



15 June 2006



**To:** EU Ministers of Environment

**Cc:** COREPER I and Members of the Working Party on the Environment

**Protective standards for persistent organic pollutants (POPs) in wastes**

Dear Minister,

On 21 June, the Committee of Permanent Representatives will hold a conclusive discussion on the Commission's weak proposal to limit POPs in waste. This will determine the EU's position for future Conferences of Parties to the Stockholm and Basel Conventions. We urge you to aim for much more protective standards (see Annexe) to avoid placing the EU in the invidious position of re-opening trade in unmanageable toxic wastes containing POPs.

The EU has ratified the Stockholm Convention on POPs and thereby committed itself to protecting human health and the environment from POPs. POPs are toxic chemicals that remain permanently in the environment, and accumulate in the food chain. They can spread over long distances, and harm human health and the environment (eg dioxins from waste incineration residues found in chicken eggs and polar bears).

Article 6 of the Stockholm Convention requires that Parties dispose of wastes that contain POPs so that the POPs content is either destroyed or irreversibly transformed into a safer substance. But wastes with 'low POPs content' are exempt from this requirement. Under this proposal, the EU would determine its position on the definition 'low POPs content'.

The Commission's proposed thresholds for 'low POPs content' in wastes are unacceptable and much weaker than the current limits in some EU countries. For example, the Commission plans to allow authorities to bury soils containing 50 mg/kg of Polychlorinated Biphenyls (PCBs) as 'recultivation layers' in landfill sites (which would be 500 times less protective than under current German law), and to allow dioxins in residential soils at 15 µg/kg, (which would be 30 times less stringent than under current Czech regulations). The proposed thresholds are substantially weaker than comparable regulations in the USA and Japan.

The outcome of the proposal would be that in future wastes containing high levels of POPs will not be treated and might even be transported or used in footpath construction. The proposal could also result in the export of POPs-contaminated waste to other states, including developing countries.

We therefore call upon you to reject the Commission's proposed standards for POPs in wastes, aiming instead for standards that protect human health and the environment and which more closely adhere to the EU's obligations under the Stockholm Convention.

Yours sincerely,

John Hontelez  
Secretary General, EEB

Jindrich Petrlik, Co-chair  
IPEN Dioxin, PCBs and Waste Working Group

## Annexe: POPs content in wastes

<b>Thresholds for POPs in wastes for recovery or disposal as hazardous waste</b> (for Annexe IV of the POPs Regulation <sup>a</sup> )			
Wastes containing POPs below these limits are not considered as POPs wastes and have no restrictions in relation to POPs content. Wastes containing POPs above these limits must be irreversibly transformed, destroyed and/or disposed of in permanent storage (see description of Maximum POPs concentration below).			
<b>POPs group</b>	<b>Commission thresholds</b>	<b>Recommended thresholds</b>	
			<b>References</b>
POPs pesticides <sup>b</sup> (total)	50 mg/kg	0.5 – 1 mg/kg	Belgium <sup>i</sup>
PCBs <sup>c</sup>	50 mg/kg	2.5 mg/kg	Czech Republic, Germany, Hungary, Netherlands, Poland, Switzerland <sup>ii</sup>
PCDD/PCDF <sup>d</sup> [in TEQ <sup>e</sup> ]	15 µg/kg	0.1 µg/kg	Austria, Czech Republic, Germany, Hungary, Netherlands <sup>iii</sup>
PCBs [in TEQ <sub>WHO</sub> <sup>f</sup> ]	missing*	0.1 µg/kg	derived from PCDD/PCDF value
Other POPs (e.g. HCB <sup>g</sup> )	50 mg/kg	0.5 – 1 mg/kg	same value as for POPs pesticides (see reference there)
<b>Maximum POPs concentration</b> (for Annexe V of the POPs Regulation <sup>a</sup> )			
Wastes containing POPs above these limits must be destroyed or irreversibly transformed. Wastes between these and the above limits need to be “permanently stored” in underground rock formations or salt mines. After solidification or stabilisation, these wastes may also be sent to hazardous landfill sites, but ‘solidification’ and ‘stabilisation’ still need to be defined, to prevent POPs releases into the environment.			
<b>POPs group</b>	<b>Commission thresholds</b>	<b>Recommended thresholds</b>	
			<b>References</b>
POPs pesticides <sup>b</sup> (total)	5000 mg/kg	2.5 mg/kg	Belgium, Czech Republic <sup>iv</sup>
PCBs <sup>c</sup>	50 mg/kg	10 mg/kg	Czech Republic, Slovakia <sup>v</sup>
PCDD/PCDF <sup>d</sup> [in TEQ <sup>e</sup> ]	5 mg/kg	0.5 – 1 µg/kg (0,0005-0,001 mg/kg)	Czech Republic <sup>vi</sup>
PCBs [in TEQ <sub>WHO</sub> <sup>f</sup> ]	missing*	0.5 – 1 µg/kg	derived from PCDD/PCDF value
Other POPs (e.g. HCB <sup>g</sup> )	5000 mg/kg	2.5 mg/kg	Belgium, Czech Republic <sup>vii</sup>

\* These PCBs are not covered in the Commission proposal. They should be included either under PCDD/PCDF, or in their own category with separate values. A full TEQ value would need to be defined also for dioxin-like PCBs. In the current EC proposal it is defined for PCDD/PCDF only.

<sup>a</sup> Regulation (EC) No 850/2004

<sup>b</sup> Aldrin, Chlordane, Chlordecone, DDT, Dieldrin, Endrin, Heptachlor, Hexachlorobenzene, Mirex, and Toxaphene

<sup>c</sup> PCBs: Polychlorinated biphenyls

<sup>d</sup> PCDD/PCDF: Polychlorinated dibenzo-p-dioxins and Polychlorinated dibenzofurans

<sup>e</sup> TEQ: Toxic Equivalent

<sup>f</sup> WHO TEQ: Toxic Equivalent according to World Health Organisation

<sup>g</sup> Hexachlorobenzene, Hexabromobiphenyl

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## References for recommended thresholds

<sup>i</sup> Belgium: 0,15 ppm (mg/l) is the limit for content of DDT in water discharged to waste water from production of the substances.

<sup>ii</sup> Czech Republic: 2.5 mg/kg is action value "B" according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).

Germany: 0.1 mg/kg is the limit for use of soils as recultivation layers of landfills.

Hungary: action limits for soil in sensitive area 1 mg/kg, less sensitive area 5 mg/kg (Joint Decree 10/2000).

Netherlands: intervention value for soils is 1 mg/kg.

Poland: limit for soils in industrial and communication areas is 2 mg/kg.

Switzerland: 3 mg/kg is limit to perform more detailed investigations or to take measures for the reduction/elimination of the POPs content in soils (Soil Burden Ordinance).

<sup>iii</sup> Austria: Austrian law (Regulation 89: waste incineration and collection) requires that if the limit for PCDD/Fs (0.1 µg I-TEQ/kg) in waste is exceeded, then this waste must be treated in order to reduce this value below the limit.

Czech Republic: 0.1 µg I-TEQ/kg is action value "B" according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).

Germany: 0.1 µg I-TEQ/kg is the limit when soil on playgrounds requires decontamination.

Hungary: action limit for soil in sensitive area 100 ng TEQ/kg (Joint Decree 10/2000).

Netherlands: 0.05 µg I-TEQ/kg is a maximum level recommended for re-cultivated areas.

<sup>iv</sup> Belgium: 2 ppm (mg/l) is the limit for content of HCB and HCH in water discharged to waste water from production of the substances.

Czech Republic: 2.5 - 10 mg/kg. The limit when clean up action is required for soils contaminated by organochlorine pesticides (OCPs): limit "C" for residential areas is 2.5 mg/kg, and for industrial areas 10 ppm according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).

<sup>v</sup> Czech Republic: 1 - 30 mg/kg. The limit when clean up action is required for contaminated soils: limit "C" for any purpose areas is 1 mg/kg, for recreational areas it is 10 mg/kg, for residential areas 5 ppm, and for industrial areas 30 mg/kg according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).

Slovakia: 10 mg/kg (0.001% of content) is the limit for waste to be classified as hazardous according to the Act on Waste 2001 as amended in 2002 and 2003.

<sup>vi</sup> Czech Republic: 0.5 - 1 µg I-TEQ/kg is the limit when clean up action is required for contaminated soils, limit "C" for recreational and residential areas according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).

<sup>vii</sup> Belgium: 2 ppm (mg/l) is the limit for the content of HCB and HCH in water discharged to waste water from production of the substances.

Czech Republic: 2.5 - 10 mg/kg is the limit when clean up action is required for soils contaminated by organochlorine pesticides (OCPs), including HCB, limit "C" for residential areas 2.5 mg/kg, and for industrial areas 10 mg/kg according to criteria of soil pollution, Methodical instruction (Official Bulletin of the Ministry of Environment 3/1996).