



CLOTHING & HOME

**Environmental & Chemical Policy
Minimum Standards**

**Due Diligence for Chemical
Compliance**

**Version 3.0
April 2020**

Environmental & Chemical Policy Minimum Standards

Due diligence for chemical compliance V3.0

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INTRODUCTION TO THE DUE DILIGENCE TESTING POLICY

1.1 Objective

Marks & Spencer have an Environmental and Chemical Policy (ECP) in place to ensure that all products manufactured meet the strictest legal requirements and to restrict or eliminate specific chemicals of concern. This is part of our commitment to source responsibly and to protect consumers, workers and the environment.

It is our supplier's responsibility to share this policy with their supply chain and ensure that all chemicals and materials used in the manufacture of M&S products are compliant. We expect our primary suppliers to nominate a competent technical person as having clear responsibility for compliance to the ECP and the MRSL / RSL.

During the manufacturing process, goods may be exposed to chemicals which may be hazardous to workers, the environment and consumers.

The main (but not exclusive) area for exposure is wet processing, (dyeing, finishing, tanning, printing, garment washing etc), and the hazardous chemicals most likely to be used in these processes are listed in the Marks & Spencer Restricted Substances List (RSL) and Manufacturing Restricted Substance List (MRSL). The Primary Supplier must have a Due Diligence Procedure in place to ensure compliance with these limits.

- M&S Manufacturing Restricted Substances List (MRSL) - restricts the input of hazardous chemicals to the manufacturing process. The chemicals listed are banned from deliberate use in formulations.
- M&S Restricted Substances List (RSL) - defines the limits for residues of hazardous chemicals allowed on the finished product.

We expect that suppliers will carry out appropriate, risk based Due Diligence Testing to ensure compliance with the Restricted Substances List, and to request evidence that their upstream suppliers also carry out Due Diligence Testing and checks as appropriate.

Non-compliance with the requirements of the RSL may lead to actions such as Return to Manufacturer (RTM) of the product and/or a fine chargeable to the Garment/Product Supplier for breach of RSL compliance.

It is a criminal offence under European and United Kingdom Product Safety Legislation to offer for sale merchandise which is unsafe or misleading or to make commercial claims which are not substantiated. Therefore, it cannot be emphasised sufficiently that the RSL must be complied with at all times.

The purpose of the procedure is to demonstrate that Marks & Spencer and their Suppliers operate systems of checks and controls to show that Marks & Spencer has taken all

reasonable precautions and all due diligence in discharging its obligations with regard to residual chemicals on the final product in accordance with the Marks and Spencer RSL.

1.2 Primary Supplier Responsibility

The Primary Supplier must be able to demonstrate that they have systems of checks and controls in place to ensure that products comply to M&S standards. They will routinely inform their suppliers of the Due Diligence requirements and instigate plans to manage their suppliers' compliance.

As such, each Primary Supplier must identify a named member of their management team to be responsible for Due Diligence within their company.

Due Diligence for chemical testing is carried out in addition to physical and colour fastness testing and testing for safety and promotional claims as appropriate. For further information on Marks & Spencer's wider Due Diligence policy and requirements, please visit the Supplier Exchange.

<https://supplierexchange.marksandspencer.com/content/due-diligence-manual>

1.3 ZDHC Signatory brand

As a signatory brand of the Zero Discharge of Hazardous Chemicals foundation we are committed to the use of safer chemical inputs, giving greater assurance of the compliance of finished products.

ZDHC is a collaboration of global fashion brands, chemical suppliers, manufacturers and other organisations that share the same vision. We are working together to reduce the fashion industry's chemical footprint. M&S environmental and chemical policy is aligned with the guidelines established by ZDHC and we are working to implement the key chemical management tools across our wet processing network.

The ZDHC MRSL goes beyond the traditional approaches to chemical restrictions, which only apply to finished products (Restricted Substances List - RSL). This approach helps to protect consumers while minimising the possible impact of banned hazardous chemicals on production workers, local communities, and the environment.

By supporting good chemical management, we aim to avoid the use of banned substances during production and manufacturing, thereby reducing the risk of RSL failures.

Find out more about the work of ZDHC at their website:

<https://www.roadmaptozero.com/about>

2. Assuring compliance

It is mandatory for Wet Processors (Dyer, Finisher, Printer, Laundry, Tannery etc) to have a valid ECP Self Audit number and be compliant with the requirements of the MRSL and RSL.

It is best practice for the Primary Supplier to ensure that the mills carrying out wet processing are conversant with the MRSL & RSL. They may wish to have a prior agreement with the mill as to the consequences of non-compliance with the MRSL & RSL.

The most reliable way to ensure compliance is for the mill to have a robust chemical management system encompassing sourcing, purchasing, storage and safe usage.

It is the responsibility of the wet processing mills to share the MRSL with their chemical suppliers, and only to use formulations compliant with the MRSL. This includes all dyes, pigments and auxiliary formulations, chemicals used in processing and chemicals used for ancillary activities such as machine cleaning, print screen cleaning etc.

There are several ways to check compliance:

- Written declarations obtained from the chemical suppliers. The written confirmation should be obtained **directly** from the dye or chemical supplier, **not through an agent**.
- **'Positive Lists'** - Some suppliers issue lists of dyes and auxiliaries that are compliant with the limits stated on the MRSL. Formulations in these lists are declared to be compliant.
- ZDHC Gateway – conformance can be checked using the Chemical module which contains a database of over 30,000 verified chemicals. Level 1 conformance gives the assurance of a 3rd party review of documentation or analytical test report.

All wet processors must register on the ZDHC Gateway and use the Chemical module.

Follow the link to learn more:

<https://www.roadmaptozero.com/input#Gateway-Chemical-Module>

3 DUE DILIGENCE TESTING

3.1 Product testing

The Primary Supplier is responsible for ensuring that the product supplied complies with the requirements of Marks & Spencer.

Marks and Spencer expects the Primary Supplier to test finished products at an appropriate frequency to ensure compliance. The frequency of testing will depend on the risk of potential non-compliance.

Consideration should be given to the competence of the wet processing facility and their experience and proficiency in managing chemicals. New facilities, or those with previous non-compliances, should be considered as high risk and be subject to increased testing.

Risk should be evaluated based on criteria including the following:

- The Wet Processor's reputation and the skills and knowledge of their technical personnel
- Evidence that chemical formulations have been verified against the MRSL limits
- Incidence of previous RSL failures from the Wet Processor
- The complexity of the product, including the application of special finishes
- The end use of the product, eg Kidswear

Testing frequency may vary with the product, but a suggested **minimum** frequency is to test at the following stages of manufacture where appropriate:

- Preproduction
- First bulk
- Production - once per style per season
- New batch of high risk material

3.2 Test selection

The selection of tests will depend on the likely processing to which the product has been exposed. Criteria will include fibre type, shade dyed, special finishes applied, presence of accessories etc. When carrying out Due Diligence Chemical testing, use the test methods listed in the RSL.

Risk of non-compliance will depend on the product type and the dyes and chemicals likely to have been used in their manufacture. The Risk Assessment Chart provided in this document is designed to assist in assessing the risk of the presence of residual chemicals on the final product. The chart gives guidance regarding the restricted

substances associated with different types of fibres and materials. Marks and Spencer will also use this chart in its risk-based testing programme.

The areas of risk are highlighted for each general product type, and either all, or a considered selection of, these tests will assist in ensuring compliance with the RSL requirements.

Please note that the chart provides a **guideline only**, and if the Garment/Product Supplier has concerns over other areas of compliance, then tests should be carried out accordingly.

The table should also be incorporated into the Primary supplier's Due diligence testing policy in order to select appropriate tests for each substrate.

3.2.1 Risk Categories

Risk categories are assigned based on industry knowledge of manufacturing and managing restricted substances across a wide range of materials. The table indicates where substances have historically been deliberately used or found as reagent / contaminants in different materials. For compound materials, please refer to the guidance for each material type and check compliance accordingly eg. Coated fabric with polymer coating and polyester base fabric.

Risk table categories:

Red 1	High risk of use – testing required
Orange 2	Medium risk of use – testing recommended
White	Not expected to be used

NOTE:

The information provided in this table is for guidance only and may vary based on the specific supply chain. Use of this table should be accompanied by compliance checks and due diligence testing for chemicals of concern.

3.3 Test results

The limits quoted in the RSL do not have inbuilt tolerances. A result equal to or below the limit is a pass, while a result above the limit is a failure.

If a failure is found, the following procedure should be adopted:

- Inform the Marks & Spencer Technologist of the failure immediately, and provide the original test report

- Test more of the product to establish the scale of the problem
- Inform the wet processing Mill of the failure, and agree an action plan to establish the cause of the failure and the steps necessary to prevent further occurrences.
- Please be aware that Marks and Spencer may request full details of the wet process in order to establish the nature of the issue and their response to the non-compliance

3.4 Response to Marks & Spencer routine Due Diligence Testing

Marks & Spencer carries out a programme of risk based due diligence testing for chemical compliance. If a failure is found during Marks & Spencer's routine Due Diligence testing, the Primary Supplier will provide on request their Due Diligence test reports for the product.

Any RSL failures must be investigated to find the cause of the failure and determine the actions to be taken to prevent further occurrences. A CAP form must be completed by the supplier and sourcing office technologist and submitted to TSG UK with the relevant supporting information.

The investigation should include identification of the failed component and the source of the hazardous chemical, requests for chemical information, declarations and relevant testing.

Key investigative questions asked within the CAP:

- Which material in the product contains the restricted substance?
- Material and supplier details
- Is this material used in any other styles that may be affected by this RSL failure?
- Has the source of the hazardous chemical been identified? How will it be eliminated from future production?
- Does the supplier have a chemical management system compliant with the M&S ECP?
- What checks were performed on the affected material at purchase?

If a failure is found during Marks & Spencer's routine Due Diligence testing, the Primary Supplier will provide on request their Due Diligence test reports for the product.

If requested, the Garment/Product Supplier will carry out further tests on the product and provide the results to the Departmental Technologist within two weeks.

Note: The CAP layout can be found in Appendix 1 and is available as a separate form. The form must be completed immediately on request. Information will be recorded centrally and used for seasonal reporting.

4. Risk Assessment Matrix

Restricted substance	Natural Cellulosic Fibres Cotton, Linen, Viscose, Tencel, Silk, Wool/Hair	Wool / Hair fibres	Synthetic Fibres Polyester, Polyamide, Acrylic, Acetate	Natural & Synthetic blends	Artificial Leather PU Coated fabrics	Natural Leather	Coated leather	Coatings & Prints Plastisol print, pigment print, Pigment dye	Natural materials	Polymers, Plastics, Foams, Natural & Synthetic Rubber	Metal Zips, snaps, fasteners	Feathers & Down	Glue / Adhesive	Other items (decorative rhinestones, sequins, beads etc)
APEOs	1	1	1	1	1	1	1	1	1	1		1	1	
Biocidal finishes	Test when biocidal finish is applied													
Bisphenol-A										1				
Chlorinated Paraffins - SCCPs / MCCPs					2	1	1			2				
Chlorinated Phenols	2	2	2	2		2	2							
Dimethyl Formamide (DMFa)					1			2						
Dimethyl Fumurate (DMFu)						2	2							
Dyes - Azo Dyes	1	1	1	1	1	1	1	1	1			1		
Dyes - Carcinogenic / banned			1	1	1			2						
Dyes - Disperse dyes			1	1	1			2						
Dye Carriers			2	2	2									
Flame Retardants	Test when flame retardant finish is applied													
Formaldehyde	1	1	2	1	2	1	1	1	1	2			1	
Mothproofing agents		2												
Nitrosamines										2				
Organic solvents					1		1	1		1			1	

Risk Assessment Matrix

Restricted substance	Natural Cellulosic Fibres Cotton, Linen, Viscose, Tencel, Silk, Wool/Hair	Wool / Hair fibres	Synthetic Fibres Polyester, Polyamide, Acrylic, Acetate	Natural & Synthetic blends	Artificial Leather PU Coated fabrics	Natural Leather	Coated leather	Coatings & Prints Plastisol print, pigment print, Pigment dye	Natural materials	Polymers, Plastics, Foams, Natural & Synthetic Rubber	Metal Zips, snaps, fasteners	Feathers & Down	Glue / Adhesive	Other items (decorative rhinestones, sequins, beads etc)	
Organotins			2	2	1	2	2	1		1			1		
PFCs (PFOS/PFOA)	Test when water repellent or stain release finish is applied														
Pesticides	2	2				2	2								
Phthalates					1		1	1		1			1	1	
pH	1	1	1	1	1	1	1	1							
PAH (Polycyclic Aromatic Hydrocarbons)					2		1	1		1			1		
Styrene										2					
Quinoline			2	2											
UV absorbers										2					
VOCs					2			2		2			1		
Metals															
Heavy Metals - extractable	1	1	1	1	2	1	1			2	2			2	
Cadmium					2			2		2	2				
Chrome VI		1				1	1								
Lead					2			2		2	2		2	2	
Nickel								1			1		2	2	

4. Chemical testing notes

General

All tests must be conducted in UKAS accredited laboratories or those that operate a mutual recognition scheme (e.g. HOKLAS, COFRAC).

Tests should be conducted following the preferred test method, as stated in the RSL table. Standardised methods are marked with the year in which they were updated eg. BS EN ISO 14184:2011. These are correct at January 2020. If revisions to the method are made, the most recent update should be followed, indicated by the year.

The limit allowed is stated as a maximum result. Detections of the restricted chemical above the maximum limit will be reported as a FAIL

For all tests there is a 'limit of detection' below which a chemical cannot be detected. This sometimes varies between labs, based on the sensitivity of the equipment that they have. The detection limits stated in our RSL should be achievable by all laboratories. Amounts between the detection limit and the allowed maximum limit should be stated on the report. This allows the supplier to investigate the occurrence of the restricted chemical and eliminate from future use.

Where methods use solvent extraction, the limits of detection and permissible levels may refer to the extract and not the test fabric/component. In some tests the M&S 'Acceptable limit' therefore refers to the acceptable limit in the solvent extract and not the total amount on the fabric under test.

Chemicals can be detected in amounts that fall into 3 categories:

Background levels – amounts found in nature

Contamination – low levels present

Deliberate application – higher levels present through deliberate application

Composite testing

Several samples can be tested together as a composite sample in order to reduce testing costs. The number of samples that can be combined will depend on the restricted limit and the detection limit for an individual test. The testing laboratory can advise if composite testing can be performed for a specific test method.

If any amount of the restricted chemical is detected, the laboratory will automatically proceed testing of each sample individually.

Appendix 1 – Corrective Action Plan form

RSL Failure - Corrective Action Plan		M&S EST. 1884	
		Version 1.0 April 2020	
Product information:			
Season		Date completed	
Department		Supplier	
Business Unit (BU)		Supplier COO	
Sourcing office		Test Failure	
Stroke number		Laboratory	
Description		Report number	
Colour		Definition of Critical Non-Compliance	Legal / Safety / MRSL
Product Type			
Failure details:			
Component		Order quantity	
Material supplier		Pieces affected	
Quality ref		Production status	
Composition		Notes:	
Test conducted			
Requirement			
Fail result			
Investigation and Actions:			
What is the source of the hazardous chemical?			
Why has this chemical been used in the process?			
Was due diligence testing performed on the affected material? <small>Provide report and result</small>			
Are MSDS available for all chemicals used in the production of this item? <small>Attach recipe and relevant MSDS</small>			
Does a review of the MSDS highlight a compliance issue?			
What is the result of retest on the failed material? <small>Provide report and result</small>			
What action is being taken to ensure failure will not occur in future?			
What action has been agreed for the failed stock?			

Additional comments:	
CAP agreed by:	
Supplier representative:	
Sourcing office technologist:	
UK Department technologist:	
Date:	