



**International Cadmium Association**

168 Avenue de Tervueren/Box 4 • B-1150 Brussels, Belgium

Tel. : +32(0)2-777 05 60 • Fax : +32(0)2-777 05 65

Email : [lregoli@cadmium.org](mailto:lregoli@cadmium.org)

## **PROGRESS REPORT No.4**

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### **Briefing Session with European Pigment Producers**

- A briefing session on EU regulatory issues related to pigment production and use took place on July 15<sup>th</sup> '04 at Stoke on Trent, UK.
- Participants included representatives of J.M.Brown, J.Matthey and SLMC companies.
- Priority activities were established for 2004 and include a re-evaluation of the information available in the Cd risk assessment on pigments, and the establishment of a management team composed of representatives of the interested cadmium pigment producers and ICdA to monitor and initiate necessary actions related to EU regulatory pressures.
- The presentation and minutes of the meeting are available upon request from Lidia Regoli.

### **North American Metals Council (NAMC)**

- Discussions have been held with the American Zinc Association (AZA) regarding joint participation in NAMC by AZA / ICdA. Zinc matters will be covered by the American Zinc Association and cadmium matters will be handled by the International Cadmium Association. Coordination will be carried out between AZA and ICdA to ensure no duplication of efforts or costs.

### **Dissolution of The Cadmium Council, Inc.**

- The Petition for Unanimous Consent of the Members for Dissolution of The Cadmium Council Inc. must be signed by all of the original members of The Cadmium Council who now remain as members of the International Cadmium Association. First Solar LLC has now signed the petition and the National Association of Metal Finishers (NAMF) has agreed that they will sign it as well. Remaining signatures must be obtained from Industrial Minera Mexico (IMMSA), Sanyo Energy (USA) Inc., Marathon Power Systems, and Millennium Specialty Chemicals.

### **ICdA North America**

P.O.Box 924, Great Falls, Virginia 22066, USA

Tel. : +1(703)759.7400 • Fax : +1(703)759.7003

Email : [info@icda-na.org](mailto:info@icda-na.org)



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## ACTIVITY UPDATE

### Regulatory Affairs – Europe

#### EU Cadmium Risk Assessment – Update on the CSTE<sup>1</sup> Review:

- The CSTE opinion has raised a number of important issues related to the uncertainty and variability of data used in the Cd risk assessment environment and targeted on batteries. If considered, these may change the outcome of the current conclusions in the Cd risk assessment environment.
- In order to address these issues and come to an agreement on a way forward, the ECB<sup>2</sup> has organized a meeting on August 25<sup>th</sup>, '04, and from which the outcome will be presented at TC NES III'04<sup>3</sup>.
- Participants will include members of the CSTE, interested technical experts from some member states, some administrators from the Commission, and an industry delegation including Lidia Regoli of ICdA, Frank van Assche of the International Zinc Association- Europe, Hugo Waeterschoot of Eurométaux and Andrew Green of the International Lead and Zinc Organization.
- ICdA is currently evaluating the feasibility and cost implications of integrating the scientific issues raised by the CSTE.
- The draft Agenda of the meeting can be obtained upon request from Lidia Regoli.

#### EU Cadmium Risk Assessment – Update on “conclusion (i) work”:

- The conclusion i) work on ‘Bioavailability of cadmium in sediments’ has been mandated to EURAS, a Belgian based consulting company specializing in EU metal risk assessments.
  - Cost estimates for this work are ~5,000 euros. ICdA and Collect NiCad have agreed to share the costs equally.
  - A report will be submitted, on behalf of industry, to the Rapporteur by the end of August for discussion at TC NES III'04
- The conclusion i) work on ‘Ecotoxicity of cadmium in very soft waters’ will likely be discussed in the context of the 25<sup>th</sup> August meeting organized by the ECB.
  - ICdA will request that a tiered approach be used, in order to first properly assess whether such studies will alter the risk assessment conclusions.

#### EU Battery Directive – Publicity of Targeted Risk Assessment for Batteries

- The findings of the draft Targeted Risk Assessment for NiCd Batteries continue to be largely ignored in the ongoing discussions over the battery directive.

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<sup>1</sup> CSTE = European Commission Scientific Committee on Toxicity, Ecotoxicity and the Environment

<sup>2</sup> ECB = European Chemicals Bureau

<sup>3</sup> TC NES III = The third of quarterly Technical Committee for New and Existing Substances meetings, which will take place on 13-16 September, 2004 in ISPRA, Italy

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- ICdA has issued a Press Information to a number of EU press agencies concerning the CSTE evaluation of the NiCd Battery TRAR and its relation to the proposed revision of the Battery Directive.
- ICdA is now in the process of translating the Press Information to issue to a number of national press agencies (Poland, UK, Germany, Italy, Spain, France, Czech Republic).
- A copy of the Press Information can be obtained upon request from Lidia Regoli.

#### EU Water Framework Directive (WFD) – Environmental Quality Standards (EQS)

- An Eurométaux delegation assisted to a meeting with DG Enterprise<sup>4</sup> to discuss the environmental quality standards (EQS) that are set for the metals listed within the EU WFD. Industry has argued that the EQS presently proposed in the WFD are not adequate (below background, not taking into account bioavailability,...). The recent opinion from the CSTE on the EQSs confirmed some of our concerns. Based on these main arguments, DG Enterprise asked industry to propose alternative EQS for the metals concerned.
- ICdA has submitted a discussion paper with an alternative EQS proposal for cadmium. This paper also includes details on the future developments in the field of bioavailability and the timing for the submission of an alternative EQS cadmium proposal based on awaiting data.
- A copy of the discussion paper can be obtained upon request from Lidia Regoli

#### **Regulatory Affairs – North America**

- The North American Free Trade Agreement (NAFTA) Commission for Environmental Cooperation (CEC) Draft Report on toxic chemicals and children's health in North America with an emphasis on carcinogenicity, developmental toxicity and neurotoxicity has been the subject of numerous comments and criticisms by industry, national governments and academia. Extensive comments have been filed by many nonferrous metals companies and trade associations including ICdA and by the United States and Canadian governments. The government positions are particularly critical of the use of the Environmental Defense "Scorecard" system to identify carcinogens, developmental toxicants and neurotoxicants. Copies of any or all of these comments are available from Hugh Morrow at [icdamorrow@aol.com](mailto:icdamorrow@aol.com).
- Status of U.S. EPA Framework for Metals Risk Assessment – The US EPA has now abandoned the PBT concept for the evaluation of the risks posed by metals and metal compounds and is in the process of developing a Framework for Metals Risk Assessment. A draft report, authored by a wide variety of experts,

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<sup>4</sup> DG Enterprise: Directorate-General Enterprise is responsible for measures to enhance the competitiveness of European enterprises.

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many of them with views favored by industry, has been issued and EPA has held a Peer Involvement Workshop on the Framework. In both the draft framework and the revised issue papers there are many statements which reinforce the inappropriateness of using the PBT approach to evaluate the risks posed by metals and metal compounds. Bioaccumulation and bioconcentration factors, for example, are unlikely to be used to evaluate metals in the future. Instead, advanced models which take into account all of the factors which influence the uptake and interaction of metals with organisms are being considered, and the work that industry scientists are doing to develop the "Unit World Model" is being supported and encouraged. These developments make it much more probable that future EPA regulations on metals and metal compounds will be based on scientific risk assessments specific to metals and not on hazard ranking schemes used for persistent organic pollutants.

- U.S. Ratification of the Persistent Organic Pollutants (POPs) Protocol – The Stockholm Convention on Persistent Organic Pollutants has entered into force in May 2004, but the United States is not yet ratified the protocol. If the U.S. does not ratify the protocol by the First Meeting of the Parties scheduled to occur in Fall 2004, then they will not be in a position to effect the consideration of new chemicals which may be added to the protocol. Already there is discussion amongst some countries of adding inorganic metals and metal compounds to the list even though the protocol supposedly is intended to cover only persistent organic pollutants. Therefore, the North American Metals Council (NAMC) and its members have been lobbying Congress to ratify the Stockholm Convention before the First Meeting of the Parties so that the United States will be involved in any discussions of new chemicals.

### **Regulatory Affairs – International**

- International Implementation of EU Restriction of Hazardous Substances (RoHS) Directive – The European Union's legislation which bans the use of lead, cadmium, mercury and hexavalent chromium in electrical and electronic equipment is now spreading to other parts of the globe. The latest countries to implement similar legislation include China and South Korea, and Brazil and Mexico are considering similar legislation. In the United States, California has already enacted one bill covering cathode ray tubes (CRTs) and is considering another to cover cellular telephones. Sixteen other U.S. states are considering similar legislation. Countries outside of the European Union are enacting this legislation to enable them to retain access to European markets.
- International Objections to EU REACH Proposal – The United States, Canada and Australia, as well as the Asian Pacific Economic Cooperation (APEC) Mining Ministers have filed comments to the World Trade Organization's Technical Barriers to Trade (WTO TBT) Committee against the proposed EU REACH

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program for chemical regulation. Within the EU, the United Kingdom, France and Germany have also questioned the cost effectiveness of the proposal and its effect on international trade. The EU responses to date, however, have seemingly dismissed these objections and argued that they don't exist.

- UNEP Heavy Metals Program – In February 2004, the UNEP Chemicals Programme requested comments on whether a legally binding agreement should be developed on mercury and whether an international effort should be undertaken on lead and cadmium. The United States' State Department has now responded "no" to both questions stating that mercury is unique from other metals and must be considered separately. Nonetheless, there is continued pressure from certain countries, mainly the Nordics, to mount international UNEP programs on lead and cadmium as well as mercury.

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