



To: Mr. Juergen Helbig  
European Commission  
Stockholm Convention National focal point (NFP)  
Stockholm Convention Official contact point (OCP)  
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Copied to: European Union Member States

Date: April 23<sup>rd</sup>, 2019

**Re: Withdrawing the Stockholm Convention recycling exemptions for TetraBDE, PentaBDE, HexaBDE and HeptaBDE**

Dear Mr. Helbig,

Leading European environmental and health organizations as well as international network IPEN are writing to you in your capacities as the official Stockholm Convention contact points to share our concerns about EU's recycling exemptions under the Stockholm Convention for materials such as plastics and foam containing the following persistent organic pollutants used as flame retardant chemicals, TetraBDE, PentaBDE, HexaBDE and HeptaBDE.<sup>1</sup> These concerns are based on a review of recycling practice of products containing these POPs completed by the Stockholm Convention POPs review committee and recent [monitoring of consumer products on the European market](#). We are making the case for the the EU to withdraw the recycling exemptions for TetraBDE, PentaBDE, HexaBDE and HeptaBDE at the upcoming 9th Conference of the Parties 29 April – 10 May in Geneva.

The recycling exemption for materials containing these four flame retardant substances was part of the [listing decisions](#) at the 4<sup>th</sup> Conference of the Parties in 2009 and allows the practice to continue until 2030. However, Parties at the Conference also tasked the treaty's expert committee to evaluate the recycling practice and provide recommendations.

The expert committee's findings are described in Decision POPRC-6/2 contained in the [meeting report](#). Key recommendations included taking action to *"...eliminate brominated diphenyl ethers [BDEs] from the recycling streams as swiftly as possible."* The Committee noted that, *"Failure to do so will inevitably result in wider human and environmental contamination and the dispersal of brominated diphenyl ethers into matrices from which recovery is not technically or economically feasible and in the loss of the long-term credibility of recycling."* Subsequent testing of consumer products has demonstrated that these concerns are valid.

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<sup>1</sup> Known collectively as polybrominated diphenylethers or PBDEs.

The principal consequence of the recycling exemption is contamination of products made of recycled plastic or foam with toxic chemicals.

[Recent efforts by Arnika, IPEN, HEAL](#), and other environmental groups tested consumer products made of recycled plastic which were on sale in different European countries. The results, made public in the report [Toxic Loophole: Recycling Hazardous Waste into New Products](#) showed that these toxic chemicals along with another toxic flame retardant chemicals are making their way into products, exactly as the Stockholm Convention expert committee predicted in 2010.

Among the products tested include children toys, office supplies, and hair accessories products that do not pose a fire hazard and should certainly not contain some of the most hazardous substances listed for global elimination under the Stockholm Convention.

The flame retardant substances at issue resemble PCBs and are known to disrupt human hormone systems, adversely impacting the [development of the nervous system](#) and [children's intelligence](#).

Ironically, recycling practice presented to be environmentally friendly practises end up leading to presence or higher content of toxic substances in products, as these are carried along in the recycling process. At a time when many countries including EU have made commitments to increase recycling through a circular economy, the presence of toxic chemicals in products made from recycled materials reveals a gap not well addressed within a circular economy framework. As a result, the ongoing presence of toxic chemicals in products such as these POPs diminishes the overall credibility of recycling.

For these reasons, we respectfully request European Union to withdraw its recycling exemptions for TetraBDE, PentaBDE, HexaBDE and HeptaBDE under the Stockholm Convention at the next COP. Lifting these exemptions will contribute to the achieving the ultimate goal of elimination under the Convention for these POPs.

We note that [technical solutions exist for separation](#) of PBDE-contaminated waste including [Creasolv](#), x-ray fluorescence devices, x-ray transmission devices, and even low-cost sink-float methods. Techniques for destruction of PBDEs as required under the Stockholm Convention include [non-combustion techniques](#) such as super critical water oxidation (SCWO), gas phase chemical reduction, and mechanochemical processes such as high-energy ball milling.

We note that other Parties have already withdrawn their recycling exemptions for these substances or they have expired. For example: Czechia, Iran, and Vietnam no longer have recycling exemptions for [TetraBDE and PentaBDE](#) as of 2014 – 2015 and Japan withdrew their exemptions for a variety of uses including recycling automobile shredder residues, refuse paper and plastic fuel, recycling automobile shredder residues to sound-proofing products, and recycling plastics from used specific home appliances (air conditioner, television sets, refrigerator, freezer, washing machine and clothes dryer) and personal computers to construction material and daily necessities such as hangers and bookends. Czechia and Iran also no longer have recycling exemptions for [HexaBDE and HeptaBDE](#) as of 2014 – 2015 and Japan withdrew recycling exemptions for the uses described above.

EU consumers should be able to purchase products made of recycled materials without having to worry that they contain substances that are globally banned. ***We strongly encourage the EU to announce its withdrawal of the recycling exemptions for TetraBDE, PentaBDE, HexaBDE and HeptaBDE at the upcoming [9<sup>th</sup> Conference of the Parties](#) 29 April – 10 May in Geneva.***

We welcome an opportunity to discuss this important matter for Stockholm Convention implementation and protection of EU consumers. Please do not hesitate to contact us.

Thank you for considering our recommendations.

Cordially,

Mr Jindřich Petrlik, Arnika

Mr David Azoulay, Center for International Environmental Law (CIEL)

Ms Tatiana Santos, European Environmental Bureau (EEB)

Ms Kistine Garcia, Ecologistas en Acción

Ms Génon K. Jensen, Health and Environment Alliance (HEAL)

Ms Alexandra Caterbow, Health and Environment Justice Support (HEJSupport)

Ms Johanna Hausmann, Women Engage for a Common Future (WECF)

Ms Pamela Miller and Dr. Tadesse Amara, International POPs Elimination Network (IPEN)