

M&S

EST. 1884

ECP

**MINIMUM STANDARDS
DUE DILIGENCE FOR
CHEMICAL COMPLIANCE**

VERSION 2.0

NOVEMBER 2015

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DUE DILIGENCE TESTING FOR CHEMICAL COMPLIANCE

1 INTRODUCTION

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 likeliest to be used in these processes are listed in the Marks & Spencer Restricted Substances List (RSL) and Manufacturing Restricted Substance List (MRSL).

The MRSL defines chemicals which must not be present **deliberately** in formulations used in the production of goods for Marks & Spencer.

The RSL gives the maximum limits allowed for each chemical as residue on the final product. The Primary Supplier must have a Due Diligence Procedure in place to ensure compliance with these limits.

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 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.

The Primary Supplier must also be able to demonstrate that they have systems of checks and controls in place to ensure that products comply to M&S's standards.

The Primary Supplier is required to inform their suppliers of Due Diligence requirements, and to 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 in 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 Due Diligence policy and requirements, please visit the Supplier Exchange.

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

2 DUE DILIGENCE TESTING

2.1 Product testing

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

It is mandatory for Wet Processors to have a current ECP number and be compliant with the requirements of the MRSL and RSL.

Best practice for the Primary Supplier is to ensure that the mills carrying out wet processing are conversant with the RSL, and they may wish to have a prior agreement with the mill as to the consequences of non-compliance with the RSL.

Marks and Spencer expects the Primary Supplier to test finished products at a frequency to ensure compliance. The frequency of testing will depend on the risk of potential non-compliance, and the Garment/Product Supplier should evaluate this risk based on criteria including the following:

- The Mill's reputation, and the skills and knowledge of their technical personnel
- Incidence of previous RSL failures from the Mill
- 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

2.2 Risk assessment

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.

Marks and Spencer will test against the methods listed in the RSL, and Suppliers are advised to use these methods.

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 (**please see 2.5**) is designed to assist in assessing the risk of the presence of residual chemicals on the final product. Marks and Spencer will 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.

2.3 Response to Marks & Spencer routine Due Diligence Testing

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.

2.4 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

2.5 Due Diligence Testing – Risk Assessment for Chemical Testing

RSL Test	Cotton, Linen	Viscose, Tencel	Cotton/PES Viscose/PES	Wool & hair fibres	Wool/PES	Silk	Polyester	Polyamide	Natural leather	Acrylic	Acetate	Pigment Dye/Print	Reactive Print	Plastisol Print	Mock Leather	Metal – Zips etc.
Azo dyes	Black	Black	Black													
Disperse dyes								Pale		Pale						
APEOs																
Organotins																
Chlorinated Phenols																
Mercury	Cotton															
Mothproofing agents																
PFOS/PFOA	Where PFC finish applied															
Dye carriers																
Chrome VI				Black Navy	Black Navy											
Organic solvents																
Biocidal finishes	Where Biocidal finish applied															
Dimethyl fumurate																
Flame retardants	Where FR finish applied															
Phthalates																
Formaldehyde	Easy care			Dark				Dark								
Pesticides																
pH	Childrenswear and Intimates															
Cadmium												Red, Orange, Yellow		Red, Orange, Yellow		
Nickel	Bright Green/Turq	Bright Green/Turq	Bright Green/Turq			Bright Green/Turq						Bright Green/Turq	Bright Green/Turq	Bright Green/Turq		
Antimony																
Lead																
Copper	Bright Green/Turq	Bright Green/Turq	Bright Green/Turq			Bright Green/Turq						Bright Green/Turq	Bright Green/Turq	Bright Green/Turq		
Chromium																
SCCPs																

 Area of higher risk