



THE EU PROPOSAL FOR AMENDING ANNEXES IV AND V TO THE REGULATION (EU) 2019/1021 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON PERSISTENT ORGANIC POLLUTANTS:

AN OPPORTUNITY FOR THE EU TO PREVENT TOXIC RECYCLING AND CONTAMINATION OF THE CIRCULAR ECONOMY THROUGH THE SUBSTANTIAL STRENGTHENING OF LIMIT VALUES FOR POPs IN WASTE

Civil society comments and briefing for European Union Member States

We urge Member States to support stronger limit values for POPs in waste than those currently proposed. The weak limits undermine the Stockholm Convention and lead in practice to POPs recycling that is incompatible with the European Green Deal.

The EU is currently discussing new limit values for persistent organic pollutants (POPs) in waste. POPs are the most toxic and persistent chemicals ever studied and include dioxins (PCDD/Fs), PCBs or some PFAS and brominated flame retardants (PBDEs). The Stockholm Convention requires the **destruction of wastes that exceed POPs limit values** (known as Low POP Content Levels set by the Basel Convention) and bans the recycling of wastes contaminated with POPs to maintain toxic-free material cycles. However, the current proposal for POP limits in waste will allow plastic and other wastes contaminated with POPs to be, in practice, recycled by the industry in the EU. The transition to high-quality and toxic-free material cycles cannot be achieved while allowing POPs recycling in materials.

The strong limit values highlighted in the table below should be adopted:

Substances	Range of limit values based on EC methodology	Weak limit values proposed for update of POPs regulation	Strong limit values proposed by civil society organizations
*Sum of PBDEs (mg/kg)	200-1,000	500 (reduced in 5 yrs)	50
HBCDD (mg/kg)	100-1,000	500	100
SCCPs (mg/kg)	420-10,000	1,500	100
PCDD/Fs + dl PCBs (mg TEQ/kg)	0.001 - 0.015*	0.005	0.001
PFOA, its salts and PFOA related compounds (mg/kg)	0.025-50 for PFOA and salts; 1-2,000 for related compounds	1 for PFOA and salts; 40 for related compounds	0.025 for PFOA and salts; 10 for related compounds

*EC proposes to include PBDE sum (tetra-, penta-, hexa-, hepta-, decaBDE) into the limit value

**EC proposes new approach to include dioxin-like PCBs into the limit for dioxins and furans (PCDD/Fs)

***EC proposed options in this range for PCDD/Fs

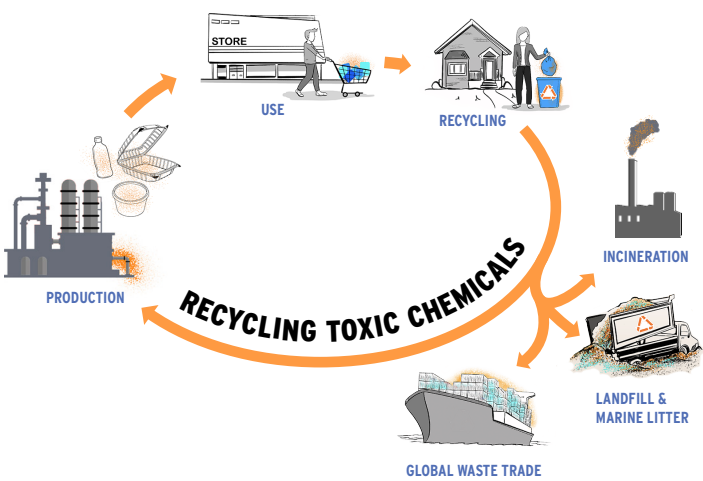
Recycling POPs in wastes leads to contamination of new products, including toys, made of the recycle. This disrupts the circular economy by allowing POPs-rich material to circulate in our products and waste, and increases human exposure to vulnerable populations. Some industry players are pushing EU regulators to set weak limits that would allow them to access more materials for recycling, even when they are heavily contaminated with POPs. If such POPs are recycled into new products, the public credibility of recycling and of the circular economy as a whole will be jeopardised.

The EU can set POPs standards that are consistent with the European Green Deal’s ambitions, but this can only be achieved by suggesting strong POPs limit values for wastes. Establishing toxic-free material cycles, protecting public health and building confidence in recycled products will only be possible if European institutions ensure the recovery of clean waste streams into recycled products.

THE PROBLEM: THE CURRENTLY PROPOSED ‘MIDDLE-GROUND’ POP LIMITS FOR WASTE ARE BASED ON ECONOMIC CRITERION INSTEAD OF STRONG AND HEALTH-PROTECTIVE VALUES.

The methodology to determine POPs limits suggests a range of values from strong limits that protect human health up to weak limits that are based on ‘economic considerations’ of some of the plastic, recycling, and waste incineration industries. Unfortunately, the ‘recycle at all costs’ approach neglects the serious harm for human health and related socio-economic costs that can arise from recycling wastes that contain POPs - this translates into the current suggestion for middle-ground limit values.

It is also important to mention that, with the adoption of such values, the downstream user industries will suffer from obtaining recycled materials containing high levels of legacy

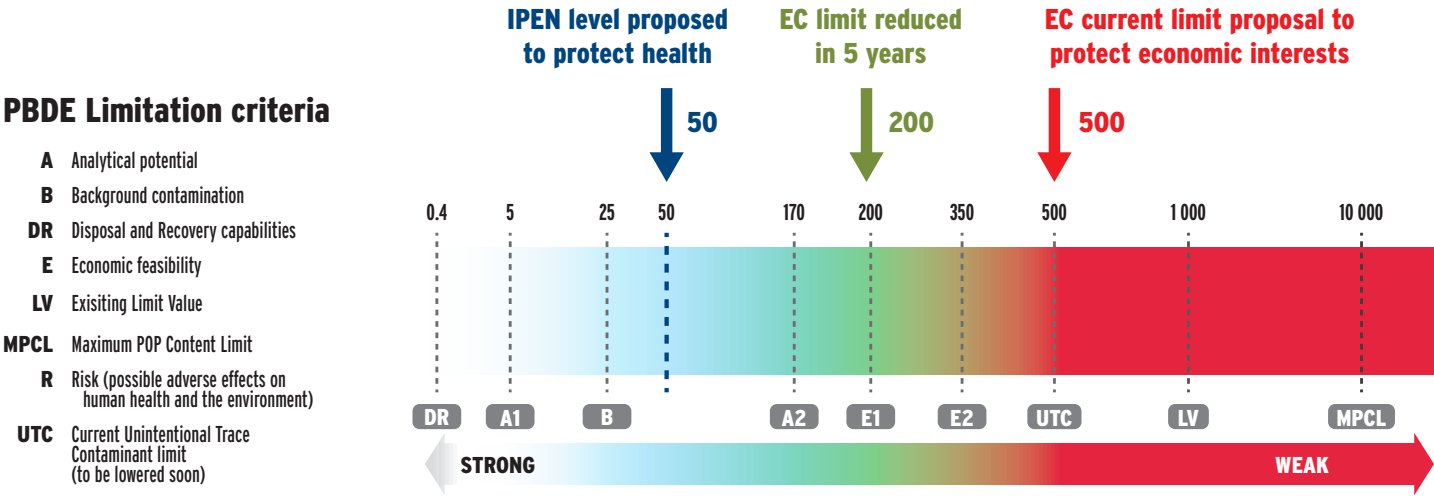


chemicals which will further prevent them from increasing the use of recycled materials and their re-entering back to the economy.

Other factors such as the technical ability to measure low concentrations of POPs and their background levels in the environment are also considered in the methodology. The proposed levels in the middle of this range provide opportunities to allow POP-rich plastic and dioxin-rich ashes recycling while abandoning the precautionary principle and health protective POPs limits.

Using the PBDE example, Figure 1 shows the comparison between the recommended range of levels presented to the EC by its expert consultants, the levels proposed by the EC, and finally the strong and technically justifiable limits proposed by IPEN, Arnika and other civil society organizations.

The consultants also considered the following aspects: the levels at which analytical capability is reliable, the background contamination levels in the environment, the disposal and recovery capability and the risk to public health



and the environment. **IPEN, Arnika, and other European civil society organizations propose a level for PBDE of 50 mg/kg that can be implemented with current technology.**

The same methodological approach was used for all POPs. Options ranging from strong health protective limits to weak limits that protect economic interests were presented to the EC (see Table 1). In nearly all cases, the currently proposed levels are more prone to protect economic interests above public health.

While some of the proposed limits for POPs are a slight improvement in comparison to the Basel Convention global Low POPs Content Levels, they are still far too weak to protect the environment and public health.

The transition to high-quality, toxic-free material cycles cannot co-exist with an approach that allows the recycling of POPs-containing wastes based on weak POPs limit values. By establishing strong POP limit values for waste, the EU

can demonstrate global leadership, increase human health protection and promote the development of the circular economy free of contamination. On the contrary, adopting weak limit values will do more harm than good and reduce the long-term credibility of recycling. Establishing strong limit values for POPs in waste today will significantly promote the future of a toxic-free circular economy, because it will promote innovation in recycling, increase the pressure on industrial designers to remove POPs from products, and ensure that the circular economy is not poisoned in its infancy. **Therefore we strongly call on Member States to support more ambitious limit values for POPs in waste as suggested by the NGOs and described in this briefing.**

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SIGNED NGOS



Arnika - Toxics and
Waste Programme
(Czech Republic)



ChemSec (International
Chemical Secretariat)



Ecocity (Greece)



International Pollutants
Elimination Network
(IPEN)



Réseau Environnement
Santé (RES) (France)



Women Engage for
a Common Future
(WECF)



Health and
Environment Alliance
(HEAL)



Health and
Environment Justice
Support (HEJSupport)



Humusz Waste
Prevention Alliance
(Hungary)



BUND - Friends of the
Earth Germany



Générations Futures
(France)



ToxicoWatch
Foundation
(Netherlands)



Center for International
Environmental Law
(CIEL)



The Cancer Prevention
and Education Society
(UK)



Friends of the Earth
(Slovakia)



ZERO - Association for
the Sustainability of the
Earth System (Portugal)



Armenian Women for
Health and Healthy
Environment (Armenia)



AlHem - Safer Chemical
Alternative (Serbia)