

Regulatory Alert

Stockholm Convention 2019 Amendment

Region: Global

Please see the disclaimer at the end of the alert

INTENDED AUDIENCE
This Regulatory Alert is intended for IAEG members who manufacture, import, export or use persistent organic pollutants (POPs) on their own, in mixtures, and in articles.
EXECUTIVE SUMMARY
<p>On 28 August 2019, Annexes A and B of the Stockholm Convention were amended with the following substances:</p> <ul style="list-style-type: none"> ● Annex A: Dicofol, Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds ● Annex B: Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride <p>The restriction of these substances was ratified by most countries party to the Stockholm Convention on 3 December 2020.</p> <p>The Stockholm Convention is an international treaty that defines measures to eliminate or restrict the production and use of Persistent Organic Pollutants (POPs) and entered into force on 17 May 2004. When a substance is listed under Annex A of the Stockholm Convention, the parties to the Convention must take measures to eliminate the production and use of it. Specific exemptions for use or production are listed in the Annex and apply only to the parties that registered for them. When a substance is listed under Annex B, the Parties must take measures to restrict the production and use of it, considering any applicable acceptable purposes and/or specific exemptions listed in the Annex.</p>
REGULATORY BACKGROUND
<p>Background:</p> <p>The Stockholm Convention requires that Parties to the treaty take measures to eliminate or restrict the production and use of certain hazardous chemicals on the list of POPs in the Convention.</p> <p>The list of POPs is distributed between 3 annexes with measures that must be taken to:</p> <ul style="list-style-type: none"> ● Eliminate the production and use of these chemicals – Annex A ● Restrict the production and use of these chemicals – Annex B ● Reduce the unintentional releases of these chemicals – Annex C <p>Signatory countries ratify the Stockholm Convention through national law.</p> <p>The following countries have not ratified the Stockholm Convention: USA, Italy*, Malaysia, Israel, Haiti, and Brunei (*EU member state, thus falls under the obligations of EU law).</p> <p>Definitions:</p> <ul style="list-style-type: none"> ● Parties: defined as a State or regional economic integration organisation that has consented to be bound by this Convention and for which the Convention is in force ● Persistent Organic Pollutants: defined as hazardous organic chemical substances that adversely affect human health and the environment around the world

- **Secretariat:** headed by the Secretary-General, the organ that administers and coordinates the activities of the United Nations

APPLICABILITY

The Stockholm Convention applies to the production and use of POPs on their own, in mixtures, and in articles.

- The production, use, import and export of chemicals in Annex A is prohibited, except for permitted uses detailed in Annex A, or export to a country not bound by the Convention with the provision of certification specifying the intended use of the chemical.
- The production, use, import and export of chemicals in Annex B is restricted unless specific exemptions or acceptable uses apply.

General exclusions to the prohibition include:

- If the substance is used for laboratory-scale research or as a reference standard
- Chemicals listed in Annex A and Annex B may be imported or exported for the purpose of environmentally sound disposal

RELEVANT DATES

- ❖ **Stockholm Convention adopted:** 22 May 2001
- ❖ **Stockholm Convention in force:** 17 May 2004
- ❖ **Substances (Dicofol, PFOA, PFOS) added to the Stockholm Convention:** 28 August 2019
- ❖ **Substances (Dicofol, PFOA, PFOS) ratified by majority of Parties:** 3 December 2020

REGULATORY OBLIGATIONS

Obligations:

- Substances listed under Annex A or B must not be manufactured, imported, used, or transferred except for the specified allowable uses or exemptions.
- In the case of stockpiles including products or articles upon becoming wastes, containing or contaminated with a chemical in Annex A, B or C, appropriate strategies must be implemented to identify, manage, and destroy the chemicals in an environmentally sound manner.
- Manufacturers must adhere to any rules involving the unintentional release of substances listed in Annex C.
- Manufacturers and importers must follow any further measures made under amendments to the convention to minimise the release of POPs.
- Equipment containing greater than 0.05% polychlorinated biphenyls and volumes greater than 5 litres must be labelled.
- Annexes A and B set forth a number of specific exemptions (see "Useful Links" section below) for which Parties may register by means of a notification in writing to the Secretariat.
- To Parties that are registered for the specific exemptions, any expanded polystyrene and extruded polystyrene containing hexabromocyclododecane must be easily identified by labelling.
- To Parties that are registered for the exemption, any utility poles and cross-arms containing pentachlorophenol can be easily identified by labelling.

Initially 12 POPs were regulated by the Stockholm Convention. These were:

- **Annex A:** Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene
- **Annex B:** Dichloro-diphenyl-trichloroethane (DDT)

- **Annex C:** Hexachlorobenzene (HCB), Polychlorinated Biphenyls (PCBs), Polychlorinated dibenzo-p-dioxins (PCDD), Polychlorinated dibenzofurans (PCDF)

Amendments:

Amendments to the Annexes of the Stockholm Convention enter into force, for all parties, one year after the date of their communication unless:

- A party opts out of the amendment within the one-year period;
- A party has not deposited an instrument of ratification, acceptance, approval, or accession with respect to these amendments (known as opt in parties).

The following **substances** were **added** to the Stockholm Convention on **28 August 2019**. The restriction of these substances was ratified by most countries party to the Stockholm Convention on 3 December 2020.

- **Annex A:** Dicofol, Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds
- **Annex B:** Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride

The following countries are parties to the Stockholm Convention, and have **not yet ratified the 28 August 2019 amendment**: Argentina, Australia, Bahrain, Bangladesh, Botswana, Canada, China, Guatemala, India, Mauritius, Micronesia, Republic of Moldova, Russia, Slovenia, Uzbekistan, Vanuatu, and Venezuela. Japan has ratified only for PFOS and Republic of Korea will ratify the amendment on 3 June 2021.

The text of the Convention with the 2019 Amendments adopted has recently been finalized and is available on the Convention website.

RISKS TO AEROSPACE AND DEFENSE

Specific acceptable purposes and exemptions that are directly relevant to the aerospace industry include:

- Perfluorooctanoic acid (CAS No: 335-67-1), its salts and PFOA-related compounds- in fire-fighting foam (until 2025), textiles for oil and water repellency
- Perfluorooctane sulfonic acid (CAS No: 1763-23-1), its salts and perfluorooctane sulfonyl fluoride (CAS No: 307-35-7) - in aviation hydraulic fluids

Failure to comply with the provisions of the Stockholm Convention poses risks for reputational damage, closure of facility and/or high fines, and varies by Party.

USEFUL LINKS

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

Specific Exemptions: <http://chm.pops.int/Implementation/Exemptions/SpecificExemptions/tabid/1133/Default.aspx>

Chemicals Proposed for Listing under the Convention:

<http://chm.pops.int/TheConvention/ThePOPs/ChemicalsProposedforListing/tabid/2510/Default.aspx>

Status of Ratification by Country:

<http://www.pops.int/Countries/StatusofRatifications/PartiesandSignatoires/tabid/4500/Default.aspx>

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