

## CTPA Response to the Consultation by the European Commission on a nomination of D4, D5, and D6 for inclusion in the Stockholm Convention as POPs substances

10 August 2023

Representing all types of companies involved in making, supplying and selling cosmetics and personal care products, the Cosmetic, Toiletry and Perfumery Association Limited (CTPA) acts as the voice of the UK industry. CTPA represents, at any given time, around 200 member companies of diverse sizes and types, from SMEs through to multinationals. This collectively represents between 85-90% of a UK market valued at £8.9 billion in 2022 (at retail sales price).

This industry produces products that are absolutely critical to everyday life, including sun protection, oral care, including toothpaste, soap, antiperspirants and deodorants, shampoo, hand sanitisers and skin care as well as colour cosmetics, hair styling and grooming products for both women and men. [Research](#) conducted in 2022 for the CTPA by Opinium<sup>1</sup> showed that 85% of UK adults class cosmetics and personal care products as essential to their lives; the figure is even higher among women, at 94%.

The UK is a Party to the Stockholm Convention and it has a National Implementation Plan to manage Persistent Organic Pollutants (POPs) in the UK in accordance with the obligations under the Convention. Therefore, any chemicals listed under the Stockholm Convention will have a direct impact on the UK and other international markets.

On the points of principle that the science is not universally aligned on the classification of D4, D5 and D6 as POPs and the precedent being set on regulating intermediates under the Stockholm Convention, CTPA has concerns over the proposed EU Commission nomination of D4, D5 and D6 to the POP list under the Stockholm Convention.

The Commission considers that D4, D5 and D6 demonstrate persistence and long-range transport, and that measures taken nationally or regionally are not sufficient to safeguard a high level of protection of the environment and human health. Therefore wider international action is necessary.

While CTPA is fully committed to reducing the environmental impact of cosmetics and personal care products and their ingredients wherever possible, and is supporting its members in their sustainability activities, any action taken must be based on sound science and robust evidence of an environmental risk.

However, for cyclic siloxanes there is no consensus across the international scientific community, and other global parties, on whether they meet the criteria to be classified as POPs, especially regarding long range transport and deposition. This is exemplified by the different scientific conclusions reached in different global jurisdictions, resulting in no action being taken in some areas and strict restrictions in others. For example, severe restrictions on downstream uses in the EU for D4, D5 and D6, yet minor controls on D4 and no controls on D5 and D6 in both Canada and Australia. Scientific assessment and any possible risk management options are currently under consideration in the UK, and the UK Government has not yet made a policy decision on these substances. Until greater consensus is achieved, it would be premature to nominate these substances for listing under the Stockholm Convention. Such a nomination would also significantly undermine the important scientific- and risk-

---

<sup>1</sup> Opinium polled 2,000 UK adults between 25 February and 1 March 2022. See more information about this research in CTPA's Annual Report 2021, '[More Than a Feeling](#)'.

based regulatory assessments that have been undertaken around the world that continue to support the conclusion that D4, D5 and D6 do not pose a significant environmental risk.

D4, D5 and D6 are critical monomers for the production of a wide range of silicone polymers. Levels of residual monomer vary and can be lowered as much as is technically feasible, but is not possible to guarantee complete absence.

For the cosmetics industry, silicone monomers are important building blocks for a variety of cosmetic ingredients which are essential for the performance of products; for example, due to their hydrophobicity, softness and fast-drying properties. These ingredients support consumer access to safe products that meet their expectations of quality and performance.

Silicone polymers are therefore directly under threat if D4, D5 and D6 are listed as POPs under the Stockholm Convention, which will in turn also have a detrimental impact on cosmetics manufacturers in GB. For example, a siloxane POP listing would likely create significant friction with respect to trade flows of siloxane monomers and siloxane-containing silicone polymers, if the monomer content exceeds threshold levels for traces, for exports from a Party like the EU to a non-EU country, such as Great Britain.

CTPA would like to express a serious concern on the impact of a listing on the availability of silicone polymers in its members' value chains. There are also implications for trade flows of wastes containing siloxanes for disposal or recycling, particularly if the EU succeeds in its parallel proposal to amend the Basel Convention to classify any waste containing a POP at levels that exceed a "low POP threshold" as a hazardous waste.

The EU has already implemented severe restrictions on the use of D4, D5 and D6 for downstream users including the cosmetics industry. Other jurisdictions have evaluated these substances and implemented measures, or not, which are considered appropriate based on the scientific conclusions. Accordingly, a POP nomination would be premature, because i) all scientific data on long range transport (available or to come) must be taken into account and ii) it may pre-empt the decisions of other jurisdictions.

If silicone monomers are nominated for a POP listing, this would be the first time that the Stockholm Convention has been proposed as a tool to regulate intermediates. A listing for monomers in the Stockholm Convention will therefore generate much legal uncertainty, which could lead to enforcement challenges and leave the measure open to lengthy legal challenge.

On the points of principle that the science is not universally aligned on the classification of D4, D5 and D6 as POPs and the precedent being set on regulating intermediates under the Stockholm Convention, CTPA requests that the EU Commission investigates more in depth all scientific data, in particular on long range transport, before any validation of D4, D5 and D6 to the POP list under the Stockholm Convention.