Response to Comments

Green Seal Standard for Environmental Innovation, GS-20

April 30, 2021

Overview

Since the issuance of GS-20 Edition 2.0 on April 1, 2019, Green Seal has gathered input and feedback from the Beta Advisory participants and other industry stakeholders to inform the proposed revisions that went out for public comment between November 11, 2020 and December 16, 2020. Green Seal proposed to modify the criteria to require quantification of health and environmental impact reductions for all innovations and address limitations in market transformation. We sought comments from stakeholders, including industry experts, public health researchers, product designers, raw material suppliers, product testing laboratories, purchasers, end users, and the general public. The formal stakeholder input was submitted via written comment and is summarized below.

Stakeholder Participants

Industry stakeholders submitted questions and recommendations. That input, summarized and quoted within this document, has been anonymized. Green Seal greatly appreciates the participation of these stakeholders that submitted thoughtful comments and questions about the proposed standard revisions.

Stakeholder Questions and Green Seal Response

Stakeholder Questions Regarding Proposed Changes to GS-20 Standard

Stakeholders submitted the following questions to clarify how the proposed changes to Section 3.0, Environmental Innovation Review, would be implemented in practice.

1. Will applicants be considered "innovative" and be eligible for certification if a product meets the required 30% improvement or 20% thresholds, but is regressive in an environmental or human health impact when compared to a previously certified product in the same category?

   Green Seal Response: We appreciate the opportunity to clarify how innovation is defined and implemented. Applicant products are considered "innovative" if they can successfully demonstrate the innovative aspects of their product result in an impact reduction of 30% (for one impact category) or 20% (for two or more impact categories) of the most significant human health or environmental impacts associated with the product category. Thus, applicants will be considered innovative if they can demonstrate said impact reduction compared to the product category, not another previously certified product in the same category.

   Requirements for each applicant are set forth in their Innovation Criteria Document and apply only to the respective applicant. Innovation Criteria Documents are not intended for, or applied as, a leadership standard for the product category. Green Seal encourages manufacturers to use a wide variety of strategies to reduce the significant human health and environmental impacts in their products while still achieving leadership performance for the product. Products in the same functional category may demonstrate innovation by:
   - Achieving impact reductions to different health and environmental impact categories (lower emissions, lower toxicity) or
   - Achieving impact reductions to the same health and environmental categories via a different product attribute (design, disposal etc.).

2. With respect to Section 3.3, if a product claims an innovation during application, may a previously certified product, who did not originally make the claim, but possess the same characteristics invalidate the applicants claim?

   Green Seal Response: Yes. During the public comment period for an applicant's Innovation Criteria Document, any competitor, including a previously certified product, could put forth evidence that their product possesses, and was the first to possess, the same innovation strategy of the applicant product. If, upon reviewing evidence from the applicant and commenter, Green Seal concluded that the applicant was not the first on the market to achieve the innovative aspect, then the applicant would no longer be able to earn certification via that product aspect.
   For reference, Section 3.3 in the GS-20 Standard states: "First to Market. The product shall be the first within its functional class sold on the North American market to demonstrate this innovation." All claims certified by Green Seal must be validated through documentation and appropriate evidence.

Stakeholder Question Regarding Requirements for an Independent (third party) Laboratory Selection: In the case of a dispute in which an independent laboratory is deemed necessary, we believe both parties should agree upon an accredited independent laboratory which will then be given a final approval by Green Seal. This is to ensure both equitable testing and eliminate the possible perception of bias, while providing Green Seal the opportunity to verify the laboratory is independent and capable of providing a qualified result.

> **Green Seal Response:** Green Seal agrees that ensuring equitable testing and addressing perceptions of bias are important considerations when selecting a third-party laboratory. If independent testing is specified in an applicant's Innovation Criteria Document, it is the responsibility of the applicant to select a laboratory, subject to Green Seal's approval, for testing. In the case of a certification appeal by an outside party that is based on test results, the appellant is responsible for selection, subject to Green Seal's approval, and testing by an independent laboratory as well as demonstrating testing is carried out following the methodology specified in the applicant's Innovation Criteria Document. An independent laboratory is a laboratory that 1) has been recognized by a laboratory accrediting organization to test and evaluate products to a related product standard, and 2) is free from commercial, financial, and other pressures that may influence the testing and evaluation process.