

28 July 2009

To: Dr Richard Ballaman, Chairman of the Working Group on Strategies and Review under the UNECE Convention on Long-Range Transboundary Air Pollution

Dear Dr Ballaman,

On behalf of the European HBCD Industry Working Group¹, we would like to express our gratitude to the co-chairs of the Task Force on POPs (Task Force) for allowing us to present our comments on the evaluation of HBCD's POP properties during the discussions on HBCD at the recent Task Force meeting in Plovdiv. We are fully supportive of this open and constructive collaboration with industry in the UNECE LRTAP POPs process.

As I am sure you are aware, the Task Force decided that the Nomination Dossier prepared by Norway provides sufficient information to be able to assess if HBCD should be a POP in the framework of the UNECE LRTAP Convention. This decision will be presented at the next meeting of the Working Group on Strategies and Review (WGSR) at the end of August/beginning of September.

As was expressed by industry during the HBCD discussions, we felt that the HBCD dossier did not provide sufficient scientific information for the Task Force to forward a recommendation to consider this substance to be a POP. This concern was shared by one of the peer reviewers of the dossier and also reflected in the position of one of the Task Force country experts. In particular, and as is mentioned in the meeting report, it was their opinion that the dossier did not contain sufficient information to allow a decision regarding the likely adverse effects of HBCD as a result of long range transport (as specified in EB decision 1998/2 para 2(b)).

As part of our contribution to the evaluation of HBCD as a potential POP, including information on the potential for causing adverse effects to human health and/or the environment as a result of long-range transboundary atmospheric transport (in line with Para 2b), the industry commissioned a critical review by a team of well known environmental scientists with in-depth expertise in the area of POP assessments of chemicals (Jon Arnot et al "An evaluation of hexabromocyclododecane (HBCD) for Persistent Organic Pollutant (POP) properties and the potential for adverse effects in the Environment"). For your information the Arnot review is enclosed with this letter. Among the key conclusions, Arnot et al (2009) reported that HBCD is not likely to cause adverse effects as a result of long range transport.

Unfortunately, despite our best efforts, this report was not finalized until shortly before the Task Force meeting. Although it was made available to all Task Force members a few days prior to the meeting and the co-chairs graciously allowed industry an opportunity to present a summary, the Task Force members felt that there was insufficient time to review the document prior to deciding the report's validity and relevance to the discussions on HBCD as a POP. Consequently the Task Force was essentially forced to ignore the conclusions of the study.

By contrast, one of the member country task force experts (Norway) intervened during the discussions on HBCD to indicate that new information from the Arctic Monitoring Programme² supported the submission dossier in terms of conclusions regarding mammalian toxicity.³ This document was not provided in time for review by the Task Force. When our industry experts subsequently checked this reference for any new information on effects to humans or the environment, the AMAP report did not provide any specific information on the toxicity of HBCD. The only references in the report speak to HBCD's ongoing production, potential for transport and

¹ The HBCD Industry Working Group gathers HBCD producers and users in the polystyrene insulation foam sector, the major application of HBCD. The HBCD producers are represented by EBFRIP (European Brominated Flame Retardant Industry Panel) and the HBCD users in the polystyrene insulation industry are members of PlasticsEurope (for expandable polystyrene) and Exiba (for extruded polystyrene).

² [AMAP human health report 2009](#)

³ Cited in the Co-Chairs Report (ECE/EB.AIR/WG.5/2009/7) as "Some Task Force members referred to other studies supporting the conclusions on mammalian toxicity, which they agreed to make available."



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bioaccumulation and comments relating to low exposures in the environment, animals and humans.⁴ The primary conclusion in relation to HBCD was the need for further investigation.⁵

We are concerned that because this information on mammalian toxicity from the AMAP report was provided by the Norwegian delegate it might have influenced at least some Task Force members. So, on one hand a key study that was critically important to the discussion of the potential POP status had to be disregarded due to lack of adequate time to carefully consider its content and relevance. On the other hand, a similarly “late” study, which was not available at the time of the Task Force meeting was misquoted and given too much credibility.

Given the importance of HBCD and the socio-economic impact of a listing for this substance, we would ask the WGSR to consider the above mentioned new information during their upcoming meeting and to consider recommending that an additional technical (Track A) review be conducted by the Task Force on POPs. This would allow for a full consideration of the Arnot report as well as a more careful consideration of the AMAP report which clearly is needed.

Yours sincerely,

Dr. Smadar Admon
Chair of the European HBCD Industry Working Group

Cc.

Cheryl Heathwood, POP Task Force co-chair
Johan Sliggers, POP Task Force co-chair

⁴ For example page 97 of the AMAP report states “The limited human data on...HBCD show that concentrations are still low and mostly undetected (Knutsen et al., 2008; Thomsen et al., 2008).”

⁵ See page 99 of AMAP Section 5.2.8.1 which concludes/recommends “Even though the limited data forHBCD indicate that concentrations are still low, the large production volumes indicate a need for further data and screening.”



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