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Nanomaterials in everyday products: results from recent testing and concrete measures to inform and protect citizens and ecosystems from nano-related risks

Dear Madams, dear Sirs,

In December 2022, [AVICENN](#) – the French NGO monitoring and providing information on nanomaterials and their risks – published the results of its recent testing campaign carried out in consumer products (the report [Searching for nanos in everyday products](#) is on the website [veillenanos.fr](#) and the comprehensive lab report is available on demand).

Nanomaterials as per the ISO definition, **were identified in 20 out of the 23 daily products tested, including cosmetics** (L'Or al, Nivea, Labello), **food items** (Herta, Aoste, Knorr), **and hygiene products** (face masks, Nana menstrual panties, Uniqlo men boxer shorts). Some of the products are directly targeting vulnerable parts of the population, such as children (Nestl  infant formula, Signal kids' toothbrush) or older people (anticoagulant Bayer medication, L'Or al grey hair concealer spray).

Overall, **the results illustrate the failure of the current framework for [nano] labelling**. Without knowing it, we are all exposed, throughout the day and throughout life, to a **high number and variety of worrisome - and sometimes unauthorised – nanomaterials**. While our investigation is by nature qualitative, and neither exhaustive nor representative of the market, the snapshot that it provides raises important questions about the extent of **consumers' chronic exposure to numerous nanomaterials via daily products** and the **potential adverse effects over the mid- and long-term**.

In this regard, we are particularly concerned about the presence of titanium dioxide nanoparticles used as colourants in inhalable cosmetic products (hair spray, pearlescent powder with respectively 40% and up to 100% of TiO₂ nanoparticles smaller than 100 nanometers), silver nanoparticles in kids' toothbrush, and silica nanoparticles in all the food items that were tested.

Based on the above, we would like to raise the following **questions and recommendations for increased knowledge, transparency, and vigilance on nanomaterials**.

1. Avoid blind spots in nano-related EU regulations

Considering that the new European Commission recommendation on the definition of the term "nanomaterial" will exclude a significant number of nanomaterials as compared to the ISO definition (e.g. substances that are nanocomposites and/or contain fewer than 50% of particles smaller than 100 nm), appropriate measures must be taken so that these nano-objects that fall outside the new definition don't fall off the radar of public authorities. As you are aware, nano-objects are highly reactive and exert a potentially higher toxicity than bulk substances. What specific and tailor-made regulatory measures* are being considered by the Commission within REACH and sectoral regulations to monitor and guarantee the safety and labelling of the nano-objects excluded from the new definition?

2. Facilitate inspections on nano-related regulatory requirements in the EU

For several years now, concomitant with NGOs testing campaigns, French authorities have run compliance checks that confirm the lack of nano-labelling and the use of unauthorised nanomaterials. How does the Commission plan to address and prevent systematic non-compliance? More effective enforcement is needed. EU Member States must be urged and supported to carry out inspections (e.g. through mutualized tools, protocols and/or test campaigns, involvement of the ECHA Forum for example). The results of the inspections must be made public and effective and dissuasive sanctions imposed against non compliant operators.

3. Enhance traceability and transparency of nano

While the need for nano-related information is now well established and acknowledged as a prerequisite for public trust**, national nano-registers are too limited, as well as the number of categories where a "nano" labelling is mandatory (i.e. cosmetics, biocides and food items***). It is time to set up a European register of nano-objects and products containing them, and a broad enforceable [nano] labelling framework that would cover additional products categories compared to the very few ones that are theoretically now covered. Priority must be given to everyday, common products, like hygiene products; childcare items, toys and school supplies; detergent and cleaning products; food packaging, drugs and medical devices; phytosanitary and veterinary products; construction and decorations materials, ...

We thank you for considering our questions, concerns and recommendations, and we would welcome the opportunity to hold an exchange to discuss them more in depth with you.

Yours sincerely,

Philippe BOURLITIO, for AVICENN (France), with:

- Center for International Environmental Law (CIEL)
- ChemSec
- ClientEarth
- ECOS
- Foodwatch International
- Health and Environment Alliance (HEAL)
- Health Care Without Harm (HCWH)
- Zero Waste Europe (ZWE)
- Altroconsumo (Italy)
- BUND (Germany)
- Fundación Alborada (Spain)
- Générations Futures (France)
- OCU (Spain)
- Que Choisir (France)
- WECF (France)
- ZERO (Portugal)

* Cf. recital 12 of the 2022 recommendation: *"It may likewise be considered necessary to develop regulatory requirements for additional materials not falling under the definition of the present Recommendation..."*

** Cf. [What do EU citizens think about nanomaterials?](#), European Observatory for Nanomaterials(EUON), 2020 : « *citizens demand better labelling of everyday products containing nanomaterials and increased awareness of the risks and benefits of products containing nanomaterials* ».

*** Regarding food, current labelling exemptions for carry-over additives and processing aids do not take into account the fact that their low weight is not at all synonymous with a low number of nano-objects in the final product. For example, a bowl of powder soup containing 40 milligrams of silica contain billions of silica nanoparticles. Recent research has shown a link between silica nanoparticles ingestion and food intolerance and allergy.