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25 October 2012

Subject: Proposal to amend Annex A to the Stockholm Convention to be discussed at the sixth meeting of the Conference of the Parties

The Persistent Organic Pollutants Review Committee of the Stockholm Convention, at its seventh meeting, held in Geneva from 10 to 14 October 2011, having evaluated the risk profile for hexabromocyclododecane prepared in accordance with paragraph 6 of Article 8 of the Convention and Annex E to the Convention, completed the risk management evaluation for that chemical prepared in accordance with paragraph 7 (a) of Article 8 of the Convention and Annex F to the Convention. On that basis, the Committee, in its decision POPRC-7/1, decided, in accordance with paragraph 9 of Article 8 of the Convention, to recommend to the Conference of the Parties, for its consideration, the listing of hexabromocyclododecane in Annexes A, B and/or C to the Convention. Furthermore, as stipulated in paragraph 4 of that decision, the Committee, at its eighth meeting held in Geneva from 15 to 19 October 2012, considered whether to specify the annex, and decided that it recommends the listing of hexabromocyclododecane in Annex A to the Convention with specific exemptions.

Paragraph 9 of Article 8 of the Convention states that, in the event that the Committee makes a recommendation on whether a chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C, “the Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C”. If the Conference of the Parties decides to list the chemical in Annexes A, B and/or C, such listing will be done by amending the respective annex or annexes in accordance with Articles 21 and 22 of the Convention.

What Parties may do in preparation for the sixth meeting of the Conference of the Parties:

The proposal for listing this chemical in Annex A to the Convention will be considered by the Conference of the Parties at its sixth meeting, to be held in Geneva from 28 April to 10 May 2013. Parties may therefore wish to be prepared to discuss this matter.

Parties may wish to recall that, in accordance with rule 19 of the rules of procedure of the Conference of the Parties, representatives of Parties wishing to take part in the decision-making process at the sixth meeting of the Conference of the Parties must be accredited with credentials issued by a Head of State or Government, by a minister for foreign affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

To: Stockholm Convention official contact points

Stockholm Convention national focal points

Cc: Representatives of permanent missions to the United Nations Office at Geneva

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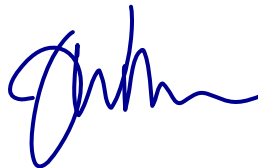
Parties are invited to notify the Secretariat by **1 December 2012** of any relevant issue or issues that they may wish to raise at the sixth meeting of the Conference of the Parties. The Secretariat will provide the Conference of the Parties with a compilation of the issues submitted. Submissions should be sent to Ms. Kei Ohno at the Secretariat, preferably by e-mail (ssc@pops.int and kohno@pops.int), or else by ordinary mail, to:

Secretariat of the Stockholm Convention
Attention: POPs Review Committee
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Annex I to the present letter contains a summary of the Committee's conclusions regarding hexabromocyclododecane and the text of the Committee's decisions to recommend the listing of hexabromocyclododecane. **Annex II** contains a description of the implications for Parties of listing a chemical in Annexes A, B and/or C to the Convention.

Please note also that the risk profile, risk management evaluation and other background information relevant to hexabromocyclododecane, including the letters submitted with the proposal, are available on the website of the Stockholm Convention, in the section dedicated to the work of the Persistent Organic Pollutants Review Committee (<http://www.pops.int/poprc/>). Should you encounter any difficulty in accessing the relevant webpages or downloading documents, the Secretariat may provide you with paper copies on request. If you need additional information, please contact Ms. Kei Ohno.

Yours sincerely,



Jim Willis
Executive Secretary

Annex I

Recommendations on hexabromocyclododecane made by the Persistent Organic Pollutants Review Committee

The Committee completed its review of the available documents and considered the possible control measures, the available social and economic information, and comments and information submitted by Parties and observers relating to the considerations specified in Annex F to the Convention. The Committee decided to recommend to the Conference of the Parties, in accordance with paragraph 9 of Article 8 of the Convention, that the Conference consider listing hexabromocyclododecane in Annexes A, B and/or C to the Convention.

The suggested control measure is that hexabromocyclododecane be listed under the Convention. To allow for certain time-limited critical uses of hexabromocyclododecane, a specific exemption for use of HBCD in expanded and extruded polystyrene (EPS/XPS) could be given together with a description of the conditions for production and for these uses. Such a listing would effectively end the use of hexabromocyclododecane as a flame retardant in highly emissive textile applications and in high impact polystyrene (HIPS), for which alternatives are widely available, and in EPS/XPS, when chemical drop-in substitutes are phased in. For the chemical substitute for flame retarded EPS/XPS, there is still a clear need for time for testing, validation, qualification, production capacity adjustments and commercialization to enable a smooth transition. It will, therefore, take several years before a sufficient volume of hexabromocyclododecane alternatives covering the needs of the market becomes commercially available.

Listing of HBCD under the Convention would be consistent with the persistent organic pollutants properties of this intentionally produced substance and would send a clear signal that production and use of hexabromocyclododecane must be phased out. Such a listing may have implications for countries in light of ongoing uses where alternative substances or alternative methods need to be phased in.

POPRC-7/1: Hexabromocyclododecane

The Persistent Organic Pollutants Review Committee,

Having concluded in decision POPRC-5/6 that hexabromocyclododecane fulfils the criteria in Annex D to the Stockholm Convention on Persistent Organic Pollutants,

Having evaluated the risk profile for hexabromocyclododecane adopted by the Committee at its sixth meeting,¹

Having concluded that hexabromocyclododecane is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and environmental effects such that global action is warranted,

Having completed the risk management evaluation for hexabromocyclododecane in accordance with paragraph 7 (a) of Article 8 of the Stockholm Convention,

1. *Adopts* the risk management evaluation for hexabromocyclododecane;²
2. *Decides*, in accordance with paragraph 9 of Article 8 of the Convention, to recommend to the Conference of the Parties that it consider listing hexabromocyclododecane in Annexes A, B and/or C to the Convention;
3. *Invites* the ad hoc working group on hexabromocyclododecane that prepared the risk management evaluation to collect further information on:
 - (a) Chemical alternatives to hexabromocyclododecane, especially in expanded polystyrene or extruded polystyrene foam applications, in terms of their availability, cost, efficacy, efficiency and health and environmental impact, especially with regard to their persistent organic pollutant properties;
 - (b) Production and use of hexabromocyclododecane, especially for expanded polystyrene or extruded polystyrene foam applications;
4. *Agrees* to review the additional information made available to it and to consider at its eighth meeting whether to specify the annex to the Convention and possible exemptions to be considered by the Conference of the Parties in listing hexabromocyclododecane.

¹ UNEP/POPS/POPRC.6/13/Add.2.

² UNEP/POPS/POPRC.7/19/Add.1.

POPRC-8/3: Hexabromocyclododecane

The Persistent Organic Pollutants Review Committee,

Recalling paragraph 2 of decision SC-5/5, by which parties are encouraged to ensure that, consistent with the provisions of the Stockholm Convention, including in paragraph 1 (d) of Article 6 and relevant provisions of the Basel Convention, waste materials containing brominated diphenyl ethers listed in Annex A are not exported to developing countries or countries with economies in transition,

Noting that there are concerns about articles and products in use containing hexabromocyclododecane being exported, especially to developing countries and countries with economies in transition,

Recognizing the challenges in identifying materials containing hexabromocyclododecane, for example from buildings that are renovated or dismantled,

Recognizing also that recycling of expanded polystyrene and extruded polystyrene does occur and that means to distinguish materials that contain hexabromocyclododecane from those that do not would be of assistance in implementing paragraph 1 (d) of Article 6 of the Stockholm Convention,

Noting that end-of-life disposal of products and articles containing hexabromocyclododecane will represent a long-term source of emissions into the environment and that, if hexabromocyclododecane is listed in Annex A, waste management measures in accordance with paragraph 1 (d) of Article 6 would ensure that products and articles containing hexabromocyclododecane are disposed of in such a way that their persistent organic pollutant content is destroyed or otherwise disposed of in an environmentally sound manner,

Recalling decision POPRC-7/1, by which it adopted the risk management evaluation for hexabromocyclododecane and decided, in accordance with paragraph 9 of Article 8 of the Convention, to recommend to the Conference of the Parties that it consider listing hexabromocyclododecane in Annexes A, B and/or C to the Convention,

Having reviewed the additional information on alternatives to hexabromocyclododecane and use in expanded polystyrene and extruded polystyrene made available to the Committee in accordance with paragraph 3 of decision POPRC-7/1,³

Noting that some developing countries may need more time than developed countries to phase out any exempted production and use of hexabromocyclododecane,

1. *Amends* paragraph 2 of decision POPRC-7/1 to read as follows:

“Decides, in accordance with paragraph 9 of Article 8 of the Convention, to recommend to the Conference of the Parties that it consider listing hexabromocyclododecane⁴ in Annex A to the Convention with specific exemptions for production and use in expanded polystyrene and extruded polystyrene in buildings”;

2. *Adopts* as an addendum to the risk management evaluation for hexabromocyclododecane⁵ the information on alternatives to hexabromocyclododecane and use in expanded polystyrene and extruded polystyrene reviewed in accordance with paragraph 3 of decision POPRC-7/1.

³ UNEP/POPS/POPRC.8/4.

⁴ "Hexabromocyclododecane" means hexabromocyclododecane (CAS No: 25637-99-4), 1,2,5,6,9,10-hexabromocyclododecane (CAS No: 3194-55-6) and its main diastereoisomers: alpha-hexabromocyclododecane (CAS No: 134237-50-6); beta-hexabromocyclododecane (CAS No: 134237-51-7); and gamma-hexabromocyclododecane (CAS No: 134237-52-8).

⁵ UNEP/POPS/POPRC.8/16/Add.3.

Annex II

Consequences for Parties of the listing of a chemical in Annexes A, B and/or C to the Stockholm Convention

A. Aim of listing a chemical in Annexes A, B and/or C

Annex A:

- Elimination of the production and use of all intentionally produced persistent organic pollutants
- Import and export in accordance with the provisions of paragraph 2 of Article 3 of the Convention

Annex B:

- Restriction of production and use in accordance with the provisions of the annex

Annex C:

- Continuing minimization and, where feasible, ultimate elimination of the total releases of chemicals

B. Obligations for Parties upon entry into force of an amendment listing a chemical in Annexes A, B and/or C to the Convention

1. Upon entry into force of the amendment listing a chemical in Annexes A, B and/or C to the Convention, Parties must:

- (a) Implement control measures for the chemical listed, designing those control measures in accordance with the annex and the specific considerations for the chemical listed in that annex;
- (b) Pursuant to Article 7 of the Convention, and taking into account the annex to decision SC-2/7, review and, if necessary, update their national implementation plans in order to address the following issues as they relate to each of the substances added to the Convention.

1. Measures to reduce or eliminate releases from intentional production and use (Article 3)

2. In the case of intentionally produced persistent organic pollutants, Parties must:

- (a) Prohibit and/or take measures to eliminate (Annex A chemicals) or restrict (Annex B chemicals) the production and use of the chemical in question;
- (b) Determine, if relevant, the need to request a specific exemption in accordance with Article 4 of the Convention and notify the Secretariat of this need;
- (c) Take measures to comply with trade restrictions specified in the Convention.

2. Measures to reduce or eliminate releases from unintentional production (Article 5)

3. In the case of unintentionally produced persistent organic pollutants (Annex C chemicals), Parties must, at a minimum:

- (a) Develop an action plan, including inventories or estimates of current and projected releases;
- (b) Promote measures to achieve a meaningful level of release reduction or source elimination;
- (c) Promote the development of substitute materials, products and processes to prevent the formation and release of chemicals listed in Annex C;
- (d) Promote or require the use of best available techniques and best environmental practices for identified source categories.

3. Measures to reduce or eliminate releases from stockpiles and wastes (Article 6)

4. In the case of stockpiles of a chemical listed in Annexes A, B and/or C to the Convention, Parties must:

- (a) Develop and implement strategies to identify stockpiles of, or substances containing, any chemical listed in Annexes A, B and/or C, as well as products and articles in use and wastes consisting of, containing or contaminated with any such chemical;
- (b) Manage stockpiles in a safe, efficient and environmentally sound manner until they are deemed to be wastes.

5. In the case of wastes from a chemical listed in Annexes A, B and/or C to the Convention, Parties must:
- (a) Develop strategies to identify products and articles in use containing waste;
 - (b) Take measures to handle, collect, transport and store wastes in an environmentally sound manner;
 - (c) Take measures to ensure that wastes are disposed of in such a way that persistent organic pollutant content is destroyed or irreversibly transformed, so that the wastes do not exhibit the characteristics of persistent organic pollutants or are otherwise disposed of in an environmentally sound manner;
 - (d) Not allow wastes to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants;
 - (e) In transporting wastes across international boundaries, take into account relevant international rules, standards and guidelines;
 - (f) Develop strategies for identifying sites contaminated by persistent organic pollutants.
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