

Summary of Public Comments Received on the Proposed Risk Management Approach for Hexabromocyclododecane (HBCD)

Comments on the proposed Risk Management Approach document for Hexabromocyclododecane (HBCD) were provided by: Bromine Science and Environmental Forum (BSEF), Dow Chemicals Canada ULC, Canadian Vehicle Manufacturers' Association (CVMA), Association of International Automobile Manufacturers of Canada (AIAMC), Canadian Plastics Industry Association (CPIA), Extruded Polystyrene Foam Association (XPSA), and EPS Molders Association (EPSMA).

- **Products in Use**
- **Alternatives and Phase Out Considerations**
- **General Clarifications and Suggestions on the Proposed RM Approach**
- **International Considerations**

Topic	Comment	Response
Products in Use	Allow for the continued use of foam insulation containing HBCD already in-place prior to the coming into force of the HBCD regulations.	The Screening Assessment Report for Hexabromocyclododecane stated that it is expected that once enclosed, HBCD containing products would not be exposed to weathering and therefore release of HBCD to the environment would be low. Based on this, the intent of the proposed prohibition is to allow products containing HBCD, which were manufactured before the coming into force date of the regulations, to continue to be used; while the use of a product containing HBCD, manufactured (including imported products) after the coming into force of the regulations, would not be permitted.
	Allow for the use of vehicle replacement parts manufactured prior to the coming into force of the HBCD regulations.	
Alternatives and Phase Out Considerations	Allow for the manufacture and use of polystyrene foam insulation containing HBCD and the continued use of HBCD in other applications until an alternative is fully tested and commercialized. Sufficient time should be allowed for industry to phase out HBCD and transition to a suitable alternative.	A Consultation Document has been released for a 60-day public comment period from October 3, 2012 to December 2, 2012, which outlines the proposed timeline for the prohibition of HBCD in Canada. Discussions have been held and will continue to take place with interested stakeholders to assist with developing a timeline which considers, to the extent that is feasible, the development and commercialization of a suitable alternative and the subsequent phase out of HBCD.
	Predict a 5-10 year period to complete commercialization of an alternative to HBCD.	
	A lead time of at least 5 years is needed to ensure that appropriate substitutes are found for automotive applications.	
	The adoption of a timeframe/ transition process based solely on - press releases is discouraged and consideration should be given to the full scope of the transition process to adopt new product formulations.	

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General Clarifications and Suggestions on the RM Approach	There appears to be a discrepancy in the HBCD implementation timelines between Section 9.2 Implementation Plan and Section 11 Next Steps/Proposed Timeline in the Risk Management Approach.	The proposed regulations will be published in <i>Canada Gazette</i> , Part I no later than November 12, 2013, and published in <i>Canada Gazette</i> , Part II no later than 18 months thereafter. The coming into force of the regulations may not coincide with the publication date.
	Request to modify/correct section 7.2. It is incorrect to state that extruded polystyrene (XPS) is the only qualified material that adequately performs in either moisture or freeze/thaw sensitive installation environments. Further clarification on the approved uses of expanded polystyrene (EPS) is encouraged.	The additional information provided by the commenter is acknowledged and appreciated. No further action required.
	Proposal to establish a working relationship with Environment Canada and other stakeholders to better facilitate the transition process away from HBCD.	Discussions have been held and will continue to take place with interested stakeholders to assist with developing a timeline which considers, to the extent that is feasible, the development and commercialization of a suitable alternative and the subsequent phase out of HBCD. The release of the Consultation Document on the Proposed Risk Management Measure for HBCD and the 60-day public comment period from October 3, 2012 to December 2, 2012, is the next step in this process.
International Considerations	To be consistent with a recent United Nations Environment Programme recommendation, consider creating a specific exemption for the use of HBCD, or certain time-limited critical uses of HBCD. A specific exemption could be given together with detailed conditions for HBCD production and uses.	At the seventh meeting of the Stockholm Convention's Persistent Organic Pollutants Review Committee (POPRC), established under the United Nations Environment Programme (UNEP), the Risk Management Evaluation of HBCD was adopted. It was concluded that HBCD should be listed to either Annex A (elimination), Annex B restriction), and/or Annex C (unintentional releases). Additional information is currently being collected on alternatives to determine whether to specify the Annex to the Convention and possible exemptions to be considered by the Conference of the Parties in listing HBCD. Canada is a Party to the Stockholm Convention and is actively participating in examining the available additional information on HBCD. The listing of HBCD to the Convention with or without exemptions will be taken into consideration when domestic measures are developed.
	Environment Canada is encouraged to align domestic restrictions on HBCD with the UN Persistent Organic Pollutants (POP's) process and actions taken in other jurisdictions.	

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	<p>Environment Canada is encouraged to delay publication of any final regulatory proposal until the United States Environmental Protection Agency publishes a notice of proposed rule making through its HBCD Action Plan.</p>	<p>Efforts will be made to align domestic risk management measures with actions undertaken in other jurisdictions to the extent that is possible in the Canadian context. The United States Environmental Protection Agency published a notice of proposed rule making for HBCD on March 20, 2012. The government of Canada will publish proposed regulations for HBCD no later than November 12, 2013, and final regulations will be published no later than 18 months thereafter.</p>
	<p>To prevent trade, manufacturing or competitive challenges for the Canadian automobile manufacturers, importers and distributors, Canadian regulatory development should align with United States policy development and rule making.</p>	<p>The United States Environmental Protection Agency published a notice of proposed rule making for HBCD on March 20, 2012. The Significant New Use Rule (SNUR) would require persons who intent to manufacture (including import) or process HBCD for use in consumer textiles, other than for use in motor vehicles, to notify the US EPA ninety days prior to undertaking that activity. This would allow the US EPA to evaluate the intended use and, if appropriate, to prohibit or limit that activity before it occurs. This rule would also apply to imported articles containing HBCD. Harmonization with the US EPA risk management measures on HBCD will be considered, to the extent possible.</p>