section 6.2.2 – Note 2 to Table 1)* The "Hierarchy of data preferability for Table 1 – 1. Existing primary experimental test data" was expanded to indicate that whole-of-product toxicity data be considered in preference to individual ingredient data if	Table 1 sets rigorous criteria for toxicity, persistence and bioaccumulation, which are highly conservative for products entering sewage treatment processes (see above point). *The Expert Panel Report states that (page 5):* *"the broad scheme for assessing ingredients in terms of toxicity, persistence and bioaccumulation potential (Section 6.2.2) is sensible and is passed upon international best practice…"* The expanded hierarchical approach sets clear guidance for the third-part assessor, and provides transparency for the end user as to how the assessment is being made. Both of these aspects are important in minimising ambiguity and subjectivity.

	available: ***"As described in Note 2, above, whole-product toxicity test data will be considered in preference to individual ingredient toxicity data where it is available." (Section 6.2.2)***	
8. A specific statement should be made regarding heavy metals with manufacturers required to specify that they are not present in the feedstocks used in the commercial cleaning products.	Recommendation not adopted. References to "heavy metals" in the Standard Criteria document were replaced with the term "metals", followed by a list of included metals: *"Each dye or colorant shall not have any of the following metals intentionally added during its production: Arsenic, Cadmium, Cobalt, Hexavalent Chromium, Lead, Manganese, Mercury, Nickel, and Selenium."*	Guaranteeing that there are no trace amounts of these metals in raw materials is not feasible since trace (parts per billion) amounts will always be found as impurities in feedstocks. These trace amounts have minimal impact on the environment. Additionally, metals analysis is not routinely undertaken/reported for all materials. This change reflects widespread inconsistent use of the term "heavy metals". The article *'"Heavy Metals"- A Meaningless Term'* (Chemistry International, Vol. 23, No. 6, November 2001, www.iupac.org/publications/ci/2001/november/heavymetals.html) describes the variation in definition and meaning for "heavy metal" found across regulations and scientific literature, and advocates an approach that considers the unique properties of each individual metal individually (see below extracts): *"The term "heavy metal" has never been defined by any authoritative body such as IUPAC...it has been given such a wide range of meanings by different authors that it is effectively meaningless. No relationship can be found between density (specific gravity) or any of the other physicochemical concepts that have been used to define heavy metals and the*

		toxicity or ecotoxicity attributed to heavy metals. *"Understanding bioavailability is the key to assessment of the potential toxicity of metals and their compounds…* *"If metallic elements are to be classified sensibly in relation to toxicity…each metal species and compound should be treated separately in accordance with their individual chemical, biological, and toxicological properties."*
9. Neither option 1 nor 2 in Note 4 to Table 1 be adopted[1], but that the expertise of the third-party assessor be relied upon to make the decision regarding the acceptability of data sets relating to products containing ingredients with aquatic toxicity ≤1 mg L^{-1}.	Recommendation adopted. The Standard Criteria document was changed to clarify the third-party assessor's role in such cases (changes in bold): *"For some mixtures of structurally similar chemicals e.g. surfactants, testing may be performed on the mixture. In such circumstances where it is anticipated that a sequential biodegradation of the individual structures is taking place, the 10-day window result is deemed inappropriate to use to interpret the result of the test. (See OECD Guidelines for the Testing of*	The third-party scientific assessor has the necessary expertise to make the decision in such cases. Having the final decision residing with one expert body will promote consistency of outcomes.

[1] *Options 1 and 2 in the original Note 4 to Table 1 (now Note 5) in the Standard Criteria document reviewed by the Expert Panel stated:*
Option 1: In these cases, the 28 day pass level applies (see GHS Part 4 Section 4.1.2.11.3a, www.unece.org/trans/danger/publi/ghs/ghs_rev03/English/04e_part4.pdf and GHS Annex 9 Section 9.4.2.2.3 www.unece.org/trans/danger/publi/ghs/ghs_rev03/English/13e_annex9.pdf).
Option 2: In these cases, mixtures of structurally similar components with acute aquatic toxicity <1 ppm are not permitted.

	Chemicals, Section 3, Part 1, Paragraph 43.) ***For such mixtures with acute aquatic toxicity ≤10 mg L^{-1}, the third-party assessor will make an expert determination regarding the acceptability of the data set."*** *(Section 6.2.2 – Note 5 to Table 1)*	
10. Accord consider using terminology different to 'no phosphorus' for products in which very low amounts (≤0.5%) of phosphorus may be incidentally present.	Recommendation adopted. The Standard Criteria document was changed to state (changes in bold): *"Alternatively, a "No* ***intentionally added*** *phosphorus" claim can be made for commercial cleaning products* ***that have been*** *formulated without phosphorus (in any form).* ***However these products may contain trace amounts of incidental phosphorus.*** *Rationale:* ***Phosphorus that enters inland or static waterways can contribute to eutrophication. However,*** *with the majority of Australia's treated waste being discharged to the ocean, phosphorus content is not an important consideration for most Australian contexts.* *With the exception of toilet bowl cleaners, laundry detergents and dishwash detergents* ***which may have intentionally added phosphorus****, phosphorus is not present to any great extent in commercial cleaning*	Addition of the words "intentionally added" makes the final wording of "No intentionally added phosphorus" a more accurate reflection for products that may contain trace amounts as incidental ingredients. Explanation of the sources of incidental ingredients in added for clarity.

	products. ***Intentionally added ingredients are all the constituents of a formulated chemical product with the exception of incidental ingredients. Incidental ingredients are those ingredients that have no technical or functional effect in the product, but which may be present in the product at trace levels as an ingredient of another product ingredient, or as a result of their use during manufacture as processing aids."*** *(Section 6.2.5)*	
11. In Section 6.2.6 (sodium), the Rationale be changed to only specify the ubiquitous nature of sodium in the environment.[2]	Recommendation adopted. The Standard Criteria document was changed to state (changes in bold): "*Rationale:* ***Sodium is ubiquitous in the environment****. For specific situations where the sodium content of the commercial cleaning product is relevant, Applicants agree to disclose the sodium content."*	The widespread presence of sodium in the environment is an important and relevant point to include in the Standard Criteria document.

[2] *The Rationale in the* original Standard Criteria document reviewed by the Expert Panel stated:

"With the majority of Australia's treated waste being discharged to the sodium-rich ocean, sodium content is not relevant for most Australian contexts. For situations where sodium content is relevant, manufacturers agree to disclose the sodium content."

12. The whole of Section 6.3 be removed from the main section of this document and included as an Appendix indicating that these issues have been considered and are regulated elsewhere.	Recommendation not adopted – Section 6.3 retained in body of Standard Criteria document, which was changed to state: *"Human health criteria are included in this primarily environmental Scheme in recognition of the potential for human exposure to commercial cleaning products, in either concentrate or dilute form, through contact with the skin or via inhalation."*	Many "eco-label" Schemes include human health criteria in recognition of the importance/interest in products with improved human health profiles. Additionally, this Recommendation seems contradictory to Recommendation 13, which recommends a human health focus on exposure via the environment, and Recommendation 14, which supports the approach taken in prohibiting/restricting substances with potentially serious or irreversible human health effects. Both Recommendations 13 & 14 therefore advocate the inclusion of human health criteria. There seems to be little value in moving Section 6.3 to an Appendix of the Standard Criteria document, and such action would potentially confuse the status of the requirements there within.
	Additionally, the following was added to the Standard Criteria document: *"The criteria contained in this section do not duplicate existing Australian regulatory requirements. Existing regulations mandate the provision of information via labelling regarding known or suspected human health impacts of ingredients (on the basis of, for example, toxicity, carcinogenicity and mutagenicity). Rather, the criteria in this section prohibit or restrict the use*	Addition of this information will help clarify the role of Australia's regulatory system and the additional requirements set out in Section 6.3.

	of such substances." See also Recommendations 13 and 14 and their respective Actions and Rationale	
13. The focus of human health criteria should be on human exposure to the chemical via the environment and not direct users of the products.	Recommendation not adopted.	Many "eco-label" Schemes include human health criteria that relate to the in-use stage of product use. Additionally, many chemicals can potentially affect air quality at the point of use, e.g. trigger sprays. Regarding human exposure via the environment, it is noted in the Report of the Expert Panel Report that the Standard Criteria do mitigate risk to human health for the majority of situations (our bolding): *"The Panel notes that the main risk is for chemicals that are of low ecotoxicity but of high human/mammalian toxicity, and where toxicity occurs at very low to extremely low exposures. The Panel considers that* ***for the most common scenario - discharge from sewage treatment plants into marine environments and potential concentration up the food chain – the environmental criteria proposed in Doc 1 [the Standard Criteria document] (and particularly Table 1) cover persistence and bioaccumulation, and therefore mitigate risk via this pathway.***

14. The focus on ethical and sustainable business practices that prohibit or restrict substances with potentially serious or irreversible human health effects, (including CMR substances) in commercial products is sensible.	No action taken.	This appears to be approval for Accord's approach rather than a recommendation.
15. The assessment decision tree could be improved with the inclusion of greater specification of the filtering/gating mechanism (to exclude products at different stages of the assessment process) - the third-party assessor could develop these improvements.	Recommendation adopted. A logic tree has been included in Scheme documentation (see also Recommendation 1).	Inclusion of a logic tree as per Recommendation 1 is anticipated to aid the application process and provide additional transparency regarding the technical evaluation.

16. Re-accreditation should occur on a 3 to 5 year cycle, with the third-party assessor recommending the period after which reaccreditation of particular products should occur.	Recommendation adopted - re-accreditation is required after 5 years. In addition, it was agreed to add a legal requirement that licence-holders must, for the duration of the 5-year Licence period and prior to each anniversary of the Licence Agreement: *"…sign and return an annual 'Compliance Statement' to Accord, declaring that there has been no change to the formulation, and that they have not become aware of any new information that could potentially alter the environmental preferability of the product." (Section 4)* *Clarity was also added regarding the level of variation to the formulation that would be tolerated before reapplication/re-evaluation is required via a "Guidance note on formulation variations".*	