

# ENDING TOXIC EXEMPTIONS

## IPEN'S VIEWS ON THE EXEMPTIONS PROPOSED FOR UV-328 AND DECHLORANE PLUS

Three chemicals have been recommended by the POPs Review Committee (POPRC) to the 2023 Stockholm Convention Conference of the Parties for global elimination (Annex A listing). The POPRC has concluded that these chemicals are all likely, as a result of their long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. That is, these are some of the world's most dangerous chemicals.

The chemicals recommended for listing are:

- The pesticide methoxychlor
- The UV stabilizer UV-328
- The flame retardant Dechlorane Plus

IPEN supports the listing of methoxychlor in Annex A with no exemptions as recommended by the POPRC.

The POPRC recommendations for UV-328 and Dechlorane Plus include a long list of proposed broad exemptions. Some of these exemptions are proposed to last until 2044 and would allow for continued production and use of these POPs for certain purposes for two decades.

However, the POPRC concluded in their evaluation of these chemicals that the most effective measure would be to list them without exemptions, as the aim of the Convention is to protect human health and the environment from exposures to POPs. In addition, a range of available alternatives were identified.

IPEN recommends that no exemptions be granted for Dechlorane Plus or UV-328, recognizing that viable alternatives exist and are in use. We urge that Parties promote a swift transition to safe, available alternatives. It is critically important to phase out all uses of these dangerous substances.

We therefore recommend that if 5-year exemptions are considered:

- Any exemptions granted should only be for narrow, clearly defined applications.
- Industry should be required to provide data with full justification, proof of inability to substitute, and a time frame for removal from the market.

- No exemptions for production and/or use should be granted from the outset for more than five years, as indicated in Article 4 of the Convention.
- An explicit decision should be adopted by the COP to schedule an evaluation process of the need to extend any of the granted exemptions beyond five years.



## **EXISTING ALTERNATIVES TO UV-328 AND DECHLORANE PLUS**

The Guidance adopted by the POPRC “on considerations related to alternatives and substitutes for listed persistent organic pollutants and candidate chemicals” provides details about the information a Party should submit when requesting exemptions. It should, for example, include “an explanation of why the exemption is technically or scientifically necessary and why potential alternatives are not technically or scientifically viable.” The Risk Management Evaluations for UV-328 and Dechlorane Plus do not include such a detailed evaluation, primarily because of the lack of information provided by the concerned industries.

### **UV-328**

The risk management evaluation showed that there are hundreds of UV stabilizers on the market today. It also noted that in the EU, the use of UV-328 is expected to be phased out by November 2023. This was further supported by one supplier that specified that they did not apply for authorization for continued use “...as there are several viable alternatives to UV-328.”

### **DECHLORANE PLUS**

The risk management evaluation identified several chemical and non-chemical alternatives. It also noted that historically, production is known to have occurred in the U.S. and in China but that current production is assumed to only occur in China and that China has decided to ban production, use, import, and export from 1 January 2026. Therefore, it is reasonable to conclude that no production will take place past that date and that alternatives are readily available.

### **THE CONTINUED NEED FOR THE EXEMPTIONS SHOULD BE EVALUATED ON A FIVE-YEAR BASIS**

In some previous listing decisions in which extensive exemptions were included, such as for Decabromodiphenyl ether (DecaBDE) and short-chained chlorinated paraffins (SCCPs), the decisions included text calling for scheduling a review of the continued need for these exemptions.

Adopting such a decision also for UV-328 and Dechlorane Plus would be in line with the provisions laid down in Article 4 of the Convention. In this manner, the COP can take an informed decision as to whether to extend the expiration date for an exemption. Such a process also provides Parties with important information on alternatives and supports the complete phase-out of the listed chemical.

It is noteworthy that some of the suggested exemptions could last until 2044, which is double the time laid down in article 4 of the Convention. Furthermore, the proposed exemptions mean that production for certain purposes, and associated toxic exposures, will be allowed to continue for a very long time.

### **EXEMPTIONS SHOULD BE AS DETAILED AS POSSIBLE**

It is crucial that any exemptions granted for listed substances are as narrow as possible and only allowed for a short period of time. This promotes the development of alternatives and ensures that the Convention fulfils its purpose of global elimination of POPs.

The proposed exemptions for UV-328 and Dechlorane Plus are very broad and lack detail of what specific products are exempted.

For example, the 2017 listing of DecaBDE included an exemption for parts for use in legacy vehicles. This decision both clearly defines what a legacy vehicle is, and which parts are exempted. However, for UV-328 and Dechlorane Plus, the proposed exemptions are for “replacement parts” and only a range of broad applications are listed, including “...motor vehicles (covering all land-based vehicles, such as cars, motorcycles, agricultural and construction vehicles and industrial trucks).” It is therefore important to both specify that the exemption only applies to legacy vehicles, since replacement parts could be used for newer vehicles, and provide more detail on the proposed exemptions.

This is especially important noting that the proposed exemptions allow for continued production of UV-328 and Dechlorane Plus for this purpose.

**IPEN has a 25-year track record of contributing to the development of global agreements to protect public health and the environment. Our members across more than 125 countries are uniquely positioned to effectively leverage our experience, technical expertise, and scientific integrity to push for meaningful policies to end the health threats posed by toxic chemicals.**

## **ANY EXEMPTIONS WILL LEAD TO THE RECYCLING OF TOXIC CHEMICALS AND CONTINUED EXPOSURE FOR WORKERS, CONSUMERS, AND THE ENVIRONMENT**

Both UV-328 and Dechlorane Plus are plastic additives. IPEN has previously shown that although the Convention states that waste products containing POPs are “not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct use or alternative uses,” the continued use of these substances is likely to lead to contamination of recycled materials such as recycled plastic pellets and consumer products.

In addition, all exemptions will lead to continued occupational exposure. This is especially concerning for the many exemptions related to the automotive industry, since this is where the highest concentrations of both these chemicals are used. In addition, there is a high risk of occupational exposures to workers engaged in waste management activities.

In the listings for hexabromocyclodecane (HBCD) and pentachlorophenol, requirements for labeling were introduced to ensure that the product containing the listed chemical could be easily identified (e.g., and its salts and esters). Labeling could also be implemented for UV-328 and Dechlorane Plus to help countries separate dangerous products and wastes and to reduce exposures and environmental releases. This would also help Parties to comply with the Convention and not recycle articles containing Dechlorane Plus and UV-328 into new products, and to prevent on-going exposures in homes and workplaces, protecting health and promoting a non-toxic recycling system. IPEN therefore recommends labeling of products that contain Dechlorane Plus and UV-328 so that Parties can identify these substances in products and wastes and fulfill requirements under Article 6. This would be similar to what was agreed upon when listing HBCD (SC-6/13)

