Response to the EU proposal for short-chain chlorinated paraffins waste limits under the Basel and Stockholm Conventions

To: Jean-Claude Juncker, President of the European Commission

CC: Frans Timmermans, First Vice-President;
Jyrki Katainen, Vice-President
Commissioners Karmenu Vella, Elżbieta Bieńkowska, Vytenis Andriukaitis
Martin Selmayr, Secretary General

Brussels, 31 August 2018

Dear President Juncker,

We are writing to express concerns surrounding EU actions on setting hazardous waste limits for short-chain chlorinated paraffins (SCCPs) under the Basel and Stockholm Conventions. This is an issue which has horizontal implications for issues such as circular economy, health, environment and internal market, each of which is affected by what hazardous waste limits are set for SCCPs. The Basel Convention Open-Ended Working (OEWG11) will discuss this issue for SCCPs and other substances at their meeting next week, 3-6 September 2018[1]. Governments will finalize these limits at the Conferences of Parties for the treaties in April/May 2019[2]. The EU has an important role to play as the nominator of SCCPs for listing in the Stockholm Convention, but its current proposal raises questions about its commitment to the Convention's objectives.

[1] http://www.basel.int/TheConvention/OpenendedWorkingGroup(OEWG)/Meetings/OEWG11/Overview/tabid/6258/Default.aspx

[2] http://sdg.iisd.org/events/basel-convention-cop14-rotterdam-convention-cop9-and-stockholm-convention-cop9/

At issue is the "low POPs content" that defines the level at which waste must be treated according to stringent Stockholm Convention obligations to destroy their POP content. Waste with POPs below the low POPs content level are considered "clean" by the treaty. Most substances listed in the treaty have a low POPs content level of 50 ppm – a level that is still too high because such waste is highly hazardous, can contribute to the long-range transport of POPs, and can cause serious harm to public health and the environment. **In contrast, the EU is proposing a recklessly high "low-POPs-content level" for SCCPs – 10,000 ppm[3]. This is the weakest proposal for a low POPs content level in the history of the Basel and Stockholm Conventions and 200-fold weaker than the limits for PCBs and other similar POPs.** It is ironic that the EU originally proposed SCCPs for listing in the Stockholm Convention due to concerns over its harm, but now seeks to undermine protections against these same unmanageable POPs properties.

In 2017, Stockholm Convention COP8 agreed to list SCCPs in Annex A for global elimination. Governments agreed to list SCCPs in the treaty because it fulfills all POPs criteria. The SCCPs Risk Profile[4] documented the following characteristics: SCCPs are persistent in air and stable to hydrolysis and bioaccumulate in the aquatic food web and in birds. SCCPs are also found in Arctic biota (including fish, seabirds, seals, walrus, and whales) at levels comparable to known POPs, indicating widespread contamination. These animals also serve as food for northern Indigenous Peoples. SCCPs are toxic to aquatic organisms at low concentrations, disrupt endocrine function, and are suspected to cause cancer in humans. According to a recent scientific paper, *"no other persistent anthropogenic chemical has been produced in such quantities [as SCCPs]"* and there is some indication that production is increasing[5]. Considering SCCPs' demonstrated long-range transport and ability to accumulate, there is a potential for increases in environmental levels should releases continue or increase. The EU proposal would result in these kinds of increased releases.

SCCPs already represent a threat to human health due to their wide presence in consumer products, including on the EU market. A recent study found SCCPs were widely present in plastic toys and even in food preparation materials.[6] Ninety-six percent of toys with measurable concentrations of SCCPs contained levels of 10 ppm or greater. Consumer products on the EU market with SCCPs greater than 10 ppm included wall paper (56.6 ppm), a gym ball for children (9715 ppm), and a ball for children with figures from the movie, "Frozen" (102 ppm). Under the EU's weak "low-POPs-content-level" proposal, none of these products would be subject to Stockholm Convention obligations when becoming waste.

Other researchers have also found SCCPs in consumer products. In Norway, SCCPs exceeded permitted levels in children's products with concentrations ranging from 1,600 – 107,000 ppm (0.16-10.7%)[7]. When conducting tests on household articles, the Swedish Chemicals Agency found that of 62 articles tested, 16 contained SCCPs in high concentrations (26%); and 11 of the articles contained lower concentrations of SCCPs that were thought to have resulted from contamination in the manufacturing or delivery process (18%)[8]. In Germany, 19 of 84 plastic products contained SCCPs, with concentrations ranging from 440-50,000 ppm (23%)[9]. Levels of SCCPs ranging from 4,000 – 69,000 ppm (0.4-6.9%) were found in mats tested in

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[3] http://basel.int/Implementation/POPsWastes/TechnicalGuidelines/TechnicalGuidelines(versionMarch2018)/tabid/6303/Default.aspx

[4] UNEP (2015) Risk profile on short-chained chlorinated paraffins, Stockholm Convention POPs Review Committee, UNEP/POPS/POPRC.11/10/Add.2

[5] Xia D, Gao L, Zhen M, Li J, Zhang L, Wu Y, Tian Q, Huang H, Qiao L (2016) Human exposure to short- and medium-chain chlorinated paraffins via mothers' milk in Chinese urban population, Environ Sci Technol 51: 608-615

[6] Miller P, DiGangi J (2017) Toxic industrial chemical recommended for global prohibition contaminates children's toys, IPEN http://ipen.org/sites/default/files/documents/ipen-sccps-report-v2_1-en.pdf

[7] UNEP (2016) Risk Management Evaluation on Short-Chain Chlorinated Paraffins, Persistent Organic Pollutants Committee (POPRC). Annex F Submission by Norway. UNEP/POPS/POPRC12/11/Add.3.

[8] Swedish Chemicals Agency (2013) Analyses by the Swedish Chemicals Agency in connection with enforcement 2008-2013. Summarized in the Risk Management Evaluation on Short-Chain Chlorinated Paraffins. 2016. Persistent Organic Pollutants Committee (POPRC) Annex F Submission by Sweden. UNEP/POPS/POPRC12/11/Add.3.

[9] UNEP (2016) Risk Management Evaluation on Short-Chain Chlorinated Paraffins, Persistent Organic Pollutants Committee (POPRC) Annex F Submission by Germany. UNEP/POPS/POPRC12/11/Add.3

Austria.[10] In Sweden, a recent study demonstrated that hand-blenders used in food preparation for babies and infants are unexpected and serious sources of exposure to SCCPs[11] [12]. Eight out of twelve hand blenders leaked SCCPs into prepared food (67%). The scientists concluded that, *"the presence of chlorinated paraffins in household appliances that contaminate food during preparation is unacceptable and actions have to be taken immediately*[13]*."*

In our view, SCCPs (like other substances listed in the Stockholm Convention) should simply not be present in children's products, food contact materials, and other products and processes.

The current EU proposal of 10,000 ppm for SCCPs "low-POPs-content-level" has disturbing implications including:

- Significant new releases of POPs with accompanying threats to environmental health, since waste with high levels of SCCPs will be considered "clean";
- Poisoning the circular economy since plastics containing SCCPs less than 10,000 ppm would be considered "clean" and could be used, re-used and recycled, thus further dispersing SCCPs into products, including children's products and food contact materials;
- Opening the door to dumping of waste with very harmful SCCPs levels in developing and transition countries that cannot measure or manage them;
- Discouraging implementation of superior waste disposal techniques that can destroy all POPs content;
- Normalizing recklessly high "low-POP-content-levels" in the Stockholm Convention that undermine the objectives of the treaty.

We call on the EU to exert leadership in the Basel and Stockholm Convention processes for setting low POPs content limits. This means acting on three points:

1. Prioritize protection of human health and the environment by supporting a low POPs content limit of 100 ppm for SCCPs;
2. Support more protective low POPs content limits for other substances:
    - 1 ppb (= 1 ng/g WHO-TEQ) for PCDD/Fs + dl-PCBs
    - 100 ppm (= 100 mg/kg) for hexabromocyclododecane (HBCD)
    - 50 ppm (= 50 mg/kg) for sum of polybrominated diphenyl ethers or PBDEs (including Deca-BDE). This equates to 10 ppm for Deca-BDE.
3. Utilize the Basel and Stockholm Convention processes to strengthen the EU's weak SCCPs regulation, rather than seeking to globalize unacceptable concentration limits.

Thank you for your consideration.

Yours sincerely,

[10] UNEP (2016) Risk Management Evaluation on Short-Chain Chlorinated Paraffins, Persistent Organic Pollutants Committee (POPRC) Annex F Submission by Austria, UNEP/POPS/POPRC12/11/Add.3

[11] Strid, A. et al. (2014) Hand blenders on the Swedish market may contaminate food with chlorinated paraffins. A Report of the Swedish Toxicology Sciences Research Center and the Department of Materials and Environmental Chemistry, Stockholm University.

[12] Yuan B, Strid A, Darnerud PO, de Wit CA, Nystrom J, Bergman A (2017) Chlorinated paraffins leaking from hand blenders can lead to significant human exposures, Environ Int 109:73-80

[13] Strid, A. et al. (2014) Hand blenders on the Swedish market may contaminate food with chlorinated paraffins. A Report of the Swedish Toxicology Sciences Research Center and the Department of Materials and Environmental Chemistry, Stockholm University.

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