

# “REACHforLIFE”?



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Launch of « REACHforLIFE »



# What is “REACHforLIFE” (RfL)?

- A “campaign” created on 30 June 2008 by 3 out of 4 of the producers of brominated flame retardants (Albemarle, Chemtura, ICL-IP)
- Why 30 June 2008?
  - last day of legal use of Decabromodiphenylether (DecaBDE) in new electrical and electronic equipment
  - following a judgement by the ECJ of 1 April 2008 annulling a Commission decision to exempt DecaBDE from the ban in electrical and electronic equipment (=70% of use of DecaBDE)



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# Objectives and strategy of RfL

## (my assessment)

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### – Objectives:

- Exempt DecaBDE from the ban in electrical and electronic equipment (RoHS Directive)
- Avoid future ban of DecaBDE in remaining applications (textiles)
- Avoid future bans of other brominated flame retardants

### – Strategies:

- Suggest that “the role of scientific evidence in EU public policies related to chemicals is under threat”
- Call for “overall coherence between legislation”

# RfL tactic 1: Spread green paranoia 1/2

## Fiction:

*“decaBDE, is now the victim of a misguided but unfortunately successful campaign by supposedly “green” groups to ban the substance from electrical and electronic equipment from 1 July 2008. And politicians are giving in to their demands” (advertorial in EV)*

# RfL tactic 1: Spread green paranoia 2/2

## The facts:

- Commission proposal to ban all PBDE in EEE (RoHS) in 2000
  - Parliament and Council Directive to ban all PBDEs adopted in 2003
  - Commission decision to exempt DecaBDE in 2005
  - ECJ judgement to annul the Commission decision in 2008
  - Commission accepted the judgement
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- **Commission, Council, Parliament all support ban**
  - **ECJ annulled unlawful exemption from the ban**  
**(all victims of a misguided campaign by the Greens???)**



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# RfL tactic 2: Misrepresent science 1/3

## Fiction:

- “*decaBDE was not found to pose any risks after a 10-year risk assessment*” (advertorial)
- “*we believe it is wrong to ban substances which have been demonstrably proven to be safe*” (advertorial)
- “*EU decision-makers seem no longer willing to heed the results of assessments ... and are banning ... the use of materials despite their clean track record*” (invitation)



# RfL tactic 2: Misrepresent science 2/3

**The facts** (citations from the overall results of the environmental risk assessment (update May 2004):

– **“Environment**

(x) i) There is a need for further information and/or testing. This conclusion applies to the PBT assessment. Decabromodiphenyl ether is likely to be very persistent (vP), but not bioaccumulative nor toxic in the marine environment .... However, the PBT assessment is complicated by data available on the:

- widespread occurrence of the substance in top predators (e.g. birds and mammals, including terrestrial species) and the Arctic;
- neurotoxic effects and uptake of the substance by mammals in laboratory studies; and
- possible formation of more toxic and accumulative products such as lower brominated diphenyl ether congeners and brominated dibenzofurans in the environment.

This means that the available assessment methodology might not be applicable to this substance. As a minimum there is a continued need to monitor environmental contamination for a suitable time period for both the substance and (if possible) its more toxic and bioaccumulative degradation products. “ (own emphasis added)

➤ **No basis in the RA to claim “no risk”/“proven to be safe”/“clean track record”**



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# RfL tactic 2: Misrepresent science 3/3

## The facts

### – **CSTEE opinion on risk assessment of DecaBDE (Oct 2002)**

“The CSTEE agrees with the conclusion i) for the environment but also concludes that this uncertainty is sufficient to warrant risk reduction measures directly (conclusion iii). “

### – **SCHER opinion update of enviro RA of DecaBDE (March 2005)**

“Emissions of DeBDE to the environment may constitute serious problems in the future. If formation of lower brominated, bioaccumulating substances take place this process can go on for a very long time and there are no possibilities to stop it. The previous scientific committee (CSTEE) said that the uncertainties in the fate of DeBDE warrant risk reduction measures. Today there is further evidence for degradation of this substance to potentially harmful compounds and SCHER also strongly recommends further risk reduction (conclusion iii).” (own emphasis added in both quotes)

➤ **Top scientific bodies of the Commission call for risk reduction!**



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# RfL tactic 3: Discredit alternatives 1/5

## Fiction:

- *“from this day onward [1 July 2008], certain electrical and electronic appliances will stand a greater chance of catching fire, thereby putting human life in increasing danger”* (press release)
- *“we believe it is wrong to ... impose the use of substances without having demonstrated that they are safe to use”* (advertorial)



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# RfL tactic 3: Discredit alternatives 2/5

## The facts

### – Study by German EPA (December 2000)

*“Overall, evaluation of the selected flame retarding systems shows that both the brominated and the organic phosphorus flame retardants present toxicological and ecotoxicological problems to varying degrees, and that for some of them a need for their substitution exists. At the same time, applications-oriented examination of flame retardant use shows that, in almost all areas of application, potentials for reducing the consumption of flame retardants and for using environmentally less harmful substances exist, while retaining the required fire safety properties. These potentials are at the present time and for various reasons not completely utilized. In contrast, most of the other flame retardants prove to be environmentally less relevant.” (own emphasis added)*



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# RfL tactic 3: Discredit alternatives 3/5

## The facts

### – Swedish Chemicals Inspectorate (June 2005)

*“The conclusion that can be made from the technical assessment and the survey is that there seems to be alternatives available [for DecaBDE] for fire protection of many, if not all, polymeric applications in electric and electronic equipment covered by the RoHS-directive”*

# RfL tactic 3: Discredit alternatives 4/5

## The facts

### – Joint Research Centre (January 2007)

*“This Report concludes that substitutes do exist on the market for DecaBDE for the proposed applications and that many large electronic manufacturers claim to have moved to bromine-free alternatives. In addition literature data suggest that potential adverse environmental and human health effects of at least some substitutes may be minimal. However key data and information gaps in comprehensive risk assessments and hazard classification still exist, as well as uncertainties related to the potential impacts of degradation products of both DecaBDE and its substitutes.”*



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# RfL tactic 3: Discredit alternatives 5/5

## The facts

- German chemical industry voluntarily stopped producing and selling PBDEs in 1986
- Albemarle sells alternatives for every polymeric application of DecaBDE (no research done for other RfL companies)
- **Numerous studies have shown the availability of safer alternatives which provide equal fire safety**
- **All major EEE producers have stopped using DecaBDE**
- **Is Albemarle selling unsafe alternatives?**



# RfL strategy: “Need for overall coherence between legislation”

## The facts

- Directive 2002/95/EC (RoHS)
    - Complete ban of all PBDE in EEE effective as of July 2008
  - Directive 2003/11/EC
    - Complete ban of Penta and OctaBDE in all applications effective Aug 2004
    - Recital 6: *“The risk assessment on decaBDE was concluded in August 2002 and has revealed a number of uncertainties concerning possible effects on the environment of this substance. Risk reduction measures should be taken by the Community without delay and a risk reduction strategy has therefore to be established immediately. The Commission expects the results of the risk reduction strategy not later than 30 June 2003. It should then immediately assess these results and propose appropriate and strict measures to address risks identified. The European Parliament and the Council should consider this proposal without delay. Restrictions approved by the Community on the marketing and use of decaBDE are to enter into force without further delay, unless the further testing provided for in the above risk assessment resolves the current uncertainties by concluding that decaBDE gives no cause for concern.”*
- **The legislator has called for a full DecaBDE ban – COM should act!**



# Summary

- DecaBDE has been proposed to be banned in EEE in 2000
- The ban is effective as of 1 July 2008
- The ban is fully justified due to
  - Waste management problems of plastics with brominated flame retardants (one of the key original motivations for the proposal)
  - Properties of DecaBDE described in the risk assessment
  - Opinion of the top scientific committees of the Commission
  - Wide availability and use of safer alternatives since many years



# “REACHforLIFE”...

“The campaign that believes that science should be at the core of political decision-making.” .....???

# DECA is DEAD!

- Many RfL claims do not reflect the facts
  - Misinformation of the legal and political situation
  - Misrepresentation of the science
  - Misrepresentation of the alternatives
- RfL objectives have no support from COM scientific committees
- RfL objectives have no support from any European Institution
- RfL has no support from the chemical industry trade association (Cefic “distances” itself from RfL!)

# Recommendations

- **Bury DecaBDE!**
- **Bury your campaign!**
- **Go halogen-free!**

**...otherwise you risk to bury your credibility (and that of the chemical industry) for a long time ...**