

## **[Annex 4] Operation (Informative)**

### **1. Checking methods (written nonuse declaration and prescribed test methods)**

- The guidelines are applied to those azo colorants (dyes and pigments) that could generate 24 substances of specific aromatic amines when a test is conducted by the prescribed methods.

“Specific aromatic amines” are not used as dyes but it is known that “specific aromatic amines” are generated as reduction products when some kinds of dyes or pigments are used.

Following the addition of azo dyes to the substances that are subject to the “Act on Control of Household Products Containing Harmful Substances, Act No. 112 of 1973” from April 1, 2016, two types of xylydines are newly added to the 22 types of specific aromatic amines for a total of 24 types in accordance with laws and regulations.

- Unless those azo colorants (dyes and pigments) that are known to reduce and generate “specific aromatic amines” are used, such amines are never reduced and generated from the colorants. Precisely, however, there is still a possibility that such amines could be reduced and generated from unknown dyes or pigments. Therefore, in cooperation with manufacturers of dyes and pigments, we have made it obligatory to strictly check that individual dyes and pigments do not generate any of 24 types of “specific aromatic amines” that exceed the reference value.

If such information is (determined to be) correct, we have adopted a system under the guidelines to issue a “written nonuse declaration” by using only those dyes and pigments that are known not to reduce and generate any of the 24 types of specific aromatic amines in excess of the reference value in case that those dyes and pigments with no possibility of reducing and generating such amines or in case that dyes and pigments are used at a prescribed amount in the prescribed manner.

Even in case that dyes and pigments are used at a prescribed amount in the prescribed manner and any of the 24 types of specific aromatic amines is generated within the reference value, it is allowed to issue a “written nonuse declaration,” because it is not a “written declaration of no generation” or it is recommended to state in an “assay certificate” that such amines are not detected even in case that such amines are detected by the prescribed analysis method in an amount less than the reference values of ISO and JIS standards.

- It is intended to make it possible to certify the safety of each raw material until it is delivered to the hand of end users by requiring all companies in the supply chain of textile products to put a “written nonuse declaration” to their raw materials. In this mechanism, all of the companies involved become the parties who issue a “written nonuse declaration” for their products to assume responsibility for appropriate

management in their supply chains and to bear their fair share of loads through sincere confirmation of the supporting information as a good manager. Thus, the safety of textile products can be pursued by their cooperation.

- EN 14362-1 & 3:2012 or their governing standards, which are the EU test standards, are adopted in the laws and regulations and standards that already exist in other countries as the test methods to find whether the applicable substances are detected from dyed products or not. EN standards are standardized as ISO 24362-1 & 3:2014 and as JIS L1940-1 & 3:2014 in Japan.

As the test methods specified in the ordinance of the competent authority of “Act on Control of Household Products Containing Harmful Substances, Act No. 112 of 1973” which will be enforced in 2016 are required to have the same contents as those of JIS L 1940-1 & 3:2014, it was decided to adopt these three standards in the guidelines (the methods that are proposed by the Ministry of Health, Labour and Welfare).

In JIS L 1940-1 & 3:2014, for reference, it is stated that even though the applicable amines in ISO standards as corresponding standards and in EN standards are 22 types of specific aromatic amines, the 24 types of specific aromatics amines, including two types of xylydines, can be detected and quantified.

- As analysis standards, particularly ISO and JIS standards, are periodically reviewed and updated and it is recommended to use their latest versions, the standards adopted in the guidelines will also be reviewed whenever they are updated.

## **2. Measures for compliance with the guidelines**

- The guidelines have unique characteristics that make it possible to use a “written nonuse declaration” at a dyehouse without attaching any “assay certificate” after conducting the test and analysis. With proper measures are taken for products, either an “assay certificate” or “written nonuse declaration” can endorse the effectiveness to guarantee certification.
- Efforts should be made by each of the companies to create a foundation for safety improvement by checking the conformity with the guidelines with a “written nonuse declaration” or “assay certificate” of applicable substances in each stage of supply chain.

(1) Methods to enable guarantee (methods of certification)

① Nonuse declaration by each dyehouse

- The use of azo colorants that could generate any of the 24 substances of specific

aromatic amines is limited to dyeing processes. Therefore, dyeing companies should select on their own the method of either (a) nonuse declaration of each dyehouse, or (b) analysis by the prescribed test methods to prove their compliance with the guidelines. If fabric companies, apparel companies and retailers cannot obtain (a) a “written nonuse declaration” of each dyehouse, or (b) a certificate of compliance with the guidelines based on an “assay certificate” of analysis by the prescribed test methods from dyehouses, such midstream or downstream companies need to conduct on their own the analysis by the prescribed test methods concerning applicable textile products.

- Specifically, dyeing companies are required to promote satisfaction of the applicable requirements for dyes held in their dyehouses (elimination of dyes and pigments that could generate the applicable substances) by “obtaining necessary information from dye and pigment manufacturers.”

For dyeing of individual raw materials, certification in lot unit is required. But, there are various problems in recording and storing individual dyes on-site. Therefore, as the intended purpose is achieved if it is guaranteed that the substances subject to the nonuse requirements are not used for dyeing, we decided to use a “written nonuse declaration” of “each dyehouse” under the guidelines.

- ② Reliable management of raw materials by all companies involved and issuance of “written nonuse declaration” on their own
- The guidelines of JTF are designed to select appropriate dyes and pigments in dyeing processes and promote nonuse of inappropriate dyes and pigments. However, the guidelines are not aimed at having only dyeing companies share the loads of new operations. They are aimed at making it possible for all companies in the supply chain of textile products to certify the safety of each raw material until it is delivered to the hand of end users, and having all of the companies involved become the parties who share responsibility and bear their fair share of loads as a good manager through sincere confirmation of the supporting information, and making it possible to pursue the safety of textile products by their cooperation.
- Also, the guidelines do not have any penalty rules. But, the “Act on Control of Household Products Containing Harmful Substances” has the penalty of imprisonment for a term not exceeding one year or a fine of 300,000 yen or less. If any problem arises, such problem should be settled in individual trades and should be left for “selection through market competition” with the increased number of companies that fulfill their duties with sincerity.
- Specifically, all of the companies involved are required to select those dyeing companies that have declared nonuse of harmful substances in such processes as dyeing and printing of each raw material, and thereby it is made possible to manage

raw materials by tying each raw material with the information about by which dyeing company the raw material was processed. Also, under the mechanism, those companies that do not directly place an order for dyeing services can guarantee their compliance with the guidelines through the upstream supply chain by receiving the information on every raw material for purchase and sale from such dyeing company whose compliance with the guidelines is certified, storing the information in-house, and providing the information when the raw material is sold.

- In the following cases, dyes, pigments and textile products need to be analyzed by the prescribed test methods:

- (i) In case that the information about conformity (no possibility of generation in excess of the reference values in case that any of the 24 types of specific aromatic amines are processed and colored at a prescribed amount in the prescribed manner) of dyes and pigments used by dyehouses cannot be obtained from dye and pigment manufacturers, dyeing companies need to certify their conformity with the guidelines through analysis by conducting the prescribed test methods on their own.
- (ii) If fabric companies, apparel companies and retailers cannot obtain a “written nonuse declaration” or “assay certificate” that is based on proper management and that certifies their conformity with the guidelines from suppliers when they purchase any raw materials or products, such fabric companies, apparel companies and retailers need to certify their conformity with the guidelines by making the prescribed analysis on their own.

(2) Measures to guarantee nonuse declaration

- The effectiveness of a “written nonuse declaration” or “assay certificate” can be guaranteed by tying it to respective dyed raw materials. In order to ensure the guarantee, the following ideas and documents should be introduced and utilized:

① “Trade contract”

- This serves as the evidence that those who place orders and those who receive orders agreed in advance on their roles and arrangements to be made in case of breach of contract.
- The details of measures to guarantee safety, in which a “nonuse declaration” system or “assay certificate” system is incorporated, are checked in advance by the both parties of the trade contract with making use of the contract assets that already exist or JTF’s “Quality Guidelines for Imported Textile Products.”
- It is strongly recommended that such agreement should be made in advance because as

long as the both parties adopt the “Safety Guidelines,” the trade contract is the evidence that the both parties agreed to “fulfill their duties of a good manager” to sincerely observe the Safety Guidelines.

② “Procurement standard statement”

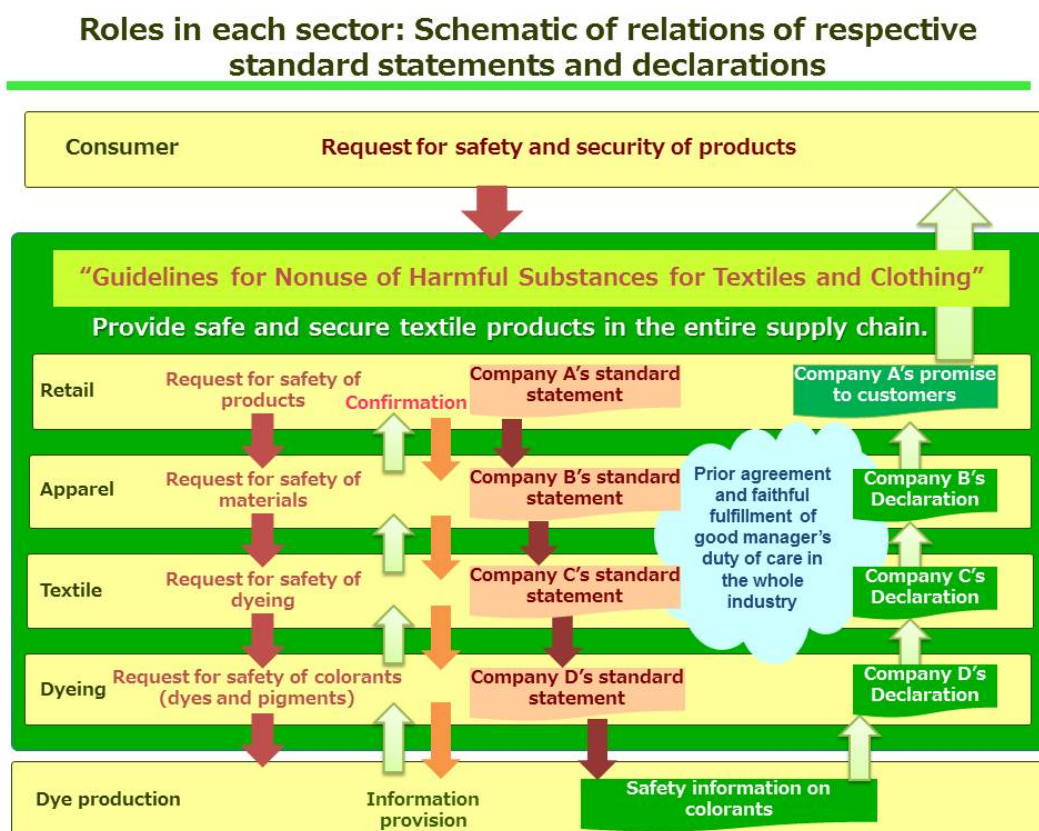
- In case that the guidelines are adopted, it is absolutely necessary to clearly state the contents of the guidelines in the requirements of those who place orders as agreed in a “trade contract” and establish them as the purchase and procurement standards for those who place orders. Such requirements may be presented at each trade when orders are placed. But, it is also possible to submit a document (“procurement standard statement”) that makes such requirements effective until it is informed that those who place orders have changed or revised their procurement standards.
- This “procurement standard statement” makes a pair of a “written nonuse declaration” or “assay certificate,” which is presented by those who receive orders to those who place orders. The standard statement describes (a) the applicable substances prescribed in the “guidelines” (azo colorants that generate any of the 24 types of specific aromatic amines), and (b) the requests to those who receive orders to make the certificate effective. Particularly, item (b) need to be clearly presented in advance because it is required for those who receive orders to share the relevant information about a “written nonuse declaration.”

③ “Written nonuse declaration” or “assay certificate” on applicable substances

- These documents declare nonuse of the applicable substances at each dyehouse of dyeing companies.
- The grounds for nonuse at dyeing companies serve as the information about no generation of any of the 24 substances of specific aromatic amines from the relevant dye or pigment manufacturers.
- The documents declare nonuse of dyes or pigments for each raw material and make a pair of clear statement (presentation) of the “procurement standard statement” in ② above.
- Intermediary companies are allowed to issue a “written nonuse declaration” as the grounds for the appropriateness of processes through their supply chains even in case that such intermediary companies do not directly place orders with and check dyehouses on their own. Provided that, however, appropriate checking by suppliers (those who receive orders) and checking and acceptance by customers (those who place orders with intermediary companies) are required in this case.

- The documents declare nonuse of each raw material. In case that they include “written nonuse declarations” of multiple raw materials, such “written nonuse declarations” can be used instead of individual “written nonuse declaration.”
  
- ④ “Sharing of information between both parties of contract”
  
- The acceptance of a “written nonuse declaration” on raw materials from those dyeing companies that comply with the contents (nonuse of azo colorants that generate specific aromatic amines in excess of the reference values) of the “procurement standard statement” mentioned in ② above is the start of chain of certificates.
  
- Those companies who purchase raw materials with a nonuse certificate issued by the dyeing companies are required to provide the information on nonuse to their customers as well and share the information when they sell the raw materials, and thereby the effectiveness of a certificate issued by them can be guaranteed. At the same time, it should be noted that proper in-house management of ties between raw materials and certificates by the companies concerned could be the grounds to guarantee the certificates themselves.
  
- Specific contents and forms of declaration and confirmation methods could include a variety of contents and forms in consideration of actual condition. Particularly, as the confirmation methods are indispensable to fulfill the duty of the diligence of a good manager as a party involved in trade, the details of confirmation methods to be adopted need to be agreed in advance between the parties involved.

- ◆ The above-mentioned contents are shown schematically below:



Note: It is supposed that the act of buying and selling is regarded as a contract and that both the seller and buyer fulfill the duty of a good manager with sincerity as the parties involved.

1. “Request for safety of products” is made by officially announcing “procurement standard statement” and others that state the contents requiring the compliance with the guidelines.

In this standard statement, it should be recommended to state the examples of appropriate “confirmation” methods to be implemented in advance in case of declaration, and the contents thereof should be agreed upon between the both parties in advance.

2. As for “information provision,” an “assay certificate” or “written nonuse declaration” of a producer is provided with a product as the evidence of compliance with the guidelines.

“Request” and “information provision” make a pair and the information is not automatically provided regardless of whether a “request is made or not.”

3. “Confirmation” is to check the conformity of the provided information and products with the guidelines by product buyers. It means not only checking the contents of documents or background operations (the genuineness of date, seals, name of addressors, etc.) but also sampling the products delivered to conduct confirmation tests on them.
4. A “standard statement” presents the standards that a buyer requires its suppliers to observe and is issued by the buyer on its own in principle. The above-mentioned schematic also presents the preparation and issuance of “procurement standard statement” of the buyer on its own. However, copies received from customers are allowed to be presented to suppliers in case that the contents requested by the customers are adopted on an as-is basis and there is no change in the contents.
5. A “written declaration” shows the conformity of a supplier with the guidelines and is issued by the supplier on its own in principle. The above-mentioned schematic also presents the preparation and issuance of declaration of the supplier on its own.

Provision of a copy of a written declaration received from a supplier with its name to customers on an as-is basis is not allowed as it lacks “confirmation” by a product buyer. Therefore, a written declaration issued by a supplier after checking on its own is required such as checking the status of product management and conducting analytical tests as necessary.
6. In those trades that use so-called “materials in stock” to cope with quick delivery, it is difficult to trace the information about producers including dyehouses. Therefore, it is expected to check an “assay certificate.” However, the responsibility for ensuring product safety should be shared by all of the companies involved. They are required to assume their fair share of loads as a good manager through sincere confirmation of evidence information.
7. In those trades where importers such as “buying-type import agents” cannot check the status of production overseas, a variety of specific methods such as checking of contents and form of declaration is expected to be implemented and a prior agreement is required between the parties who fulfill good manager’s duty of care in trade.