Dear Sir/Madam,

We would like to share with you our views with regard to the discussion on the DecaBDE restriction proposal included in the agenda of next REACH Committee Meeting of 2-3 June 2016.

The EEB welcomes the proposal to restrict DecaBDE. DecaBDE is a toxic flame retardant mainly used in plastics for electronic and electrical equipment and in textiles. Several safer alternatives including non-chemical alternatives are already available on the market. DecaBDE not only is a Persistent Organic Pollutant (POP) but it is also an endocrine disrupter that interferes with thyroid hormone signalling and the regulation of brain cell growth and brain connectivity during foetal development. Adverse effects include neurological disorders and lower mental development scores in small children. Both as a POP and as an endocrine disrupter DecaBDE should also be considered a non-threshold substance.

Therefore, we support this restriction, however we reject several exemptions that have been proposed.

**Exemption for auto spare parts**

We believe that this exemption is not justified as the auto industry can retrofit new parts that do not contain DecaBDE and have already undergone testing and validation. The health and environmental impacts of this exemption have not been assessed, and so far, the only reason for a legacy spare parts exemption is to save the auto-industry the cost of re-developing and re-validating these parts while transferring the environmental and health impacts and costs of this use to society. The objectives of REACH and the Stockholm Convention are not to grant exemptions for continued use of a POP simply because an industry sector does not wish to absorb certain costs. The recommendation for the auto industry exemption highlights a weak approach of the RAC and SEAC committees to critically evaluate industry claims.

**Exemption for aviation**

The Stockholm Convention POPs Review Committee is currently taking up the issue of possible exemptions for use in aviation. The industry has not fully excluded a request for spare parts exemptions, but has indicated that they are likely not necessary. For example, Boeing has signalled to this Committee that DecaBDE can be completely phased out by 2018. The REACH Committee should not grant an exemption that the aviation industry does not likely need – especially for a substance recommended for a global ban under the Stockholm Convention.
PBDEs (including DecaBDE) strongly resemble PCBs in both structure and toxicity. A Stockholm Convention expert committee evaluation noted that, “The neurotoxic effects of PBDEs are similar to those observed for PCBs and so children exposed to PBDEs are likely to be prone to subtle but measurable developmental problems.” This implies that limit standards should be at least as stringent for DecaBDE as they are for PCBs (50 ppm). The proposed limit in waste is 20 times higher (i.e. weaker) than the limit for most of the listed POPs in the Stockholm Convention (50 ppm). At COP7 of the Stockholm Convention in 2015, the EU proposed a 1000 ppm limit in wastes for PentaBDE and OctaBDE. In contrast, at COP7 China proposed a 50 ppm limit for PentaBDE and OctaBDE – a far more protective standard than the EU. We expect the EU to set protective standards at home and to be a leading proponent for protecting human health and the environment globally.

Finally, we believe that the restriction proposal should require labelling of all new articles that contain DecaBDE as a result of any exemptions granted. This is critical for handling of these parts under Stockholm Convention obligations at the end of life and has precedent in the treaty’s listing of HBCD.

Therefore, we would ask you to support the restriction of DecaBDE while rejecting the proposed exemptions for auto spare parts, aviation and reducing the limit in waste to 50ppm.

Yours faithfully,

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