



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

April 2, 2008

Mr. Ed Tymofichuk, President
Mr. Keith Rodel, Vice-President
Ms Loise DeSilva, Secretary
Canadian National Committee of the
International Electrotechnical Commission (CNC/IEC)
Standards Council of Canada
270 Albert Street, Suite 200
OTTAWA, ON
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Dear Sirs and Madam,

Re: IEC Standard 62368 concerning the increased use of brominated and chlorinated flame retardants

We write today about several decisions soon to be taken by your committee concerning standards that will, if implemented, result in substantial increases in the use of toxic fire retardant chemicals worldwide.

The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization founded in 1970. CELA is an environmental law clinic – within Legal Aid Ontario - dedicated to providing legal services to low income people and disadvantaged communities, and advancing the cause of strong environmental protection through advocacy, education and law reform. In addition to providing direct legal representation and summary advice, CELA's law reform and public educational mandates include advocacy on ensuring access to environmental justice and protecting public environmental rights. This work occurs at the local, regional, provincial, national and international level.

Members of our staff have worked on issues related to toxic substances for over 25 years. We have been at the forefront of Canadian activity summarizing the research about human health impacts, particularly to children, about persistent toxic substances and continue to be extensively involved in domestic efforts to implement the provisions of the *Canadian Environmental Protection Act* concerning toxic substances.

Our research confirms that significant risks exist to the fetus and young child from the unintended but nevertheless highly significant release of toxic substances from consumer products. Such exposures are likely disproportionately greater for children in low-income families. Indeed, across the many exposures sources that exist for toxic substances in our daily lives, there are scant issues of greater concern than the ongoing release of brominated flame retardants from myriad consumer products. These substances also create significant risks to wildlife populations.

For over twenty years, we have commented extensively on Canadian (and international) efforts to regulate chlorinated and brominated substances including actively contributing to the policy reform discussions that resulted in the call for virtual elimination of persistent toxic substances in the Great Lakes basin in the 1980s and support for international efforts to negotiate the Stockholm Convention on Persistent Organic Pollutants. On brominated flame retardants, we have called for a complete ban of these highly toxic, persistent and bioaccumulative substances. We did so in February of last year via a Notice of Objection to the federal government's proposed polybrominated diphenyl ether regulations.¹

Working with several other nationally-prominent, public interest environmental organizations, our Notice of Objection provided a detailed review of the scientific evidence supporting a full ban on deca-BDE alongside the federal government's regulatory proposal to ban all other BDE congeners. Indeed, so much evidence continues to come to light concerning the toxicity, persistence and bioaccumulative nature of deca-BDEs that we filed a supplement to our Notice of Objection in December of last year providing further scientific justification for a full ban.²

We are therefore deeply concerned about matters before the International Electrotechnical Commission. Specifically, we understand that imminent decisions are being taken in several areas:

1. The proposed adoption of IEC standard 62368 (section 7, at the CDV stage), which would substantially increase the use of brominated and chlorinated fire retardants (BFRs and CFRs), in consumer electronics.
2. The proposed adoption of similar requirements in Amendment 2 to IEC 60065 and Amendment 1 to IEC 60950-1.
3. Parallel votes in CENELEC on mirror standards pr EN 62368, EN 60065, pr A11 and EN 60950-1.

We urge you to vote 'No' on all six of these candle standards.

Section 7, if implemented, would require that most home electronics, including televisions, computers, CD/DVD players, and more, would have to withstand ignition from a vertical candle flame test. Evidence shows that very few candle fires occur in such electronics. To be able to meet the requirements of section 7 of IEC 62368, the electronics industry would be compelled to use large amounts of flame retardants, increasing long-term exposure risks to the public at a time when regulatory efforts are necessary to reverse the mistake already made by the use of these chemicals in so many products.

¹ Notice of Objection Re: Proposed Polybrominated Diphenyl Ethers Regulation. February 14, 2007. Filed by Sierral Legal Defence Fund on behalf of the David Suzuki Foundation, Environmental Defence and Canadian Environmental Law Association, pursuant to sections 332(2) and 333 of the *Canadian Environmental Protection Act, 1999* to the Minister of the Environment, the Hon. John Baird. The proposed regulation was published in Vol. 140, No. 50 of the *Canada Gazette Part I* on Saturday, 16 December 2006. On-line at: <http://www.cela.ca/publications/cardfile.shtml?x=2933>

² Supplement to Notice of Objection Re: Proposed Polybrominated Diphenyl Ethers Regulation. December, 2007. On-line at: <http://www.cela.ca/publications/cardfile.shtml?x=3568>

We are also very concerned that such standards move in the opposite direction necessary for reducing the burgeoning problem of electronic waste. Standards that force the use of toxic flame retardants will make recycling and electronic take-back systems more difficult, expensive, and in some cases, impossible. Moreover, the burning of electronics treated with these chemicals can and will produce even more highly toxic, persistent chemicals, including dioxins and furans.

In short, these standards will contribute to vastly increased exposures worldwide of highly toxic substances and add to an already serious problem of human health and environmental risks. Such risks are far more significant than a perceived threat posed by external candle flame ignition of electronic products. **We are deeply concerned that this initiative arises from a desire by the bromine chemical industry to sell products and not from any reliable information demonstrating a need to protect electronic products from candle ignition.**

A more detailed review of these issues is provided in The Case Against Candle Resistant Electronics, a white paper prepared by Arlene Blum with the Initiative for Green Science and Policy, Sara Schedler, Friends of the Earth San Francisco and endorsed, as of the end of March, by 70 organizations worldwide over 115 co-signatories. The international sign-on process for this document is ongoing.³ The speed at which so many experts and concerned citizens alike have endorsed this effort is indicative of the seriousness of our concerns.

Late yesterday, we were gratified to learn that the U. S. Consumer Electronic Association (CEA) voted against a candle flammability requirement for the plastic housings of consumer electronics that could lead to up to an estimated 1.6 billion additional pounds of FR chemicals each year, saying:

"This entire section should be removed. There are insufficient field issues that indicate there is a significant hazard requiring a candle flame ignition test. In addition, the environmental White Paper recently submitted brings up significant environmental issues of concern."

We urge you to make the same recommendation as your American colleagues. Finally, we remind you that detailed analyses by our organization and many others have noted the potential loss of public interest involvement and accountability in the conduct of non-regulatory committees such as the CNC/IEC.⁴ We are deeply concerned that your committee is in a position to influence a decision with such far-reaching implications and with little to no opportunity for public input to your decision. **Specifically, committees such as the IEC, and the input of the CNC/IEC to its decisions, deprive Canadian citizens of the opportunity to participate in standard-setting and to hold government accountable for standards.** Citizens have almost no opportunity to participate in the formation of these standards. They certainly would not support standards that are overwhelmingly intended to sell toxic chemicals under a false pretence of ensuring fire safety.

³ The Case Against Candle Resistant Electronics – MASTER White paper. On-line at: <http://greensciencepolicy.org/standards.shtml>

⁴ See for example: Swenarchuk, M and P Muldoon, 1996. De-regulation and Self-regulation in Administrative Law: A Public Interest Perspective. A paper prepared for: Deregulation, Self-Regulation and Compliance in Administrative Law. York University, March, 1996. On-line at: <http://www.cela.ca/publications/cardfile.shtml?x=982>

Therefore, we ask you to recognize the facts at hand and take the necessary steps to ensure that Canada submits a “No” vote on all six candle standards: Section 7 of IEC 62368, Amendment 2 to IEC 60065, and the Amendment 2 as well as Amendment 1 to IEC 60950-1, prEN 62368, EN 60065, pr A11 and EN 60950-1.

We consider the manner in which these “standards” are being developed to have significant public interest implications for standard-setting under the *Canadian Environmental Protection Act*. We are therefore copying this correspondence to the two Ministers responsible for that law, the Minister of Health, Hon. Tony Clement and the Minister of Environment, Hon. John Baird, to opposition critics for both portfolios, the Chairs of the House and Senate Committees that recently reviewed the *Canadian Environmental Protection Act*, and departmental staff responsible for development of regulations, scientific reviews, and risk management plans for PBDEs.

Please provide this letter to all sixteen members of the CNC/IEC committee. We would be pleased to discuss this matter with you further.

Yours very truly,

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