



December 10, 2004

Honorable Members of the LegCo Panel on Commerce and Industry:

Re: Submission to the LegCo Panel on Commerce and Industry - Proposal to require mandatory registration and labelling of the contents of volatile organic compounds in specified products - Panel meeting on Tuesday, 14 December 2004

Dear Panel Members,

Clear The Air appreciates and fully supports the above action proposed by the Government on VOC. We would like to highlight the following points.

1. For the past decade, VOC has been one of the factors causing major air pollution, such as smog and is also a cause of severe health problem to our people
2. Countries such as US, Canada and other European countries are putting more emphasis on dealing with this issue
3. VOC is a by-product of many newly developed products that improve our quality of life, such as solvent, aerosol and fragrance.
4. All major industries involving product development contribute to VOC, cosmetic-fragrance and aerosol, building products – paint & adhesive, janitorial – cleaning products, etc.
- 5. VOC can be fatal. They damage our people's health. VOC are toxic gases.**
6. People have the right to know what they are using. It is up to them to decide between convenience, efficiency and health.
7. Manufacturers and importers should be responsible for clearly label VOC content.
8. Hong Kong business owners, no matter which size operation they have, should be responsible to import, sell or re-export products of which they have a clear understanding, *e.g. lead in lipstick is a hazard to health* and an importer should know enough not to import these products.

Employees

9. All employers present at this Panel meeting have now been publicly informed of the significant health risk associated with products containing VOC.

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10. VOC are a risk to health and employers must now take steps to protect their employees from products known to contain VOC
11. We do not believe that employers want to knowingly, recklessly or intentionally create an unhealthy work environment by exposing their staff to high levels of VOC as they may now be doing in ignorance.

Importers and Manufacturers

12. Hong Kong importers want to protect their employees and customers. It is the manufacturers who want to hide the information without a satisfactory explanation of why they are so keen to do so. The best way to handle multiple regulations in various jurisdictions is to conform to the most stringent one, worldwide.
13. Small businesses owners recognize it is their duty as Hong Kong citizens not to import or sell hazardous products simply because their business is small
14. International manufacturers are trying to escape their responsibility to Hong Kong citizens. Their products are shipped in large quantities, emitting large amounts of VOC affecting every employee who is part of the supply chain as well as consumers.

Marketing to Women of child-bearing age

15. Labelling alone works. When consumers become aware that there are toxic gases in the products they use, and find that they feel sick when use or store those products in their home, they are likely stop using them.
16. When manufactures must admit that they are using toxic gases in their products, and marketing those products to women of child bearing age, there is an automatic market pressure to reduce the use of toxic gas by the manufacturer because of the danger to unborn babies.
17. Labelling alone has been successful in the past: The California labelling law, know as Prop 65, succeeded in persuading manufacturers to reformulate nail polish to significantly reduce or remove the cancer causing VOC toluene.
18. Why labelling works. If a manufacturer only warns the consumer long after the hazard is known, this suggests a deliberate ongoing intention to deceive. This is a significant worldwide legal liability. Manufacturers will remove toxic gases from their products rather than admit to the worldwide market that they have been using toxic gases in the past in high concentrations without explicitly informing customers of the risk.



Conclusion

We give our full support to the Government initiative to label products containing VOC. We expect full support from all importers and retailers, because of their legal duty to their employees working in the supply chain, and moral duty to their customers, many of whom are women of child bearing age, regarding products containing the toxic gases known as VOC.

Annelise Connell, Vice-Chairman
George Woo, Indoor Air Pollution Committee

“Clear the Air”

Appendix

We would like to thank the Hong Kong Suppliers Association for showing in their submission the current lack of knowledge on the health hazards of the toxic gases known as VOC. We provide the following information to help correct some misconceptions.

1. VOC are gases. If you flush products containing VOC down the toilet, the gas still escapes into the air.
2. VOC are gases and the gas will escape into the air even if you do not use up the nail polish, personal fragrance and personal care products you buy.
3. Toxic VOC delivered directly into your face from products makes you sick. In large amounts, such as from using aerosol cans, it can kill you. The ambient VOC from China is also bad for health. However, VOC from consumer products are more harmful because the toxic VOC is delivered directly into your face in high concentrations.
4. Methylisothiazoline is a pesticide. It is used in shampoos and hand lotion sold in Hong Kong. It is not controlled by the Agricultural and Fisheries Department.
5. The total aggregate volume of unlabeled one-off sales can be significant and therefore a hazard to health. The trade has provided no figures that can be verified by the Government to substantiate their claim that this market is small and does not make people sick. In fact, the Consumer Council is often warning us against the dangers of products in this category.

“VOC are gases. If you flush products containing VOC down the toilet the gas still escapes into the air.”

“VOC from consumer products are more harmful ... because the toxic VOC is delivered directly into your face in high concentrations.”



6. California - there are a significant number of VOC on the list of Prop 65 chemicals “known to cause cancer to the state of California”, and products containing those VOC must have a warning label
7. All costs will be passed on to the consumer. If you ask women of child bearing age if they will pay one cent more on their products to be warned if the product will emit a toxic gas that could make them and their children sick, most consumers will say yes.
8. The vast majority of products shipped to Hong Kong are required to have their VOC ingredients listed on *Mainland Chinese*, Canadian, US or EU import forms. Even though this information is available, VOC can be easily tested without an ingredient list.
9. Products where the manufacturer refuses to disclose the amount of toxic gas are suspect and should not be on the Hong Kong market.
10. Consumers should only be offered *safe* products from which to choose – reduction of customer choice is not a valid argument.
11. The duty to label accurately lies with the manufacturer, not the supplier. This is because of product liability issues. There is no hardship to the supplier.
12. Education of consumers is vital and *Clear the Air* is ready to work with the Government to explain to women of childbearing age the dangers of toxic gases, so they may select products to protect themselves and their unborn babies. Women of childbearing age take great care over the products they use in order to protect their family.
13. We *can* ask manufacturers to conform to HK standards. If any manufacturer were to take a product off the Hong Kong market, that will signal to the rest of the world that the product is potentially unsafe. This will lead to embarrassing questions by the EU, the US and other large markets. California is a huge market and a litigious one and will no doubt pay special attention to such a drastic action. Manufacturers would be unwise to refuse to disclose toxic gas levels on products sold here that are also available in California and the EU.

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“The test for VOC content is simple.”

“Hong Kong women of childbearing age should not be used as guinea pigs for the rest of the world to test new products which contain toxic gases.”



14. The test for VOC content is simple.
15. All products passing through Hong Kong containing VOC emit the VOC into our air. Employees in Hong Kong warehouses are forced to breathe massive quantities of VOC from products not intended for sale in the Hong Kong market.
16. If the consumer is *not* being given value for money and throws away most of the product - then the primary purpose of the product is to pollute our air with toxic gas. If this is the case, then the product should be removed from the market, or repackaged so that it has value to the consumer without excess VOC being created.
17. The trade has not shown that the comparison to Chinese medicine testing – which is ingredient based - is a valid one. VOC content testing is not ingredient based.
18. Hong Kong women of childbearing age should not be used as guinea pigs for the research of the rest of the world on new products containing toxic gases.
19. Manufacturers do not need to use extra glue to label their products.

End of Submission