



CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW

## Nine chemicals added to global toxics treaty, with gaping exemptions

Geneva, May 11, 2009 – A crucial meeting on an international treaty to rein in toxic chemicals limped to a close early Saturday morning in Geneva. Longstanding issues of technical and financial assistance to developing countries and a continued impasse on a compliance system nearly scuttled the talks.

The fourth Conference of the Parties (COP-4) of the Stockholm Convention on Persistent Organic Pollutants (POPs) teetered on the brink of collapse. But in the end, 162 countries and the European Union (EU) reached consensus to add nine new POPs to the treaty's original "Dirty Dozen." The United States signed the POPs treaty under President George Bush in 2001, but has yet to ratify the agreement to make it binding U.S. law.

Five of the new POPs, including obsolete pesticides and byproducts, are no longer in production, so their addition to the treaty provoked little controversy. Agreement on the other four chemicals proved much more difficult, leading to some major exemptions that potentially undercut the treaty's goals of protecting human health and the environment from POPs.

Lindane, a pesticide nominated by Mexico and still used in some countries, is slated for elimination. But a specific exemption is allowed for pharmaceutical use to treat lice and scabies for five years with the possibility of extension. Safer, more effective alternatives to lindane are already available in many countries.

Two commercial mixtures of brominated flame retardants, known as pentaBDE and octaBDE, were also added to the treaty. However, the EU raised concerns about how to manage products – such as cell phones, computers, and cars – containing these chemicals as they become waste. Under the Stockholm treaty wastes that contain POPs cannot be recovered, recycled, reclaimed or directly reused. The listing of pentaBDE and octaBDE was accompanied by an exemption that will allow their recycling to continue until as long as 2030. Other parties resisted this loophole for recycling of POPs chemicals and expressed deep concerns about the possible dumping of POPs-containing products in developing countries. To help prevent this, the amendment restricts exports of such products for recycling if they are not allowed for sale in the exporting country.

PFOS belong to a family of chemicals with special non-stick properties. Unlike the other POPs added to the treaty, PFOS is still produced in large volumes for use in a variety of applications including semiconductors, medical devices, firefighting foam, metal plating and more. Many countries claimed that they had no feasible alternatives to PFOS and demanded broad exemptions to cover nearly all existing uses. These broad exemptions effectively ensure continued production and use of PFOS, an extremely persistent and dangerous POP.

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More Information:

About the Stockholm Convention: <http://chm.pops.int/>

About COP-4: <http://www.iisd.ca/chemical/pops/cop4/>

About U.S. POPs Ratification: <http://www.uspopswatch.org/>

The Nine New POPs:

Listed on Annex A for elimination

1. alpha hexachlorocyclohexane, unintended byproduct of lindane manufacture
2. beta hexachlorocyclohexane, unintended byproduct of lindane manufacture
3. commercial octaBDE (hexabromodiphenyl ether and heptabromodiphenyl ether), used as a flame retardant
4. commercial pentaBDE (tetrabromodiphenyl ether and pentabromodiphenyl ether), used as a flame retardant
5. chlordecone, an agricultural pesticide
6. hexabromobiphenyl, a flame retardant
7. lindane, used in creams for treatment head lice; previously used in agriculture ("specific exemption" for pharmaceutical use as to control head lice and scabies)
8. pentachlorobenzene, used as a dyestuff carrier, fungicide, and a flame retardant

Listed on Annex B for restriction:

9. PFOS perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride (with specific exemptions for: photo masks in the semiconductor and liquid crystal display (LCD) industries, metal plating, electric and electronic parts for some printers and color copiers, insecticides for certain fire ants and termites, oil production, carpets, leather and apparel, textiles and upholstery, paper and packaging, coatings and coating additives, and rubber and plastics; and "acceptable purposes": photo imaging, photo-resist and anti reflective coatings for semiconductors, etching agents for compound semiconductor and ceramic filter, aviation hydraulic fluids, metal plating in closed-loop systems, certain medical devices, fire-fighting foams, insect bait for control of certain leaf-cutting ants).

The Dirty Dozen POPs listed in the original Stockholm Convention

Listed on Annex A for elimination

Aldrin  
Chlordane  
Dieldrin  
Endrin  
Heptachlor  
Hexachlorobenzene (HCB)  
Mirex  
Toxaphene  
Polychlorinated biphenyls (PCBs)

Listed on Annex B for elimination:

DDT (with specific exemption for disease vector control, and as a site-limited, closed system intermediate)

Listed on Annex C to reduce or eliminate releases:

Polychlorinated dioxins  
Polychlorinated furans  
Hexachlorobenzene (HCB)  
Polychlorinated biphenyls (PCBs)