



MINUTES
BOARD OF DIRECTORS' MEETING BY CONFERENCE CALL
INTERNATIONAL CADMIUM ASSOCIATION
Wednesday, July 18, 2012 – 1630 Hours (4:30 PM) Brussels Time

1. CALL TO ORDER

The conference call of the Board of Directors of the International Cadmium Association was called to order by the Chairman, Mark Edwards of Teck Cominco, at 4:36 PM (Brussels Time). Those participating in the Board of Directors Conference Call included the following:

DIRECTOR

Max Cossette
Emil Josendal(Proxy to Mark Edwards)
Laurent Smits
Al Hardies(Proxy to Mark Edwards)
Howard Winbow
Anne Dekker(Proxy to Mark Edwards)
Patrick de Metz
Colin Thirlaway
Mark Edwards

MEMBER COMPANY

5N Plus
Boliden for IZA
Floridienne Chimie
INMETCO
James M. Brown Ltd.
Nystar NV for IZA
SAFT
Stanley Black & Decker
Teck Resources Ltd. For IZA

STAFF

Christian Canoo
Hugh Morrow

ORGANIZATION

International Cadmium Association
International Cadmium Association

Apologies were previously tendered by Directors Eric Nottez(SNAM) and Mitsunori Takao(Sanyo), and staff members Noomi Lombaert(ICdA) and Frank Van Assche(IZA) who were unable to participate in the meeting.

2. MEETING AGENDA AND STATEMENT OF COMPLIANCE

General Manager Christian Canoo noted that nine of the association's eleven Directors were present or represented by Proxy and thus a quorum was established for the transaction of business. The complete presentation of all materials presented during the conference call is attached to these Minutes as Annex I. The agenda for the conference

call is shown as Slide 2 in Annex I. Christian Canoo reviewed the planned meeting agenda and asked if there were any additional items any Board Member wished to add to the agenda. No additional items were introduced.

Christian Canoo then read and reviewed the Statement of Compliance for the conduction of the Association's meetings under Belgian law. This Statement of Compliance is shown on Slide 3 of Annex I. For the convenience of ICdA Members, a Glossary of Acronyms and Abbreviations contained in these Minutes is also attached as Annex II.

3. APPROVAL OF THE MINUTES OF THE APRIL 7, 2011 BOARD MEETING

Christian Canoo then reviewed the Minutes of the previous ICdA Board of Directors meeting held by teleconference on April 7, 2011 (see Slide 4 of Annex I). Chairman Mark Edwards asked if there were any additions, corrections or comments regarding these Minutes. Staff noted that no additional comments had been received on these Minutes. With no further comments forthcoming, **the Minutes of the April 7, 2011 Board of Directors meeting was approved unanimously as issued to the membership.**

4. MEMBERSHIP REPORT

The Membership Report for the International Cadmium Association as of July 18, 2012 was presented by Christian Canoo, and is shown in Slide 5 of Annex I attached to these Minutes. Dr. Canoo announced that the association had received an application for membership from EDI – Sarp. Industries, a recycler of nickel-cadmium batteries in Europe. **The General Manager had previously conducted a poll of ICdA Directors seeking their approval of EDI's application for membership. The Board of Directors unanimously approved EDI's application for membership.**

The General Manager briefly reviewed the association's overall membership, and stated that ICdA now had 17 Members who are listed on Slide 5 of Annex I. It was also noted that the Indian cadmium pigment producer, RISE Chemical Industries (RCI) of New Delhi, had also inquired about ICdA membership and that information was sent to them but that no further response was forthcoming. Hugh Morrow also noted that he had received an inquiry regarding ICdA membership from QD Vision in Lexington, Massachusetts in the United States who provide "quantum dot technology for lighting and displays". Their products utilize nano-sized cadmium compounds. Membership information was also sent to QD Vision, but no further response has yet been received.

5. FINANCIAL REPORT

Christian Canoo reviewed the un-audited final accounts of the association for the calendar year 2011 which are shown in Slides 6 and 7 in Annex I attached to these Minutes. The total expenses for ICdA for 2011 were 257,620 Euros compared to a budget of 209,986 Euros. Higher expenses were attributed (see Slide 7) to legal costs incurred in association with the lawsuit regarding EU Directive 494/2011 and with costs associated with the Eighth International Cadmium Conference in Kunming, China in November

2011. Total income for 2011 was 194,775 Euros against a planned income of 182,888 Euros. The additional income was generated by income from the Kunming Conference and interest from a healthy association bank balance. Overall, a decrease in the association's balance for the year 2011 of 62,845 Euros was realized resulting in a 2011 year-end balance carried forward into 2012 of 122,686 Euros. The Board noted that the costs associated with the Kunming Conference and the legal action on EU Directive 494/2011 both appear to have been well worth the extra effort and expense. It was also noted that the Official Minutes of all official ICdA meetings must be translated into French in order to comply with Belgian association law, and that this requirement entailed additional expense.

The 2012 expense budget (see Slide 8) is forecast to slightly exceed the present forecast income, thus drawing down reserves slightly. However, new memberships are expected to somewhat mitigate any negative balance for the year. The Board of Directors noted that the International Cadmium Association continued to enjoy a healthy financial condition. **Upon motion duly made, seconded and approved by the Board of Directors, the Financial Accounts for 2011 were accepted as presented.** The approval of the final audited accounts of the association for 2011 will be carried out at the ICdA General Assembly of Members on October 18, 2012 in London.

6. UPDATE ON EUROPEAN UNION REGULATORY AFFAIRS

Dr. Christian Canoo reviewed the current status of regulatory issues on cadmium in the European Union which included a summary of the activities of the ICdA Health & Safety Committee, an update on compliance with the requirements of REACH by the Cadmium REACH Consortium, and the status of the association's lawsuit against the European Commission regarding EU Directive 494/2011. These matters are covered in Slides 9 through 25 in Annex I attached to these Minutes.

ICdA Health & Safety Committee – The most recent meeting of the Health & Safety Committee was held on June 19, 2012, and largely involved organizing the information gathered in previous meetings of the committee. Emphasis is now on updating the ICdA Guidance Document, *Management of the risk related to the chronic occupational exposure to cadmium and its compounds*, which was published jointly in 2006 by Eurometaux and the International Cadmium Association. The committee is now considering the publication of individual flyers on the specific subjects of measuring air quality, medical monitoring and supervision, individual and collective hygiene procedures, personal protection equipment, risk prevention culture in cadmium industry plants, and medical surveillance as part of a cadmium risk management system.

The second major activity of the Health & Safety Committee has been the Occupational Cadmium Bio-monitoring Data Collection Program (OCdBio). The program was begun in 2008 to assess the efficiency of the industry's cadmium risk management program and to assure industry's compliance with the Occupational Exposure Limits (OELs). It is also considered useful for individual ICdA members to compare their specific data with that of the aggregated industry data. To date, data has been finalized for 2008, 2009 and 2010,

and is presently being collected for 2011. Both cadmium-in-urine and cadmium-in-blood data indicate that the vast majority of chronically exposed cadmium workers have safe biological monitoring levels for these parameters.

Cadmium REACH Consortium – Dr. Canoo reviewed the status of the recent activities of the Cadmium REACH Consortium which are outlined in Slides 14-20 in Annex I. Under the first registration phase, which was to have been completed in November 2010, eight dossiers were submitted on various cadmium compounds and substances. These include the substances cadmium metal, cadmium oxide, cadmium hydroxide, cadmium nitrate, cadmium chloride, cadmium carbonate, and cadmium sulphide. Cadmium sulphate was also registered as an intermediate. For the second registration phase, cadmium telluride and two specific cadmium pigments must be registered. The files and chemical safety reports for these substances are due by May 2013. In addition, further work may be required for one intermediate and for these files in wastes (municipal household waste, production waste and recycling waste), which will be different than the original 2010 files. The deadline for filing the above information has not yet been defined by ECHA.

The Cadmium REACH Consortium anticipates that either authorization or restriction procedures will be filed by certain EU Member States or the European Commission on certain cadmium compounds which they believe present unmanageable risks in certain uses. The procedures for listing these substances in Annex XIV (“Candidate List”) and Annex XV (“Authorization List”) are shown in Slide 18 of Annex I. Sweden has recently announced that it intends to prepare Annex XV dossiers for cadmium metal, cadmium oxide, and cadmium sulfide. In response the Cadmium REACH Consortium is preparing three “shadow” Annex XV dossiers to challenge the Swedish submittal. ICdA recently met with the Swedish authorities to challenge their Annex XV information and to possibly delay the authorization process. It now appears as if Sweden will not file their intended Annex XV by August 5, 2012 as originally announced but will consider the ICdA information and may file in February 2013 instead. In the interval, ICdA is planning to seek meetings with other EU Member States to convince them that the Swedish information is not correct, and possibly to establish an EU Member State such as France to act as a champion for cadmium.

EU Directive 494/2011 – As a result of the issuance of EU Directive 494/2011 in May 2011 prohibiting cadmium and cadmium compounds in all plastics, the International Cadmium Association, along with the two cadmium pigment manufacturers, filed a lawsuit with the EU Court of Justice in Luxembourg requesting annulment of 494/2011. The status of these actions is summarized in Slides 21 through 25 in Annex I attached. As a result of discussion with the Commission and the lawsuit, an amendment was proposed in April 2012 by the Commission to revert to the restrictions on cadmium in plastics in place prior to the issuance of 494/2011. However, at the same time, the Commission requested that ECHA initiate an Annex XV restriction dossier on cadmium in plastics. In this case, however, unmanageable risks must be demonstrated. The Cadmium REACH Consortium is working with ECHA to supply the proper scientific information. The Commission suggested to the Court of Justice that ICdA and its co-applicants should drop their legal action on the basis that an amendment to 494/2011 had been proposed

and the proper procedure was now being followed. The three applicants have declined to cease their legal action on the basis that the proposed EU amendment to 494/2011 has yet to be published in the *Official Journal* and that unmanageable risks have not been demonstrated in this case.

Christian Canoo then reviewed the expenses incurred by the association in this lawsuit which are summarized in Slides 24 and 25 attached to Annex I. He noted that the expenses for this lawsuit to date in 2012 were approximately 30,000 Euros, and that the estimated additional expenses for the remainder of the year would be about 10,000 Euros. On a basis of the association paying one-third of the total litigation costs, continuation of the case in 2012 would represent about 13,300 Euros in expense to the association. Dr. Canoo asked for a resolution from the Board of Directors and from the two cadmium pigment producers to continue the legal case against the Commission. He pointed out that, in the event of a favorable ruling by the EU Court of Justice, the association and the two pigment producers might recover all or part of their legal costs, and that a favorable ruling would be a positive precedent affecting the preparation of an Annex XV restriction dossier on the use of cadmium in plastics.

Upon a motion made by Mark Edwards, seconded by Howard Winbow, and unanimously approved, the ICdA Board of Directors agreed to continue the legal case against the European Commission for annulment of Directive 494/2011.

7. INTERNATIONAL CADMIUM CONFERENCE IN CHINA

Dr. Christian Canoo briefly reviewed the Eighth International Cadmium Conference which was held in Kunming, China on November 11-12, 2011 (Slide 25 in Annex I). The theme of the conference was “Risk Management and Control of Cadmium”, was attended by almost 100 persons from more than 20 nations, and included 24 presentations. Noomi Lombaert and Hugh Morrow are working to gather as many written versions of the papers presented as possible and are anticipating a receipt of a majority of these written papers by September 2012. There has also been discussion of the preparation of a fact sheet on “Cadmium risk management” for distribution on a global basis, and the potential to offer a presentation on this topic at IZA’s China Zinc conference in August 2012.

8. UPDATE ON NORTH AMERICAN REGULATORY AFFAIRS

Hugh Morrow quickly summarized information on regulatory affairs relevant to cadmium in North America. These included revision of the Toxic Substances Control Act (TSCA), cadmium in consumer products such as children’s jewelry, and update of the Integrated Risk Information System (IRIS) file on cadmium. Mr. Morrow’s review of North American issues is shown on Slides 28 of Annex I attached to these Minutes.

Revision of the Toxic Substances Control Act (TSCA) – With Republican Party control of the U.S. House of Representatives and the U.S. presidential elections scheduled in early November 2012, it is now certain that no revision of TSCA will occur in 2012. In its place, however, the Democratic administration’s EPA is enacting a program entitled

“Enhancement of TSCA” wherein specific actions have been initiated against cadmium and its compounds under the existing TSCA legislation. These include the Section 8(d) cadmium rule to provide copies of all studies on cadmium in consumer products and the Section 4(e) Interagency Testing Committee’s priority testing of consumer products containing cadmium. Both of these programs have grown out of the increasing concern in North America with cadmium in consumer products, particularly children’s products.

Cadmium in Consumer Products – Hugh Morrow reviewed the status of developments in the actions taken since the ICdA General Assembly in October 2011 in London. Since that time, the U.S. Consumer Product Safety Commission (CPSC) has granted the Sierra Club petition to develop a cadmium standard for children’s jewelry if industry, through ASTM, did not develop a satisfactory voluntary standard. This standard was set at 300 ppm total cadmium content. At the same time, ASTM issued F2923-11 specifying a maximum contained cadmium level of 300 ppm (0.03%) along with a maximum soluble cadmium content of 200 ppm. The California Center for Environmental Health (CEH) and 20 suppliers of children’s jewelry also settled a lawsuit with an agreement to limit cadmium content in children’s jewelry to 300 ppm. However, in the meantime, numerous States in the USA and Provinces in Canada are proceeding with their own individual legislative actions some of which specify total contained cadmium levels as low as 75 ppm.

Integrated Risk Information System (IRIS) – The U.S. EPA’s IRIS files on substances are used as the basis for many of their proposed rules and regulations. The IRIS file on cadmium was last revised in 1998, and is presently listed as a 2012 priority for revision. ICdA has been in touch with EPA’s National Center for Environmental Assessment (NCEA) which is responsible for the IRIS files and has volunteered to contribute information. However, no new draft has been issued for cadmium to date. In addition, the IRIS office has been under attack recently because of revisions to other files, notably arsenic, which did not appear to be scientifically based. Therefore, major revision of the Cadmium IRIS file is not expected to develop in the near future.

9. INTERNATIONAL REGULATORY AFFAIRS

Hugh Morrow updated the Board of Directors on three arenas of regulatory concern for the cadmium industry at the international level – the United Nations Economic Commission for Europe (UNECE) Long Range Transboundary Air Pollution (LRTAP) Heavy Metals Protocol; four items under the United Nations Environment Program’s activities on Heavy Metals; and the Strategic Approach for International Chemicals Management (SAICM) Chemicals in Products Program. These issues are covered in Slides 29 through 31 of Annex I attached to these Minutes.

UNECE LRTAP Executive Body Meeting – The UNECE Executive Body (EB) and Working Group on Strategies and Review (WGSR) is working on finalizing proposed amendments to the Heavy Metals Protocol, covering lead, cadmium and mercury. These amendments include coordinating the Heavy Metals Protocol requirements with those of the Gothenburg Protocol, especially with respect to particulate matter (PM) control, and

coordinating the UNECE LRTAP mercury program with UNEP's International Negotiations on Mercury which are now being negotiated by the Intergovernmental Negotiating Committee (INC). There is also an effort to introduce more flexibility into the Heavy Metals Protocol to encourage more participation and ratifications by the nations of Eastern Europe, the Caucasus, and Central Asia. A workshop of the UNECE Task Force on Heavy Metals was held in Berlin on April 12-13 to review a new guidance document on Best Available Technology (BAT). Both the lead and cadmium industries expressed concern that the UNECE BAT document be consistent with the EU BREF documents with which industry has been heavily involved. Mr. Morrow also noted that both Canada and the USA were adopting independent positions within the UNECE process to be consistent with their own national legislation, and that therefore the UNECE LRTAP Heavy Metals Protocol appeared to be moving more towards an information source on lead, mercury and cadmium air emissions rather than an international agreement on limiting air emissions of these metals.

UNEP Heavy Metals Programs – Hugh Morrow reviewed the status of four programs which have been carried out recently under the UNEP's activities on Heavy Metals. These are the Scientific Review on Cadmium which was initiated in 2005; the Trade in Cadmium Products Reports which have been issued in the past two years; the latest meeting of the UNEP Governing Council which took place in Nairobi, Kenya in February 2011; and the report *Environmental Challenges of Anthropogenic Metals Flows and Cycles*.

- (a) UNEP Scientific Review on Cadmium: The final version of this report was tabled at the UNEP Governing Council (GC-26) meeting in Nairobi in February 2011. No further work is anticipated on this report, although the GC did note the need to “deepen the scientific basis of cadmium studies.”
- (b) Trade in Cadmium Products Reports: Three reports have been prepared (Africa, Asia, and Latin America) in an attempt to demonstrate that it is trade in cadmium products which is contaminating developing countries which do not have the ability to handle cadmium-containing products or wastes in an environmentally-sound manner. ICdA filed extensive comments on all these reports and both the USA and Canada objected to the reports at the GC meeting. It was also reported that other countries objected as well.
- (c) Governing Council Meeting in Nairobi (GC 26): The final conclusions from the Governing Council Meeting in Nairobi directed that work be continued on cadmium in the following areas.
 - a. Environmentally sound management (ESM) of cadmium-containing batteries throughout their life cycle.
 - b. Deepen the scientific basis of cadmium studies.
 - c. Establish a global voluntary partnership on cadmium with governments, inter-governmental organizations (IGOs), and non-governmental organizations (NGOs) to reduce or manage cadmium risk.
 - d. Establish a UNEP clearing house to investigate substitutes for cadmium-containing products.

- (d) Environmental Challenges of Anthropogenic Metals Flows and Cycles: This report was generated by Professor Thomas Graedel and his group at Yale University, and covers all the nonferrous metals. The metals industry's comments on this report were coordinated by Dr. John Atherton at the International Council for Mining and Metals (ICCM). ICdA contributed comments directly to ICCM. In addition, staff members from Graedel's group contacted Hugh Morrow directly regarding cadmium-containing products and substitutes for these products.

Strategic Approach to International Chemicals Management (SAICM) – Hugh Morrow indicated that the next International Conference on Chemicals Management (ICCM3) under the auspices of the SAICM initiative would be held on September 17-21, 2012 in Nairobi, Kenya. Several programs on chemicals in products have developed under SAICM's Open Ended Working Group (OEWG) Emerging Policy Issues. Of potential interest to the cadmium industry are the following programs:

- (a) Lead in paint – Global alliance to eliminate lead in paint by 2018
- (b) Chemicals in products – Focused on information and labeling
- (c) Hazardous substances in electrical and electronic equipment
- (d) Nanotechnologies and manufactured nanomaterials

Mr. Morrow noted, however, that a great deal of the SAICM agenda appeared to be dominated by concerns over funding of programs, duplication of existing efforts, and over-lapping jurisdictions. It is also widely believed that the SAICM effort is so broadly based that it would be very difficult for any specific country's or region's agenda to be pushed through unless it truly had global support.

10. CADMIUM MARKET REPORT

Hugh Morrow gave a quick review of the present cadmium market which is shown in Slides 33 and 34 of Annex I attached. Primary cadmium supply appears to continue to increase, according to the World Bureau of Metal Statistics (WBMS) although Morrow noted that he believed that WBMS was now beginning to include secondary cadmium in its production figures, for example, in the USA and Japan. Primary cadmium consumption appeared to be holding steady although it is again uncertain to what extent secondary cadmium consumption is included in the WBMS figures. Cadmium price has settled into the US \$1 to US \$2 per pound range during the last few years as indicated by the prices for 99.99% purity cadmium published in *Metal Bulletin*.

11. NEXT MEETING DATES

The next General Assembly of Members of the International Cadmium Association will be held on Thursday, October 18, 2012, from 1300 Hours (1:00 PM) to 1600 Hours (4:00 PM) in London, United Kingdom. The exact meeting venue, agenda and other pertinent meeting information will be issued well before the meeting.

The next ICdA Board of Directors meeting is also tentatively scheduled for Thursday, October 18, 2011 from 0900 Hours (9:00 AM) to 1200 Hours (12:00 PM) in London,

United Kingdom. Several expressed a preference for trying to hold the Board meeting and the General Assembly on the same day in the same place if feasible. Details of the meeting will be forthcoming in the near future.

The next meeting of the ICdA Health & Safety Committee will be held on Tuesday, October 23, 2012 in Brussels, Belgium. The meeting venue, meeting agenda and other pertinent meeting information will be issued before the meeting.

The next meeting of the North American Regulatory Affairs Committee will be held at a date and place to be determined

12. ADJOURNMENT

There being no further business before the Board of Directors, Chairman Mark Edwards adjourned the meeting at 1810 Hours (6:10 PM) Brussels Time.

Respectfully Submitted,

Approved,

Hugh Morrow
Secretary, Pro-Tempore

Mark Edwards
Chairman



ICdA - Board meeting

July 18th, 2012, 4^{1/2} pm

For the meeting, link to

<https://www1.gotomeeting.com/join/501717136>

*For audio, dial **+32 2 404 03 05**, or national number, and Pin code **84414579#***

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Agenda

- Introduction by the chairman & statement of Compliance
- Approval of the minutes - Board meeting April 7, 2011
- Membership: EDI – Sarp. Industries approved as new member
- Review of final P&L-2011 and forecast P&L-2012
- Update on the EU-regulatory issues
 - H&S committee (June 2012) & OCdBIO-4 biomonitoring campaign
 - Reach-developments and Authorization-procedure
 - Reach-developments and Restriction-procedure
 - Legal case (Reg.494/2012): update and decision on continuation / or not
- Follow-up International Cd Conference Kunming
- Regulatory affairs report North-America
 - Review TSCA
 - Cd limitation in children jewelry
 - Follow-up of IRIS-revision
- Regulatory affairs report International programs > UNEP/UNECE
- Market report
- Next Meeting Date

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STATEMENT OF COMPLIANCE

- The purpose of the meeting is to address, under the applicable confidentiality rules, issues concerning Cadmium and Cadmium compounds producers and importers and more particularly their obligations under the several regulations.
- The minutes kept during the meeting will have to reflect all significant matters discussed during the meeting.
- No discussions will be held, formally or informally, during specified meeting times or otherwise, involving, directly or indirectly, express or implicit agreements or understandings related to: (a) any company's price; (b) any company's terms or conditions of sale; (c) any company's production or sales levels; (d) any company's wages or salaries; (e) the division or allocation of customers or geographic markets; or (f) customer or suppliers boycotts; or (g) any disclosure of information which may affect applicable rules on Competition Law.
- The International Cadmium Association (ICdA), as a group will make no recommendations of any kind and will not try to reach any agreements or understandings with respect to an individual company's prices, terms or conditions of sale, production or sales levels, wages, salaries, customers or suppliers.

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Approval of the minutes – Board web.meeting of 7 April 2011

- Call to order (10/11 directors attending or represented) and reminder of statement of Compliance
- Review and approval of the minutes of the Board meeting of June 29th 2010
- Election of the new Chairman : Mark Edwards
- Membership report: First Solar inc. is welcomed as new member
- Review of the final accounts of 2010, together with forecasts years 2011 & following
- Review of European Cd-related dossiers:
 - ✓ Review of the REACH Consortium activities: rumors of authorization procedure initialization
 - ✓ Update of the EU H&S-meetings and bio-monitoring data collection
 - ✓ SCOEL-recommendations : we have to build a special case for CdTe and Cd-pigments
- Review of North-American regulations: TSCA, CPSC, NA-Reg.Com.(B&C-reports)
- Update on the Cd-International issues: UNEP, SAICM, UNECE LRATP
- Report on the upcoming Cadmium Conference in China
- Cadmium market report & update of the new ICdA-website
- Next Meeting: tentatively scheduled close to (the same day) as the General Assembly – October 6, 2012

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Membership report



Current membership:

- | | |
|-------------------------|----------------------------------------------|
| 1. ACME Aerospace Inc. | - Ni-Cd Battery manufacturer |
| 2. Accurec | - Ni-Cd Battery recycler |
| 3. Black & Decker | - Article-user > Ni-Cd Battery user |
| 4. EnerSys / Gaz | - Ni-Cd Battery manufacturer |
| 5. Floridienne Chimie | - Cd compounds manufacturer |
| 6. Hoppecke | - Ni-Cd Battery manufacturer |
| 7. Inmetco | - Ni-Cd Battery recycler |
| 8. IZA | - Zinc Association representing Cd producers |
| 9. JMIA | - Japanese Association > Miners & smelters |
| 10. James M Brown | - Cd pigment manufacturer |
| 11. 5N Plus | - Cd-compounds for PhotoVoltaic applications |
| 12. Rockwood pigments | - Cd pigment manufacturer |
| 13. Saft Batteries | - Ni-Cd Battery manufacturer & recycler |
| 14. Sanyo | - Ni-Cd Battery manufacturer |
| 15. Snam | - Ni-Cd Battery recycler |
| 16. First Solar | - Cd-compounds for PhotoVoltaic applications |
| > EDI – Sarp.Industries | - Ni-Cd Battery recycler |

Approved as new member (poll results)

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Review Final forecast P&L 2011

Un-audited accounts 2011 - to be reviewed (EUR)			
	2010 Audited*	2011 Budget	2011 Final Forecast
STAFFING			
Staff & scientific support	121,611	138,767	134,949
Legal support	0	10,000	22,541
Administration / accounting / secretariat	8,769	10,815	8,333
Total Staff Costs	130,380	169,582	166,823
OPERATIONS			
Renting & other classical operational costs	26,833	29,434	27,604
Meetings / travel & subsistence	14,724	20,970	38,698
Total Operation Costs	41,557	50,404	66,272
- Conference Kunm lung	0	0	25,525
TOTAL EXPENSES	171,937	209,986	267,820
Membership fees	185,181	181,388	177,152
Other	3,709	1,500	17,623
TOTAL INCOME	188,890	182,888	194,775
BALANCE	18,953	-27,098	-82,846
SURPLUS/(LOSS) BROUGHT FORWARD	188,678	186,631	186,631
SURPLUS/(LOSS) CARRIED FORWARD	185,631	168,433	122,888

* Reviewed by Deloitte-Touche-Tohmatsu

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Review Final forecast P&L 2011

Un-audited accounts 2011 - to be reviewed (EUE)			
	2010 Audited*	2011 Budget	2011 Final Forecast
STAFFING			
Staff & scientific support	121,611	138,767	134,949
Legal support	0	10,000	22,541
Administration /accounting /secretariat	8,769	10,815	8,333
Total Staff Costs	130,380	169,582	166,823
OPERATIONS			
Renting & other classical operational costs	26,833	29,434	27,604
Meetings / travel & subsistence	14,724	20,970	38,668
Total Operation Costs	41,557	50,404	66,272
- Conference Kunmlung	0	0	25,525
TOTAL EXPENSES	171,937	209,986	267,820
Membership fees	185,181	181,388	177,152
Other	3,709	1,500	17,623
TOTAL INCOME	188,890	182,888	194,776
BALANCE	18,953	-27,098	-82,846
SURPLUS/(LOSS) BROUGHT FORWARD	188,678	186,631	186,631
SURPLUS/(LOSS) CARRIED FORWARD	186,631	168,433	122,888

* Reviewed by Deloitte-Touche-Tohmatsu

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Review P&L 2012 –forecast vs. budget

P&L 2012 - Forecast vs. Budget July 2012(EUE)			
	2011 Final forecast	2012 Budget	2012 H1 Forecast
STAFFING			
Staff & scientific support	134,949	138,767	134,949
Legal support	22,541	25,000	25,000
Administration /accounting /secretariat	8,333	10,815	8,333
Total Staff Costs	166,823	164,582	168,282
OPERATIONS			
Renting & other classical operational costs	27,604	26,513	26,513
Meetings /travel & subsistence	38,668	20,970	20,970
Total Operation Costs	66,272	47,484	47,484
- Conference Kunmlung	25,525	0	0
TOTAL EXPENSES	267,820	212,066	216,766
Membership fees	177,152	193,200	189,010
Other	17,623	1,200	1,200
TOTAL INCOME	194,776	194,400	190,210
BALANCE	-82,846	-17,666	-26,668
SURPLUS/(LOSS) BROUGHT FORWARD	186,631	122,888	122,888
SURPLUS/(LOSS) CARRIED FORWARD	122,888	106,020	97,130

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European programs report 18 July 2012

- H&S committee
- REACH Cadmium
- Legal case Reg. 494/2011/EU

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ICdA H&S Committee



- Agenda last meeting -June 19th-:
"Communication guides of former H&S meetings"
 - Update ICdA guidance document: *Management of the risk related to the chronic occupational exposure to cadmium and its compounds*" (ICdA/Eurometaux 2006)
 - Recommendation flyers on:
 - ✓ measuring air quality
 - ✓ medical monitoring/supervision adapted to cadmium risk
 - ✓ individual and collective hygiene procedures
 - ✓ choosing and maintaining the right personal protective equipment (PPE)
 - ✓ implementation of a prevention culture in our plants
 - ✓ medical surveillance program: Cd risk management system

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ICdA H&S Committee



OCdBio program: Occupational Cadmium Bio-monitoring Data Collection Program

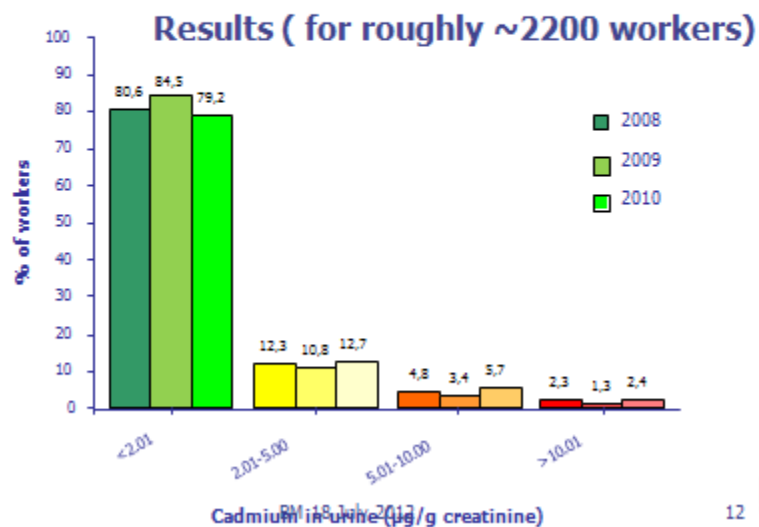
- Beginning in 2008, Cd bio-monitoring data has been collected in order to assess
 - ✓ the efficiency of the industry's cadmium risk management program
 - ✓ the compliance of the current exposure levels with the OELs
- It is also useful for ICdA members to compare their own data with aggregated data from the whole Cd using industry
- To be meaningful, the program requires long-term involvement of the companies (now 3 years and OCdBio4 is in preparation)

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Distribution of cadmium values in EU-sites 2008 - 2009 - 2010

CdU

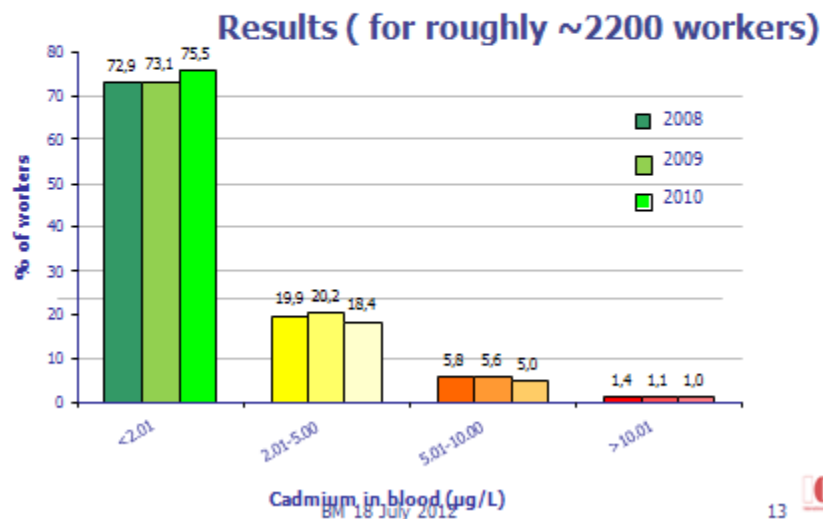


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Distribution of cadmium values in EU-sites 2008 - 2009 - 2010

CdB



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Reach-Cadmium Consortium substances/intermediate registered (Nov 2010)

	Name	EINECS	Lead Registrant
Substances			
1	Cadmium metal	231-152-8	Xstrata
2	Cadmium oxide	215-146-2	La Floridienne Chimie
3	Cadmium hydroxide	244-168-5	SAFT
4	Cadmium nitrate	233-710-6	La Floridienne Chimie
5	Cadmium chloride	233-296-7	5NPlus
6	Cadmium carbonate	208-168-9	Rockwood Pigments
7	Cadmium sulphide	215-147-8	5NPlus
Intermediates			
1	Cadmium Sulphate	233-331-6	5NPlus

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Reach–Cadmium Consortium

Further work on cadmium files

- Preparation of registration files for:
 - ✓ CdTe, 2 Cd pigments
- Potential update needed:
 - ✓ for one « Isolated (transported) Intermediates »
 - ✓ For all registered Cd files, an update , e.g. on « waste » , needs to be made
- « Authorisation » / « Restriction » procedures

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a) Reach – Cadmium: Registration of « special Cd-files »

- Prepare registration files (IUCLID– CSR) by May 2013 for:
 - Cadmium pigments
 - Cadmium telluride
- All « special » cases, i.e. the hazard profile of the files will be different from the general Cd-files already registered in 2010.
 - Additional testing required to make different case

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b) Reach-Cadmium: Updates on existing Cd-files

- Potential update for 1 « Isolated (transported) Intermediate »: will be minimal as that file was already a « full substance » dossier
- Updating needed on all Cd-files for « waste »
 - ⇒ quantitative Exposure assessment (Exp. scenario) needs to be made for substances in:
 - ✓ Municipal household waste
 - ✓ Production waste
 - ✓ Recycling waste

Deadline not defined (yet) by ECHA

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c) Reach Cadmium: Authorisation and restriction

Reach regulation foresees to implement an “authorisation” or “restriction” procedure for substances that may generate unaffordable risks in certain uses.

- **Authorisation** (usually CMR, PBT, vBvT) procedure starts with:
1. Intention declared by a MS or the COM (ROI) to call a particular substance for the Authorisation-procedure, followed by the
 1. Issuance of an Annex XV dossier (Authorisation) –well defined format-documenting the (dispersive) uses and associated risks for ENV and HH
 2. The agreed (by REACH Committee) incorporation of the substance in the Annex XIV>> “candidate list” or “SVHC-substances list”
 3. Eventually, the proposal/decision (can be several years after) is taken to start the Authorization procedure: publication to the OJ, with an Application Date(AD) and Sunset Date (SSD)

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Reach-Cadmium: Authorisation

- ❑ For Cd, CdO and CdS, Sweden notified its intention to make an Annex XV
- ❑ REACH Cd Consortium:
 - Prepared 3 (shadow) annex XV dossiers – Cd, CdO & CdS-
 - Decided to visit Member States in order to understand the 'why', to challenge the prioritization ranking, to transfer the compiled information (Shadow Annex XV) and possibly to delay the Authorisation process (UK, CZ, FR, SW, DE, ...)
 - This still needs to be confirmed, but it seems that the Swedish intention will not be confirmed on August 5-6 (!)

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Reach Cadmium: Authorisation and Restriction

Restrictions: former restrictions were automatically included in Reach - Annex XVII

1. When a new restriction-of-use is proposed, the MS or COM prepares an Annex XV dossier (restriction) documenting the need for such restriction on basis of (new) evidence of risk (ENV/H)
2. For Cd pigment, an Annex XV dossier will be prepared on request of the COM (cfr. Amendment on reg. 494/2011)
3. REACH Cd consortium will interact with ECHA services to provide the needed information for an Annex XV dossier

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ICdA legal case vs. Commission concerning Reg. 494/2011/EU

- In the regular process of transferring recommendations from the former regulation system (Risk Assessment and Risk reduction measures) to the REACH regulation, the Commission had to propose and document an amendment, to be referred to as 'Annex XVII entry'
 - A draft proposal was presented to the CARACAL meeting of June 2010 and accepted by Industry
 - The publication of the voted amendment in the Official Journal in May 2011 was quite different

Consequence of 494/2011/EU :

Cadmium and compounds were prohibited in all plastics

- starting from December 11th 2011

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ICdA legal case vs. Commission concerning Reg. 494/2011/EU

- ICdA Executive Committee (confirmed by Board and GM) and two cadmium pigment manufacturers initiated, due to the urgency and importance for the entire Cadmium industry, a legal action with the High Court in Luxemburg:
 - Annulment action of Reg.494/2011
 - Submitted on our behalf by Bergeson & Campbell(+Field Fisher Waterhouse)
 - An extra-expense of 40.000 € (shared 3 x 1/3) was agreed for 2011
 - The follow-up of the legal action (or not) still requires a decision

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ICdA legal case vs. Commission concerning Reg. 494/2011/EU

The current situation is the following:

- an amendment was proposed in April 2012 by the Commission (back to former restriction for pigments) to the Reach-Committee and was approved; the notification in the Official Journal is not expected before August
- Commission asked ECHA to start an Annex XV-Restriction dossier
 - ✓ the proper procedure will now be followed but still probably targeting a Cd-restriction like the one initially imposed in Reg. 494/2011; unaffordable risks need to be demonstrated (!)
 - ✓ Cd Consortium is in contact with ECHA-services for documenting properly Annex XV (restriction) dossier
- Commission informed the Court and suggested us to cease our legal action (no interest anymore)
- The 3 applicants responded negatively, arguing:
 - ✓ No publication yet in OJ >>> so still interest
 - ✓ Restating risk-based motivation is the main driver for a "Restriction"

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ICdA legal case vs. Commission concerning Reg. 494/2011/EU

- The legal expenses recorded in 2012 (invoiced or still to be) are estimated at ~30.000 € so far
 - The remaining expenses till the final hearing / ruling is estimated at ~10.000 €
 - On the basis of a 3 x 1/3 share, this would represent ~13.333 € in 2012 while a provision of 15.000 € was foreseen
- **The approval is requested of the ICdA-Board and of the two other Applicants for continuation of the legal case in Luxembourg with B&C (FFW) as legal-advisors**

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ICdA legal case vs. Commission concerning Reg. 494/2011/EU

- In terms of objectives, if the publication of the amended reg. 494/2011 (coming back to former Restriction-annex) in the O.J. could be confirmed in the coming weeks, we should have reached one of the major objective of starting the case in Luxembourg
- Keeping the case 'open' and waiting for the Court-ruling:
 - brings apparently a positive pressure that might be beneficial in the Annex XV-dossier (Restriction procedure) that seems to be launched at ECHA , on request of the Commission, to assess whether the use of cadmium and its compounds in additional plastic materials should also be restricted.
 - would give us a chance –in case of positive ruling in our favor- to recover all (or part) of the legal costs exposed so far

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Cadmium Conference follow-up

- 8th International Cd-conference (Kunming -China):
 - Theme: Risk Management and Control of Cadmium
 - Proceedings of presentations: deadline for papers:
>>> end June 2012
 - Draft & distribution fact sheet "Cd risk management" for global purposes
 - Presentation at China Zinc conference August 2012 (?)

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Regulatory Affairs Report North America and International 18 July 2012

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North American Regulatory Issues

☐ Toxic Substances Control Act (TSCA)

- Legislative Revision of TSCA Awaits November 2012 Elections
- Enhancement of TSCA: Section 8(d) Cadmium Rule to Provide Copies of Studies on Cadmium in Consumer Products
- Enhancement of TSCA: Section 4(e) Interagency Testing Committee Priority Testing of Consumer Products Containing Cadmium

☐ Cadmium in Children's Jewelry

- CPSC Actions: Granted Sierra Club Petition to Develop Cadmium Standard If ASTM Did Not Develop Satisfactory Voluntary Standard
- ASTM Issued F2923-11 with Maximum Contained Cadmium Level of 300 ppm and Maximum Soluble Cadmium of 200 ppm
- California Center for Environmental Health (CEH) and 20 Suppliers Agree to Limit in Children's Jewelry of 300 ppm
- States and Provinces Proceeding with Individual Legislation

☐ Integrated Risk Information System (IRIS)

- Cadmium Listed as 2012 Priority Revision But No New Draft Issued
- IRIS Office Under Attack for Revision of Other Files (Arsenic)

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International Regulatory Issues

- **UNECE LRTAP Heavy Metals Protocol**
 - **Finalizing Proposed Amendments to HM Protocol**
 - ✓ Coordinate Heavy Metals Protocol Requirements with Gothenburg Protocol (Particulate Matter Control)
 - ✓ Coordinate UNECE LRTAP Mercury Requirements with UNEP International Negotiations of Mercury (INC)
 - **Task Force on Heavy Metals Meeting 12-13 April in Berlin. New Draft Guidance Document on BAT Prepared. Compare for Consistency with EU BREF.**
 - **Introduce Protocol Flexibility to Increase Ratifications in Eastern Europe, Caucasus, Asia**
 - **Canada and USA Implementing Different Positions to be Consistent with Their National Legislation**

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International Regulatory Issues

- **United Nations Environment Programme (UNEP)**
 - **Scientific Review on Cadmium**
 - **DTIE Reports on Trade in Cadmium Products in Africa, Asia and Latin America**
 - **Comments on *Environmental Challenges of Anthropogenic Metals Flows and Cycles***
 - ✓ Coordinated by ICMM and Tom Graedel at Yale University
 - **Follow-up From GC-26 in Nairobi 2011**
 - ✓ Environmentally Sound Management (ESM) of Cadmium-Containing Batteries throughout Their Life Cycle
 - ✓ Deepen the Scientific Basis of Cadmium Studies
 - ✓ Global VOLUNTARY Partnership on Cadmium with Governments, Inter-Governmental Organizations (IGOs), and Non-Governmental Organizations (NGOs)

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International Regulatory Issues

- **Strategic Approach to International Chemicals Management (SAICM)**
 - ICCM3 to be Held 17-21 September 2012 Nairobi
 - **Concerns over Funding of Programs, Duplications of Existing Efforts, and Over-Lapping Jurisdictions**
 - **Implementation of Emerging Policy Issues Actions and OEWG on Chemicals Management**
 - ✓ Lead in Paint – Global Alliance to Eliminate Lead in Paint 2018
 - ✓ Chemicals in Products – Focused on Labeling and Information
 - ✓ Hazardous Substances in Electrical & Electronic Equipment
 - ✓ Nanotechnologies and Manufactured Nanomaterials – NEW

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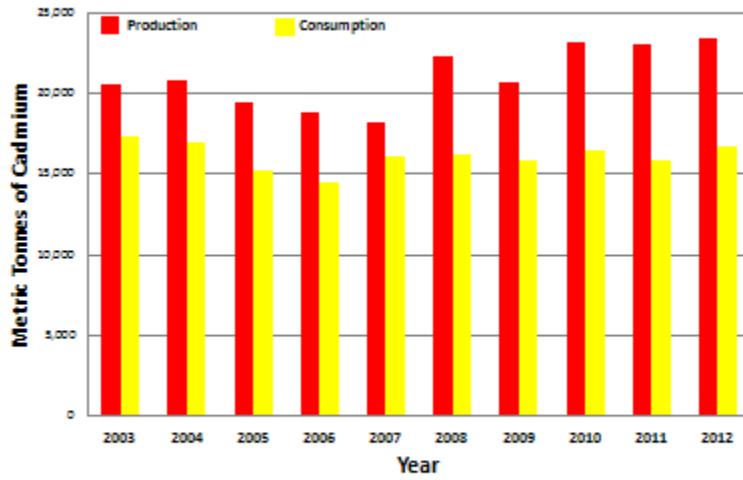


Cadmium Market Report 18 July 2012

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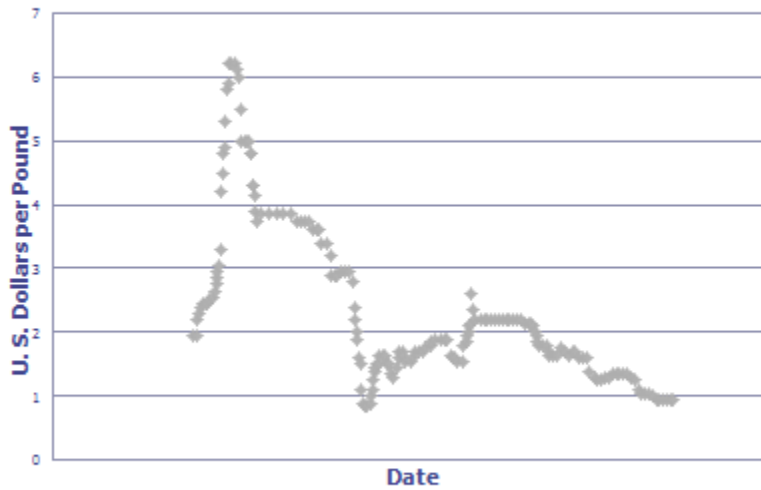
Primary Cadmium Production and Consumption, 2003 - 2012



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Metal Bulletin 99.99% Cadmium Price, 2007-2012



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Next meetings

- The next GA is fixed on October 18th, London
- The next H&S-EU meeting is fixed on October 23th, Brussels
- The next H&S-NA meeting is still to be determined
- The next Board meeting is penciled on 18/10



GLOSSARY OF ACRONYMS AND ABBREVIATIONS

ACGIH	American Conference of Governmental Industrial Hygienists
AGS	Ausschuss für Gefahrstoffe (German Committee on Hazardous Substances)
ASTM	American Society for Testing and Materials
ATSDR	Agency for Toxic Substances and Disease Registry (USA)
BAT	Best Available Technology
BI	Biological Indicator(s)
BREF	Best Available Technology Reference Document of the European Union's Integrated Pollution Prevention and Control (IPPC) Program
CDC	Center for Disease Control (USA)
CEH	Center for Environmental Health (California USA)
ChAMP	Chemicals Assessment and Management Program (USEPA)
COM	Council of Ministers (EU)
CMR	Carcinogenic, Muta-genetic and Reproductive Toxicant
CPSC	Consumer Product Safety Commission (USA)
CRT	Cathode Ray Tube
CSA	Chemical Safety Assessments
CSR	Chemical Safety Report
DG	Directorate General of the European Commission
DEQ	Department of Environmental Quality
DNEL	Default No Effect Level
DTIE	Division of Trade, Industry and Economics (of UNEP)
DU	Downstream User
E	Environment
EB	Executive Body (of the UNECE LRTAP Treaty)
EC	European Commission
ECHA	European Chemicals Agency
EEE	Electrical and Electronic Equipment
EINECS	European Inventory of Existing Chemical Substances
ELV	Emission Limit Value
EPA	Environmental Protection Agency (United States)
ERB	Exposure-Risk-Relationship (Germany)
ESM	Environmentally Sound Management
EU	European Union
FAO	Food and Agricultural Organization (United Nations)
GA	General Assembly of Members of the International Cadmium Association
GACT	Generally Available Control Technology
GC	Governing Council (of the United Nations Environment Program)
GES	Generic Exposure Scenario
GHS/CLP	Globally Harmonized System of Classification, Labeling and Packaging
HH	Human Health
HM	Heavy Metals

H&S	Health and Safety Committee of International Cadmium Association
IARC	International Agency for Research on Cancer
IBRC	International Battery Recycling Congress
ICCM	International Conference on Chemicals Management (of SAICM)
ICMM	International Council on Metals and Mining
ICdA	International Cadmium Association
IFCS	Intergovernmental Forum for Chemical Safety
IGO	Intergovernmental Organization
ILA	International Lead Association
INC	Intergovernmental Negotiating Committee of UNEP Mercury Program
i-OEL	Inhalable Occupational Exposure Limit (Based on Respirable Fraction)
IOMC	International Organization for Management of Chemicals
IPPC	EU's Integrated Pollution Prevention & Control Program
IPSRM	International Panel for Sustainable Resource Management (of UNEP)
IRIS	Integrated Risk Information System (USEPA)
ISO	International Standards Organization
IUCLID	International Uniform Chemical Information Database
IZA	International Zinc Association
IZA-E	International Zinc Association - Europe
JECFA	Joint Expert Committee on Food Additives (World Health Organization)
JMIA	Japan Mining Industry Association
LRTAP	Long Range Transboundary Air Pollution
MAK	Maximale Arbeitsplatzkonzentrationen = Maximum Workplace Concentration
MG	Microglobulin
MS	Member States (of the European Union)
MSW	Municipal Solid Waste
NAMC	North American Metals Council
NCEA	National Center for Environmental Assessment (of U.S. EPA)
NCOM	Nordic Council of Ministers
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NGO	Non-Governmental Organization
NOEL	No Observable Effect Level
NTP	National Toxicology Program (USA)
OCdBio	Occupational Cadmium Biological Indicators Program
OECD	Organization for Economic Cooperation and Development
OEWG	Open Ended Working Group of the SAICM Emerging Policy Issues Program
OSPAR	Oslo-Paris Convention
PM	Particulate Matter
PNEC	Predicted No-Effect Concentration
PRBA	Portable Rechargeable Battery Association (United States)
PRTR	Pollutant Release and Transfer Registry
PTWI	Provisional Tolerable Weekly Intake
PVC	Polyvinylchloride
RA	Risk Assessment
RBRC	Rechargeable Battery Recycling Corporation (North America)
RBT	Retinol Binding Protein
REACH	Registration, Evaluation & Authorization of Chemicals (EU)
RIP	REACH Implementation Projects
RPA	RPA Ltd. (formerly Risk Policy Analysts), Consultant for EU
RRS	Risk Reduction Strategy (European Commission)
SAICM	Strategic Approach to International Chemicals Management

SCOEL	Sub-Committee on Occupational Exposure Levels
SEE	South East Europe
SGCDpro	Society of Glass & Ceramic Decorated Products (USA)
SIEF	Substances Information Exchange Forum
SMM	Shanghai Metals Market (China), Co-Organizer of the Eighth International Cadmium Conference in Kunming, China (November 2011)
SUMDOC	Summary Document
TCNES	Technical Committee on New and Existing Chemicals
TFHM	Task Force on Heavy Metals (UNECE LRTAP Heavy Metals Protocol)
TRGS	Technical Rules for Hazardous Substances (Germany)
TSCA	Toxic Substances Control Act (United States)
UCL	Universite Catholique Louvain (Belgium)
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
WBMS	World Bureau of Metal Statistics
WGs	Working Groups
WGSR	Working Group on Strategies and Review (of UNECE LRTAP Treaty)
WHO	World Health Organization
WSSD	World Summit on Sustainable Development
WVM	Wirtschafts Vereinigung Metalle (German Association of Metals)