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EBFRIP questions Norwegian proposal to restrict the use of TBBPA and HBCD in consumer products

The day before the entry into force of the European framework for registration of chemicals, REACH, the Norwegian Ministry of Environment has decided to put forward a proposal¹ to restrict the production, import or export of consumer products containing 18 chemicals among which the flame retardants TBBPA -when used as an additive²- and HBCD.

TBBPA and HBCD are currently going through EU Scientific Risk Assessments which will be finalised at the end of 2007. They are also subject to an EU risk reduction process for environment due to be completed in the coming year. EBFRIP questions Norway's unilateral approach to manage chemicals as no formal scientific risk assessment was conducted prior to the announcement of these restrictions, which contradicts REACH regulation.

Following the announcement of this proposal, EBFRIP Chair Veronique Steukers indicated: *"We strongly disagree with the proposal of the Norwegian Ministry of Environment to ban the use of TBBPA as an additive and HBCD in consumer products. Both TBBPA and HBCD are still going through EU Risk Assessments. For TBBPA, EU authorities have reviewed more than 300 studies and already indicated that it presents no risk for human health; Also HBCD Risk Assessment on human health concluded that there is no risk for consumers. We believe that Norwegian authorities should not pre-empt the results of science. More importantly, we note that at the eve of the Reach Regulation entry into force on 1 June 2007, Norway positions itself against EU legal framework."*

The bromine industry has established a voluntary programme to reduce industrial emissions of brominated flame retardants to the environment, including TBBPA and HBCD. The Voluntary Emissions Control Action Programme (VECAP) has been operating since 2004. To date, 89% in volume of TBBPA additive customers in Europe have already committed to the programme. For HBCD, 70% of textile users have committed to VECAP and 85% of plastics users are on board as well through the SECURE programme.

The Norwegian proposal will be subject to a three-month period for national and international stakeholder consultation, until 15 August 2007. The proposal will then have to be notified to the European Union and the WTO and could be implemented in Norwegian law as of 1 January 2008.

¹ http://www.sft.no/artikkel_41146.aspx?cid=3292

² The proposed restriction would apply to consumer products only when the content of TBBPA in the product's homogeneous component parts is greater or equal to 1% by weight. This limit would not be reached when TBBPA is used as a reactive chemical, as TBBPA as such disappears to form part of the polymeric resin