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European Brominated Flame Retardant Industry Panel

19 November 2009

Ensuring the Safety of Electrical and Electronic Products via Scientific Risk Assessment

Intervention at ChemSec Event, European Parliament, 18 November 2009

- Thank you for giving me the floor.
- My name is Willem Hofland and I am Chairman of the European Brominated Flame Retardant Industry Panel, EBFRIP.
- I have a few brief points which I would like to raise for consideration:

Firstly, I note that the "Greening Consumer Electronics" campaign by Chemsec and Clean Production Action takes as its headline "moving away from bromine and chlorine", and is seeking to recruit the regulators' help in this mission.

- We question this approach, because it ignores the reality that while some brominated and chlorinated products present issues for human health and the environment, others do not.

- Six brominated flame retardants have been subject to EU risk assessments, now taken over by REACH. Some failed and some passed. This will be the same for all chemical substances going through REACH. We stand by the conclusions and ask EU regulators to do the same.

- We recognise that there are concerns about some chemicals, but we have consistently taken a proactive approach.

- Our product stewardship programme, which has been supported by the EU risk assessment authorities, identifies potential sources of emissions during production and use of brominated flame retardants, and reduced potential emissions by introducing best practice in our plants and the plants of industries using brominated flame retardants in their production processes.

- We have also been addressing waste management of brominated flame retardants, ranging from presence in landfills to recycling. For example we have established with partners in the metals recycling industry the feasibility of using metal-rich plastics from Waste Electrrical and Electronic Equipment (WEEE), containing brominated and other flame retardants, as feedstock in a metals smelter, combining safe disposal with reduced fuel requirements.

- As regards dioxins, I understand that the rapporteur has raised concerns related to the potential for uncontrolled combustion of WEEE and the resultant emission of dioxins and furans. Rightly so.

    - But surely this should be a debate about what harmful gases (including polyaromatic hydrocarbons (PAHs), toxic metals such as mercury, cadmium and cyanide) are released in a situation of uncontrolled combustion of WEEE, and indeed of any other waste going from Europe to developing countries.

European Brominated Flame Retardant Industry Panel
Av. E. Van Nieuwenhuyse 4
B-1160 Bruxelles
Telephone: +32 2 676 72 30
Fax: +32 2 676 73 92

www.ebfrip.org

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- In the EU, incinerators follow strict rules and thus significant formation of such harmful gases (including dioxins) is prevented.

- Regarding uncontrolled combustion of EU waste outside Europe, we all have to sit down together and look at this and find a solution not limited to dioxins and furans and indeed not limited to WEEE, perhaps in the framework of the UN Basel Convention on the movement of wastes.

Second, I would like to question the assumption that the EU RoHS Directive should be about reflecting the marketing strategies of certain electronics companies.

- EBFRIP member companies make flame retardants which are recyclable and some of which react into plastic, become an integral part of it and so are no longer able to be emitted.
- I am not seeking EU regulation to force electronics manufacturers to use these flame retardants.
- But neither am I seeking EU regulation to stop alternative flame retardant chemicals which are applied as additives and hence are potentially emissive. All should be addressed equally. Using legislation simply to reflect in restrictions choices that companies make for marketing purposes would lead to market and trade chaos and a reduced potential for industry to innovate.

Third, I recommend that the RoHS Directive does not restrict known and tested flame retardants in favour of unknown alternative chemicals with unknown consequences for the environment and fire safety.

- Brominated flame retardants are far more tested and controlled than alternative flame retardant chemicals. Several have already passed tests that are more stringent than requested under REACH, the conclusions of which have been agreed by the regulatory community.

- "Alternative" flame retardants could be a dangerous trap unless they are BOTH replacing unsafe products AND have been fully proven to be completely safe. Let's hear what they are and if they pass the test.

Finally, RoHS should be about ensuring safe products based on science – safe for the environment, safe for human health and fire safe for the consumer.

- Safety is based on knowledge – detailed, scientific knowledge. Since the RoHS Directive came into force, the Council and European Parliament have adopted REACH, a Regulation aimed at ensuring environmental and health safety. Let's allow the REACH experts to make a scientific judgment - not just on brominated flame retardants but on all flame retardants.

- And let's make sure that the alternatives provide equal or higher levels of fire safety, combined with safety for the environment and human health. Indeed I would specifically recommend that the Parliament consults the fire safety community before any decisions are made impacting the use of flammable materials and flame retardants.

In short, we should seek to ensure (1) a predictable regulatory process based on risk assessment and the same principles the Parliament signed up to on REACH and (2) a level playing field.