Department for Environment Food & Rural Affairs

Consultation on potential amendments to the Persistent Organic Pollutants (POPs) Regulation

Date: 2 March 2023

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.

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Any enquiries regarding this publication should be sent to us at

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www.gov.uk/defra

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Glossary

Acronym	Definition	Description
CDW	Construction and demolition waste	Waste which arises from construction and total or partial demolition activities
COP	Conference of the Parties	COP is the governing body of the Stockholm Convention and is composed of governments of countries that have accepted, ratified or acceded to it
EA	Environment Agency	Responsible for environmental protection and regulation in England
ELV	End-of-life vehicles	Refers to plastics and textiles in vehicles at the end of their life
EU	European Union	
HSE	Health and Safety Executive	UK government agency responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare. HSE is also the body responsible for regulating the import/export of POPs
POP	Persistent Organic Pollutant	POPs are poisonous chemical substances that break down slowly and get into food chains as a result. Chemicals are listed as POPs when there is scientific consensus that they meet the necessary criteria.
POPRC	Persistent Organic Pollutant Review Committee	POPRC is the scientific body of the Stockholm Convention
PTFE	polytetrafluoroethylene	PTFE is a synthetic fluoropolymer and one of the best known and most widely applied PFAS

TEF	Toxic Equivalency Factor	A TEF is assigned to each member of the dioxin and dioxin-like compounds category. The TEF is the ratio of the toxicity of one of the compounds in this category to the toxicity of the two most toxic compounds in the category.
BRS COP/BRS Triple COP	Basel, Rotterdam, Stockholm Conference of the Parties	Triple COP refers to meetings of the Conferences of the Parties to the Basel, Rotterdam, and Stockholm Conventions, which take place in one combined event, usually every two years. Due to COVID-19, the most recent Triple COP was held in June 2022, and the next will be held in May 2023.
UTC	Unintentional trace contaminant	A UTC limit defines the level of a substance that can lawfully be incidentally present in a substance, mixture or article in a minimal amount.
WEEE	Waste electrical and electronic equipment	Broadly, WEE products includes most products that have a plug or need a battery. More information can be found on the HSE website.
WUDS	Waste Upholstered Domestic Seating	Waste domestic seating is any item of seating of a household type from households or businesses that is waste

Glossary of POPs names and acronyms

Full name	**Acronym**	**Original common use**
Aldrin		Pesticide
Chlordane		Broad-spectrum insecticide
Chlordecone		Agricultural pesticide
DDT		Insecticide
Decabromodiphenyl ether	decaBDE	Additive flame retardant, and has a variety of applications including in plastics/polymers/composites, textiles, adhesives, sealants, coatings and inks. Is also a component of PBDE
Dicofol		Pesticide
Dieldrin		Pesticide
Endrin		Insecticide
Heptachlor		Insecticide
Hexabromocyclododecane	HBCDD Or HBCD	Flame retardant additive, providing fire protection during the service life of vehicles, buildings or articles, as well as protection while stored. The main uses of HBCD globally are in expanded and extruded polystyrene foam insulation while the use in textile applications and electric and electronic appliances is smaller
Hexachlorobenzene	HCB	Fungicide. It is also a byproduct of the manufacture of certain industrial chemicals and exists as an impurity in several pesticide formulations. Has previously been used in the manufacture of fireworks.
Hexachlorobutadiene		Most commonly used as a solvent for other chlorine-containing compounds.
Alpha hexachlorocyclohexane		Produced as unintentional by-product of lindane
Beta hexachlorocyclohexane		Produced as unintentional by-product of lindane.
Lindane		Insecticide
Mirex		Insecticide

Pentachlorobenzene	PeCB	PeCB was used in PCB products, in dyestuff carriers, as a fungicide, a flame retardant and as a chemical intermediate. PeCB might still be used as an intermediate. PeCB is also produced unintentionally during combustion, thermal and industrial processes. It is also present as impurities in products such as solvents or pesticides.
Pentachlorophenol and its salts and esters	**PCP**	PCP has been used as herbicide, insecticide, fungicide, algaecide, disinfectant and as an ingredient in antifouling paint. Some applications were in agricultural seeds, leather, wood preservation, cooling tower water, rope and paper mill system.
Per- and polyfluoroalkyl substances	PFAS	A group of over 4,700 industrial chemicals widely used in various consumer products. Three listed POPs (PFOS, PFOA and PFHxS) are part of the PFAS group.
Perfluorohexane sulfonic acid, its salts and PFHxS-related compounds	PFHxS	Surfactant and protective coating in applications such as aqueous firefighting foams, textile coating, metal plating and in polishing agents
Perfluorooctane sulfonic acid and its derivatives	PFOS	Electric and electronic parts, fire fighting foam, photo imaging, hydraulic fluids and textiles
Perfluorooctanoic acid, its salts and PFOA-related compounds	PFOA	Non–stick kitchen ware, food processing equipment. PFOA-related compounds, including side-chain fluorinated polymers, are used as surfactants and surface treatment agents in textiles, paper and paints, firefighting foams
Polybromodiphenyl ethers (inc. Tetra-, Penta-Hexa-, Hepta, and Deca-bromodiphenyl ether)	PBDE	Tetrabromodiphenyl ether and pentabromodiphenyl ether are the main components of commercial pentabromodiphenyl ether.
polychlorinated biphenyls	PCB	Heat exchange fluids, in electric transformers and capacitors, and as additives in paint, carbonless copy paper, and plastics
polychlorinated dibenzofurans (or ‘furans’)	PCDF (or ‘PCDD/F’ when referring to both furans and dioxins together)	Produced unintentionally from many of the same processes that produce dioxins, and also during the production of PCBs.

polychlorinated dibenzo-p-dioxins (or 'dioxins')	PCDD (or 'PCDD/F' when referring to both furans and dioxins together)	Produced unintentionally due to incomplete combustion, as well as during the manufacture of pesticides and other chlorinated substances
Polychlorinated naphthalenes		Insulating coatings for electrical wires. Others have been used as wood preservatives, as rubber and plastic additives, for capacitor dielectrics and in lubricants.
short-chain chlorinated paraffins	SCCPs	Plasticizer in rubber, paints, adhesives, flame retardants for plastics as well as an extreme pressure lubricant in metal working fluids.
Technical endosulfan and its related isomers		Insecticide
Toxaphene		Insecticide
Dechlorane plus*	DP	Flame retardant
UV-328*		UV filter for plastics
Methoxychlor*		Pesticide

*Potential POPs, not yet listed in the Stockholm Convention

Part One – Introduction

This consultation seeks views on a number of proposed changes to retained Regulation (EU) 2019/1021 as amended by the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020/1358 and the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022/1293 (hereafter the "Persistent Organic Pollutants (POPs) Regulation").

Responses to this consultation will be used to inform decisions on changes to the POPs Regulation. We will not introduce new secondary legislation to amend the current Regulation until we have considered responses to this consultation, so please use this opportunity to share any evidence and information you hold that will help us determine the potential impacts of these proposals.

Some proposals in this consultation indicate provisional positions that we would intend to implement unless compelling evidence is presented regarding unforeseen impacts and/or burdens, while other proposals represent opportunities to generate further evidence to inform future policy positions and determine their suitability to achieve UK priorities. Generation of this evidence will help reduce the risk of unintentionally introducing unforeseen future costs to UK business or government, and/or disruption to waste management.

It is worth noting that any upcoming or future legislative changes that we implement into the POPs Regulation will depend on multiple factors under constant review, including: available evidence from a range of sources (including responses to this consultation but also other evidence acquired through additional research and engagement routes); global context, including international conventions, guidelines, and decisions, such as those of the Stockholm, Basel, and Rotterdam Conventions (BRS); scientific and technical progress; consideration of uncertainties surrounding our evidence base; UK priorities, such as those laid out in 25 Year Environment Plan, the Environment Improvement Plan and the upcoming Chemicals Strategy. However, we are committed to maintaining our environmental standards and none of the proposals set out in this consultation are intended to lower our existing standards with regard to the management of POPs.

Context

The United Kingdom (UK) is a Party to the Stockholm Convention, a global treaty which lists 31 chemical substances known as POPs. POPs have four main criteria: they are persistent, toxic, bioaccumulative, and can be transported across international borders. Parties to the Convention can, by consensus, agree to add a chemical substance to list of POPs. The Stockholm Convention aims to protect human health and the environment by prohibiting, eliminating or restricting the global production and use of POPs. As a Party to the Stockholm Convention, the UK is committed to restricting and/or eliminating these POPs globally.

The UK has an obligation to implement amendments to the Convention through its own domestic legislation. The POPs Regulation regulates the production, placing on the market, and use of POPs which are banned or restricted under the Stockholm Convention. In some specific cases there are time-limited exemptions or derogations listed in the Stockholm Convention – and the POPs Regulation – which allow the use of certain POPs in specific circumstances.

As a Party to the Stockholm Convention, the UK is also able to contribute to technical discussions and decision-making processes that help determine how the Convention text is amended. During these processes, the UK will consider where there is sufficient evidence and/or uncertainty as to the potential impacts of proposed amendments on the UK and its priorities. However, in general, Parties to the Convention work together towards a common objective of protecting human health and the environment from POPs. In some cases the UK may wish to go further and faster in its implementation of this objective than the Convention might require at that time, such as through more stringent restrictions for a given POP, where there are good reasons and sufficient evidence to do so.

The EU is also a Party to the Stockholm Convention and accordingly develops its own evidence base and legislative proposals that align with the Stockholm Convention's primary objective, including many which align with the proposed amendments outlined throughout this consultation. In some cases, the EU has already consulted on and/or implemented equivalent legislative changes to the EU POPs Regulation. In some cases, the UK contributed to the building of this evidence base while it was still a member state of the EU. In many cases, it is anticipated that the EU will bring proposals to future BRS Triple COPs, where we expect that the evidence the EU has gathered will form a notable part of negotiations. As such, as part of the ongoing process of preparing for future international negotiations and decision-making processes, the UK is assessing the EU evidence and forming a view on how appropriate some of the EU's proposals are in a UK context. This consultation will help us to form this view.

Article 3 of the Stockholm Convention expressly requires Parties to regulate the import and export of POPs. In Great Britain this requirement is in part met through the Prior Informed Consent (PIC) regime which regulates the export of hazardous chemicals. This regime is administered by the Health and Safety Executive (HSE). Part four of the GB PIC list lists POPs which are subject to an export ban and HSE are responsible for updating this list following new additions to the Annexes of the Stockholm Convention and any relevant changes to UK regulations (for example the removal of exemptions for specified uses). The outcome of this consultation, and the subsequent proposed amendments to the POPs Regulation, will be reflected, where relevant, in the GB PIC list by HSE.

Purpose of the consultation

The purpose of this consultation is to seek stakeholders' views on a number of government proposals and policy options, and to generate evidence to inform future policy

positions and potential responses to upcoming and future amendments to the Stockholm Convention. Some of these policy options and potential amendments to the POPs Regulation are related to recent additions or amendments to the Stockholm Convention which the UK, as Party to the Convention, must implement at a national level. Others are being proposed following recent reviews of the POPs Regulation.

The proposed policy options we are consulting on relate to:

- Amending Annex IV and/or Annex V of the POPs Regulation to add and/or update POPs waste concentration limits for several POPs (PFOA; PFHxS; SCCPs; PBDE; PCP; dioxins and furans and dioxin-like PCBs; Dicofol; HBCDD; and also UV-328, Dechlorane Plus, and Methoxychlor if they are adopted as new POPs by the Stockholm Convention).
- Amending Annex I of the POPs Regulation to remove specific exemptions (or 'derogations') for four POPs: PFOA; PFOS; SCCPs; DecaBDE
- Amending Annex I of the POPs Regulation to add unintentional trace contaminant (UTC) exemptions for at least two POPs: HCB and PCP;
- Amending Annex I of the POPs Regulation to remove and/or amend existing UTC exemptions for PFOA;
- Amending Annex IV of the POPs Regulation to add new toxic equivalency factor (TEF) values for dioxin-like PCBs.
- Amending Annex V of the POPs Regulation to add or update maximum concentration limits (derogations for permanent waste storage) for several POPs

We also detail here two intended amendments to the POPs Regulation for which we will **not** be seeking further information via consultation:

- Amending Annex I of the Regulation to add PFHxS, a substance that in 2022 was added to the Stockholm Convention list of POPs for global elimination and prohibition from use and production, without exemptions. This amendment is a requirement of the Convention, and follows previous public engagement, so will not be consulted on here. However, as part of this consultation, we *are* seeking views on potentially suitable waste concentration limits for this substance.
- Three substances, Dechlorane Plus, Methoxychlor and UV-328, may be newly adopted as POPs at a future Conference of the Parties of the Stockholm Convention (the next will be held in May 2023). If any of these substances are adopted on to the Convention's list for global restriction and/or elimination, we would intend to amend the POPs Regulation through upcoming or future legislative updates without further public consultation. However, as part of this consultation, we *are* seeking further information about potentially suitable waste concentration limits for these substances, should they be adopted.

Devolved Administrations

The UK government departments and devolved administrations with an implementation and/or enforcement role for the Stockholm Convention include Department for Environment, Food and Rural Affairs (Defra), Scottish government, Welsh government, and Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA).

In England, Wales, Scotland and Northern Ireland the responsibility for enforcing environmental chemicals legislation primarily rests with the following bodies, known as the Competent Authorities: in England, The Environment Agency (EA); in Scotland, The Scottish Environment Protection Agency (SEPA); in Wales, Natural Resources Wales (NRW); and in Northern Ireland, Northern Ireland Environment Agency (NIEA) (an executive agency of the Department of Agriculture, Environment and Rural Affairs NI).

There are also a number of other UK Departments and agencies with specific responsibilities for the management of chemicals, including the Health and Safety Executive (HSE), Food Standards Agency (FSA) for England, Wales and Northern Ireland and Food Standards Scotland, Centre for Environment, Fisheries and Aquaculture Science (Cefas), and the UK Health Security Agency.

As set out in the introduction, this consultation, alongside other factors, will inform future UK policy on POPs, taking into account the position and context of all parts of the UK.

The consultation also refers to potential amendments to the annexes to the POPs Regulation which would apply in England, Wales and Scotland.

The legislative power to amend the Annexes to the POPs Regulation in response to amendments to the Stockholm Convention, and/or in response to scientific and technical progress, sits with Defra's Secretary of State (for England), Welsh Ministers (for Wales) and Scottish Ministers (for Scotland), though the Secretary of State may exercise these functions on behalf of a Devolved Administration (such as Wales and/or Scotland) with their consent.

The current intent is that the amendments and proposals detailed within this consultation would be applied to England, Wales and Scotland, though this would require formal consent to be given by Welsh and Scottish Ministers to legislate on their behalf. Such formal consent will not be sought until analysis of consultation findings has been completed, though the Scottish and Welsh governments have both been consulted in the preparation of this consultation.

Responding to this consultation

Respondents are not required to answer every section of this consultation. Please only complete the sections that are relevant to you or which you would like to contribute, leaving all other sections blank. This approach should be applied whether responding via the online Citizen Space survey, or by email or post.

Where possible, please respond to this consultation online using the Citizen Space consultation hub at Defra https://consult.defra.gov.uk/pops-and-chemicals-in-waste-team/amendments-to-pops-regulation

Where this is not possible, alternative options are provided below if required:

By email to: POPs@defra.gov.uk

By post to: Consultation Coordinator, Defra 2nd Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX

Defra is managing the consultation process on behalf of the UK, Scottish and Welsh governments.

The Scottish and Welsh governments will have access to the consultation responses provided via the Citizen Space consultation hub.

If you would like to send a copy of your consultation response to the Scottish and/or Welsh governments directly, then please send to the following addresses:

- Wales/Cymru: To respond if you are based in Wales you can email chemicalscemegion@gov.wales
- Scotland: To respond if you are based in Scotland you can email: chemicals@gov.scot

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Duration

This consultation will run for 8 weeks. The consultation opened on 2 March 2023 and closes on 27 April 2023. Please note, any responses sent by post must arrive at the above address by the closing date of the consultation. Unfortunately, any responses received after this date will not be analysed. To ensure your response is included in the analysis, please consider responding online via Citizen Space.

For further information on how Defra collects, processes and stores our data, please see the consultation privacy notice, saved on Citizen Space .

What we will do after the consultation

A summary of the responses to this consultation will be published and placed on government websites at www.gov.uk, and may also include publication on www.gov.wales, and www.gov.scot.

The summary will include a list of organisations that responded, but not personal names, addresses or other contact details. However, information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties, or disclosure in accordance with access to information regimes, such as the Freedom of Information Act 2000 and the Data Protection Act 2018.

If you want information, including personal data that you provide to be treated as confidential, please say so clearly in writing when you send your response to the consultation (if responding via post or email) and explain why you need these details to be kept confidential. If responding via Citizen Space, you will be asked whether you would like your response to be treated as confidential or not. If we receive a request for a disclosure under the Freedom of Information Act 2000, we will take full account of your explanation, but due to the law we cannot provide any assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of personal data, can be found at https://www.gov.uk/government/organisations/department-for-environment-food-ruralaffairs/about/personal-informati on-charter.

Confidentiality and data protection information

1. A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

1.1 Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

1.2 If you answer 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom

of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

1.3 If you answer 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

1.4 There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

1.5 This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: https://www.gov.uk/government/publications/consultation-principles-guidance.

1.6 Please find our latest privacy notice uploaded as a related document alongside our consultation document.

1.7 If you have any comments or complaints about the consultation process, please address them to:

Consultation on potential amendments to the Persistent Organic Pollutants (POPs) Regulation,
Consultation Coordinator, Defra
2nd Floor, Foss House, Kings Pool,
1-2 Peasholme Green, York, YO1 7PX

Or email: consultation.coordinator@defra.gov.uk

Overview of consultation policy areas

This consultation seeks views on several sets of proposed changes to the POPs Regulation. These sets of changes are briefly outlined below.

Amendment and/or addition of waste concentration limits (or 'low POP content limit') for several POPs

The Stockholm Convention (Article 6) requires parties to take certain measures to reduce or eliminate the release of POPs from waste. This includes a requirement to destroy or irreversibly transform the POP content of waste. This is not required where destruction or irreversible transformation does not represent the environmentally preferable option, and/or where POP content is low. The UK must set waste concentration limit levels in order to determine the concentration above which POP waste must be destroyed in a specific way. Before implementing into the POPs Regulation, we are obligated to take into consideration any relevant technical developments or international guidelines or decisions, such as any those adopted into the Basel Conventions 'General technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants'.

In this consultation we propose new waste concentration limits for PFOA, dicofol, PCP, and new POP PFHxS. We also propose options for amending existing limits for PBDEs, HBCDD, SCCPs, and dioxins and furans. Lowering the waste concentration limit may result in more waste exceeding the limit such that the POP content needs to be destroyed or irreversibly transformed.

We are also taking this opportunity to seek further evidence and information regarding potential amendments to existing waste concentration limits for all other listed POPs, as well as identification of potentially suitable waste concentration limit values for UV-328, methoxychlor, and dechlorane plus: three substances which are not yet POPs, but might be listed as POPs at the next BRS Triple COP in May 2023, or subsequent BRS Triple COPs.

This consultation invites your views on a range of options for waste concentration limits that reflect the ongoing international negotiations and our understanding of the impact on GB waste management and emissions of POPs.

Removal of existing specific exemptions (or 'derogations') for four POPs

In accordance with obligations under the Stockholm Convention, substances listed in Annex I of the POPs Regulation are prohibited from production, manufacturing, placing on the market and use. However, for some of these substances, time-limited specific exemptions (or 'derogations') are in place. These time-limited specific exemptions only apply for very specific activities, and once the time has elapsed, or transition has been made to suitable alternatives, the exemptions are removed.

In line with the UK's obligations as a Party to the Stockholm Convention, a review on the use of these specific exemptions within the UK was carried out during Summer 2022. This review utilised both (i) targeted engagement with key UK industry stakeholders, and (ii) wider engagement via a 4-week public call for information.

During this review Defra received no reported ongoing use for several specific exemptions for the following POPs: PFOS, SCCPs, PFOA, and DecaBDE. We now propose that these specific exemptions are removed from the POPs Regulation, and through this consultation provide an opportunity for UK stakeholders to share information and/or evidence to support or oppose this proposal.

Amendment, addition and/or removal of Unintentional Trace Contaminant (UTC) exemptions for POPs

Annex I of the POPs Regulation lists POPs that are prohibited from use, some of which also have exemptions as Unintentional Trace Contaminants (UTC). A UTC exemption defines the level of a substance that can lawfully be incidentally present in a substance, mixture or article in a minimal amount. If a UTC exemption level is stated for a POP, use of any substances, mixtures, products or articles containing a concentration of the specified POP above the stated UTC level is unlawful in most cases. If no UTC exemption is stated for a POP, use of any substances, products, mixtures or articles containing any concentration of the specified POP is unlawful in most cases.

Legislating on UTC exemptions provides industry with clarity while also aligning with the UK's commitments as a Party to the Stockholm Convention to eliminate and restrict chemicals listed as POPs.

We seek views on the potential introduction of new UTC exemptions for two POPs: PCP and HCB.

In 2022, we reviewed existing UTC exemptions for PFOA, building on an EU-UK evaluation process that was underway when the UK was still a member of the EU. Part of this process included analysis compiled by the European Chemicals Agency (ECHA) which, in 2022, was reviewed by Defra and experts in the Environment Agency (EA) and the Health and Safety Executive (HSE). This analysis and its findings were deemed relevant and appropriate within a UK context, resulting in several proposed amendments to PFOA UTC exemptions in the POPs Regulation. We present these proposals in this consultation and seek further views on their suitability. As a result of this analysis, we are consulting on three changes to the PFOA listing in Annex I of the POPs Regulation, relating to removal of a UTC exemption for use of PFOA in transported isolated intermediates, and amendments to the UTC exemption for PFOA in PTFE micropowders.

We are also taking this opportunity to seek further evidence and information regarding potential need for new or amended UTC exemptions for all other listed POPs, as well as identification of potentially suitable values.

Potential addition of Toxic Equivalency Factor (TEF) values for a POP

Toxic Equivalence Factors (TEFs) indicate the degree of toxicity of dioxins, furans and PCBs. The latest World Health Organization (WHO) TEFs for dioxin and dioxin-like compounds were established by the WHO through an expert consultation in 2005. In October 2022, WHO held a further expert consultation to re-evaluate the 2005 WHO TEF values for dioxins, furans and dioxin-like PCB. The outcome of this evaluation is expected to be published in early 2023.

Dioxin-like PCBs (dl-PCBs) are currently covered by existing waste concentration limits in Annex IV of the POPs Regulations. We anticipate that specific reference to dl-PCBs, including its own waste limit, will be considered in future meetings of the BRS Triple COP and the EU has formally proposed including them in the Dioxin and Furan limits.

Through this consultation, we are seeking further information and/or evidence to help us identify what TEF values for dl-PCBs could be suitable for GB purposes.

Amendment and/or addition of Maximum Concentration Limits (derogations for permanent waste storage) for several POPs

The POPs Regulation includes a derogation that allows for an application to permanently store certain wastes containing POPs in hazardous waste landfills or salt mines, under specific circumstances. This derogation is only available for a limited number of waste streams that are listed in Annex V of the POPs Regulation and where hazardous waste landfill is the intended disposal option; this only applies where the concentration of the POP is present below a maximum concentration limit. Only one derogation has been granted in the UK and that is for salt mine disposal, so the maximum concentration limits have as yet not been applied in the UK.

We are seeking further evidence and information regarding potential need for changes to maximum concentration limits in Annex V to ensure that the Regulations reflect the listing of new substances to the Stockholm Convention. Several proposals are offered for consideration and consultation, which almost entirely reflect changes made to the EU POPs Regulations through Regulation (EU) 2022/2400.

Additional intended changes that are not being consulted on

In addition to the above, we also intend to amend Annex I of the Regulation to add PFHxS, a substance that in 2022 was added to the Stockholm Convention list of POPs for global elimination and prohibition from use and production, without exemptions.

The potential prohibition of this substance was previously open for public engagement via an open consultation in 2018 (led by ECHA when the UK was a member state of the EU, and followed by targeted Defra-led UK-stakeholder engagement). Its prohibition or elimination is now required of all Parties to the Stockholm Convention, of which the UK is one. Accordingly, we are not seeking further views on this intended amendment as part of this consultation. However, within this consultation, we *are* seeking views on potentially suitable waste concentration limits for this substance, as described above.

The next Stockholm Convention COP in May 2023 will consider adoption of three additional substances to the list of POPs for global elimination and/or restriction. These substances are Dechlorane Plus, Methoxychlor, and UV-328. The possibility of prohibition of these substances was open for public engagement in April 2021 and April 2022 and, should these substances be added to the Stockholm Convention in future, we would intend to amend the relevant sections of the POPs Regulation without further public consultation. Accordingly, we are not seeking further views on these potential changes as part of this consultation. However, within this consultation, we *are* seeking further information about potentially suitable waste concentration limits for these substances, as described above.

Part Two – Policy Options and Consultation Questions

Confidentiality and Some Details about you

1. **Would you like your response to be confidential?**
    a. **Yes**
    b. **No**
2. **If you answered yes to question 1, please give your reason**
3. **What is your name?**
4. **What is your email address? If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.**
5. **Are you responding as an individual or on behalf of an organisation?**
    a. **Individual**
    b. **Organisation**
6. **What type of organisation are you responding on behalf of?**
    a. **A government body**
    b. **Non-governmental organisation (NGO)**
    c. **Local authority**
    d. **Charity**
    e. **Consultancy**
    f. **Small or micro business (Less than 50 employees, including global operations)**
    g. **Medium business (50 – 249 employees, including global operations)**
    h. **Large business (250 or more employees, including global operations)**
    i. **Industry association**
    j. **Other (please specify)**
7. **If you are responding on behalf of an organisation, what is the name of the organisation?**
8. **Where in the UK are you/your organisation based and/or in operation? (tick all that apply)**
    a. **England**
    b. **Wales**
    c. **Scotland**
    d. **Northern Ireland**
    e. **Outside the UK (EU)**
    f. **Outside the UK (non-EU)**
    g. **Other please specify)**

Amendment and/or addition of waste concentration limits (or low POP content limits) for several POPs

Overview

The Stockholm Convention (Article 6) requires parties to take certain measures to reduce or eliminate the release of POPs from waste. This includes a requirement to destroy or irreversibly transform the POP content of waste. This is not required where destruction or irreversible transformation does not represent the environmentally preferable option, and/or where POP content is low. Guidance issued under the Basel Convention is available to aid implementation and this guidance is updated from time to time. This includes guidance on how to assess whether the POP content of waste is low, which we must take into account. This includes suggested suitable values for Low POP Content Limits (LPCL; sometimes also referred to as 'waste concentration limits' or simply 'waste limits') for a given POP. As the Stockholm Convention aims to eliminate most POPs, negotiations strive to reduce the waste limits set out in the guidance.

In Great Britain the requirements that apply to POPs waste are implemented through Article 7 and Annex IV and V of the POPs Regulation. Article 7 of the POPs Regulation sets out the handling and processing requirements of waste that contains POPs, stating that the POPs content of waste consisting of, containing or contaminated by any substance listed in Annex IV of the Regulation must usually be destroyed or irreversibly transformed rather than deposited in landfill or recycled. Article 7.4(a) states a derogation (I.e. exemption) from these requirements for any waste containing a listed POP below a certain threshold concentration (hereafter the 'waste concentration limit').

In this consultation we propose new waste concentration limits for PFOA, dicofol, PCP, and PFHxS. We also propose options for reducing limits for PBDEs, HBCDD, SCCPs, and dioxins and furans. Lowering the waste concentration limit may result in more waste exceeding the limit such that the POP content needs to be destroyed or irreversibly transformed.

There is also a 'Maximum Concentration Limit' derogation that allows for an application to permanently store certain wastes (listed in Annex V of the POPs Regulation) containing POPs in hazardous waste landfills, where it can be demonstrated that destruction is not the environmentally preferred option. Proposed changes to these derogations in Annex V are set out in a separate section of this consultation. These add the new POPs, align with proposed Annex IV changes for dioxins and furans, and add additional waste types.

We must keep Annex IV of the POPs Regulation up to date to reflect any changes made to the Stockholm Convention and may also update this annex to reflect technical and scientific progress. At recent meetings of the Conference of the Parties (COP) for the Basel, Rotterdam and Stockholm (BRS) Conventions, Parties agreed new guideline waste concentration limits for two POPs that do not currently have limits stated in the POPs

Regulation – namely, Dicofol and PCP – and were also close to agreeing guideline waste concentration limits for another, PFOA.

At the next meeting of Conference of the Parties of the Basel, Rotterdam and Stockholm (BRS) Conventions, which is scheduled to take place in May 2023, Parties may agree new waste concentration limits for a newly listed POP, PFHxS. An expert working group is also reviewing the guidance with the aim of agreeing and in some cases reducing the waste concentration limits for existing substances, and attendees at the next COP meeting (May 2023) will strive to adopt updated guidelines. Negotiations will be based on proposals put forward by Parties and these are particularly likely to reflect legislation in force or in preparation by Parties. This includes proposals recently adopted by the EU, which updated waste concentration limits in their EU POPs Regulations for SCCPs, Dioxins and furans, PBDEs and HBCDD.

As a Party to the Stockholm Convention, the UK is committed to review and update the waste concentration limits as listed in our domestic Regulation (the POPs Regulation), and to consider the internationally agreed guidelines under the Basel and Stockholm Conventions (on environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants) when doing so. The UK is able to influence or contribute to discussions on guideline limits before they are adopted, especially where there is sufficient evidence or uncertainty as to the impact on the UK and our priorities. However, in general, Parties to the Conventions work together towards reducing limits in the spirit of the Convention's missions. It is also possible for the UK to adopt more stringent waste concentration limits than have been adopted by the Basel and Stockholm Conventions, where there are good reasons to do so. This could result in a requirement to destroy a larger volume of POPs-containing waste.

This consultation invites your views on a range of options for waste concentration limits that reflect the ongoing international negotiations and our understanding of the impact on GB waste management and emissions of POPs. We indicate if a proposed value is the existing limit in the POPs Regulation, a new value that has been adopted into international guidelines, or a value that has been proposed – or we anticipate will be proposed – for consideration upcoming (May 2023) or future BRS COPs.

When assessing limits, we have considered the methodology developed by the EU and applied when setting waste concentration limits under the 2004 POPs Regulations when the UK was a Member State. This method was applied by the EU in developing the waste limits it recently adopted in Regulation (EU) 2022/2400. We have supplemented UK evidence and UK-specific considerations with other evidence, including EU impact assessments and policy proposals where appropriate.

We are also taking this opportunity to seek further evidence and information regarding potential amendments to existing waste concentration limits for all other listed POPs, as well as identification of potentially suitable waste concentration limits for UV-328, methoxychlor, and dechlorane plus: three substances which are not yet POPs, but might be listed as POPs at the next BRS COP in May 2023, or subsequent BRS COPs.

Waste limits (i) - Perfluorooctanoic acid (PFOA)

Substance information

At the time this substance was listed (2019), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"PFOA, its salts and PFOA-related compounds are used widely in the production of fluoroelastomers and fluoropolymers, for the production of non–stick kitchen ware, food processing equipment. PFOA-related compounds, including side-chain fluorinated polymers, are used as surfactants and surface treatment agents in textiles, paper and paints, firefighting foams. PFOA has been detected in industrial waste, stain resistant carpets, carpet cleaning liquids, house dust, microwave popcorn bags, water, food, and Teflon. Unintentional formation of PFOA is created from inadequate incineration of fluoropolymers from municipal solid waste incineration with inappropriate incineration or open burning facilities at moderate temperatures."*

Waste containing PFOA above the waste concentration limit will need to be identified based on suspected uses or through testing, and then segregated from other wastes. PFOA requires very high temperatures to achieve destruction, for example, via a hazardous waste incinerator or suitable cement kiln.

Policy options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2	Option 3
PFOA	Limit not stated in the POPs Regulation (note: this has previously been proposed for international consideration at BRS COPs)	1mg/kg for PFOA and its salts 40mg/kg for PFOA related compounds And, in Waste Aqueous Film Forming Foams (AFFF): - 0.025 mg/kg for PFOA and its salts, and	1mg/kg for PFOA and its salts 40mg/kg for PFOA related compounds (note: this is anticipated to be newly proposed for international consideration at BRS COP in May 2023)	50 mg/kg (note: this has previously been proposed for international consideration at BRS COPs)

		- 1 mg/kg for PFOA related compounds (note: the general limits are anticipated to be newly proposed for international consideration at BRS COP in May 2023, whereas the AFFF specific limits has previously been proposed for international consideration at BRS COPs)		

We propose setting a limit of 1 mg/kg for PFOA and its salts and 40 mg/kg for PFOA related compounds along with a lower limit that will apply to aqueous film forming foams (AFFF) for firefighting of 0.025 mg/kg for PFOA and 1 mg/kg for PFOA related compounds.

This proposal aligns with some limits that have already been proposed for international consideration at previous BRS COPs, as well as others that we anticipate will be newly proposed for international consideration at the next BRS COP in May 2023.

We seek further information that will help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

This approach would ensure that up to 1,800 tonnes of waste AFFF are destroyed, removing the potential for release of PFOA to the environment from this waste stream. This is important as stocks of firefighting foam are taken out of use and destroyed to meet existing 2023 and 2025 phase out deadlines. This waste stream arises separately and can feasibly be sent for destruction. Setting a limit at this level removes the need for additional testing of foams as all foams that will be taken out of use to meet the phase out deadlines will require destruction. This provides certainty for holders of those foams.

A limit of 50 mg/kg (Option 3) would not achieve this objective as evidence suggests that PFOA is present well below this level in firefighting foams. A limit of 1 mg/kg for PFOA and 40 mg/kg for PFOA related compounds (Option 2) may not achieve this objective, as there is some evidence that PFOA may be present below 1 mg/kg in AFFF that will be taken out of use to meet the phase out deadlines.

Evidence indicates that the recycling of textile waste should not be disrupted by the proposed waste concentration limits, however this means that there remains potential for small quantities of PFOA to be recycled into new products. Given the extensive social and environmental benefits of textile recycling and the challenges in applying a lower limit, we consider this to be the right approach.

A summary of existing evidence used to inform these positions is provided in Annex A.

Consultation questions

9. **Is this proposal of particular importance to you and/or the organisation you represent?**
    c. **Yes**
    d. **No**
    e. **I don't know**
    f. **I'd prefer not to say**
10. **If yes, how would it impact you and/or your organisation?**
11. **To what extent do you agree or disagree with our proposed waste limit for PFOA (1mg/kg for PFOA and its salts (or 0.025 mg/kg in AFFF); 40mg/kg for PFOA related compounds (or 1 mg/kg in AFFF))?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know/No preference**
    g. **I'd prefer not to say**
12. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
13. **There is a lack of concentration data for PFOA in waste in the UK so our assessment carries a level of uncertainty. Our evidence-based judgement is that PFOA is unlikely to be found at a level exceeding 1mg/kg in waste (excluding firefighting foams and hydraulic fluids). Are you aware of any evidence to suggest other sectors and/or products where PFOA would fall above or below the proposed waste concentration limit level? Please provide details if so including with reference to tonnages, concentration levels, ability to segregate waste, and impacts where possible.**
14. **There are expected to be one-off impacts for organisations who hold PFOA containing waste to familiarise themselves with the new regulations and procedures, and the time taken to source appropriate disposal routes. Are you aware of how long (in hours) this will take, and any costs incurred? Please provide details if so.**

15. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**
16. **For hydraulic fluids, are you aware of any evidence to suggest where PFOA falls above or below the proposed waste concentration limit level? Please provide details if so, including with reference to tonnages, concentration levels, ability to segregate waste and other impacts where possible.**
17. **The study team for the EU Impact Assessment suggest that detecting PFOA at a concentration limit of 1mg/kg is economically feasible. Are you aware of any evidence regarding potential financial cost to test and segregate waste streams at this level? Please provide details if so. Waste containing PFOA above the waste concentration limit will require high temperatures to destroy the POP, for example, in a hazardous waste incinerator or suitable cement kiln. Are you aware of any evidence regarding potential financial cost (gate fees) to destroy this waste? Please provide details if so**
18. **Do you have any further evidence to suggest the suitability, or otherwise, of introducing waste concentration limits specific to one type of waste (such as aqueous film forming foams (AFFF))? Please provide details if so.**

Waste limits (ii) - Perfluorohexane sulfonate (PFHxS)

Substance information

At the time of listing in this substance was listed (2022), the Stockholm Convention detailed the following information about the use and production of this substance:

> *PFHxS, its salts and PFHxS related compounds have been intentionally used at least in the following applications: (1) Aqueous Film-Forming Foams (AFFFs) for fire-fighting; (2) metal plating; (3) textiles, leather and upholstery; (4) polishing agents and cleaning/washing agents; (5) coatings, impregnation/proofing (for protection from damp, fungus etc.); and (6) within the manufacturing of electronics and semiconductors. In addition, other potential use categories may include pesticides, flame retardants, paper and packaging, in the oil industry, and hydraulic fluids.*

Waste containing PFHxS above the waste concentration limit will need to be identified based on suspected uses or through testing, and then segregated from other wastes. PFHxS requires very high temperatures to achieve destruction, for example, via a hazardous waste incinerator or suitable cement kiln.

Policy Options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2
PFHxS, its salts, and **related compounds**	Limit not stated in the POPs Regulation	1mg/kg for PFHxS and its salts 40mg/kg for PFHxS related compounds (note: this is anticipated to be newly proposed for international consideration at BRS COP in May 2023)	1mg/kg for PFHxS and its salts 40mg/kg for PFHxS related compounds And, in Waste Aqueous Film Forming Foams (AFFF): - 0.025 mg/kg for PFHxS and its salts, and - 1 mg/kg for PFHxS related compounds (note: the general limits are anticipated to be newly proposed for international consideration at BRS COP in May 2023)

Our lead proposal aligns with what we anticipate will be newly proposed at the next BRS COP in May 2023. This anticipated proposal reflects recent legislative changes adopted by other parties of the Stockholm Convention.

We seek further information that will help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform these positions is provided in Annex A.

Consultation questions

19. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
20. **If yes, how would it impact you and/or your organisation?**
21. **To what extent do you agree or disagree with our proposed waste limit for PFHxS (1mg/kg for PFHxS and its salts; 40mg/kg for PFHxS related compounds)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
22. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
23. **There is a lack of concentration data for PFHxS in waste in the UK so our assessment carries a level of uncertainty. Our evidence-based judgement is that PFHxS is unlikely to be found at a level exceeding 1mg/kg in waste (excluding firefighting foams/hydraulic fluids). Are you aware of any evidence to suggest other sectors and/or products where PFHxS would fall above or below the proposed waste concentration limit level? Please provide details if so, including with reference to relevant waste streams, tonnages, concentration levels, ability to segregate waste, and other impacts where possible.**
24. **For hydraulic fluids, are you aware of any evidence to suggest where PFHxS falls above or below the proposed waste concentration limit level? Please provide details if so, including with reference to relevant waste streams, tonnages, concentration levels, ability to segregate waste, and other impacts where possible**
25. **There are expected to be one-off impacts for organisations who hold PFHxS containing waste to familiarise themselves with the new regulations and procedures, and the time taken to source appropriate disposal routes. Are you aware of how long (in hours) this will take, and any costs incurred? Please provide details if so.**

26. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**
27. **The study team for the EU Impact Assessment suggest that Limits of Detection of 1mg/kg is economically feasible. Are you aware of any evidence regarding potential financial cost to test and segregate waste streams at this level? Please provide details if so**
28. **Waste containing PFHxS above the waste concentration limit will require high temperatures to destroy the POP, for example, in a hazardous waste incinerator or suitable cement kiln. Are you aware of any evidence regarding potential financial cost (gate fees) to destroy this waste? Please provide details if so.**
29. **Do you have any further evidence to suggest the suitability, or otherwise, of introducing waste concentration limits specific to one type of waste (such as aqueous film forming foams (AFFF))? Please provide details if so.**

Waste limits (iii) - Short Chain Chlorinated Paraffins (SCCPs)

Substance information

At the time this substance was listed (2017), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"SCCPs can be used as a plasticizer and/or flame retardant in rubber, paints, adhesives, and plastics, including products that are likely to remain in use given their long lifespan. It was also used as an extreme pressure lubricant in metal working fluids, though this use should have long since ceased."*

Items of waste that are over the waste concentration limit for SCCPs would need to be segregated from other waste and sent for destruction. Where the SCCP arises in waste as an adhesive or coating on another item, it would normally be considered to be part of that other item and the threshold would be applied to the whole.

The Basel Convention guidelines on POPs Waste containing SCCPs list the environmentally sound destruction or irreversible transformation techniques for this substance. These includes advanced solid waste incineration (including municipal waste incineration in UK facilities), hazardous waste incineration and co-incineration in cement kilns. The most appropriate method will depend on whether the waste is classified as hazardous or non-hazardous waste.

Due to the practical difficulties in analysing for SCCPs in the waste management system and the lack of techniques to identify and sort contaminated items, we anticipate that segregation may need to be by material type and use case. For example, if rubber mining conveyor belts were generally found to contain SCCPs above the waste limit, then that

would mean that all such items would need to be segregated and managed as POPs waste.

Policy options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2
Short Chain Chlorinated Paraffins (SCCPs)	10,000 mg/kg (note: this is the limit stated in the POPs Regulation, and has previously been proposed for international consideration at BRS COPs)	1,500 mg/kg (note: this has previously been proposed for international consideration at BRS COPs, and is likely to be revisited at future BRS COPs)	100 mg/kg (note: this has previously been proposed for international consideration at BRS COPs)

Our lead proposal aligns with one of the limits that has previously been proposed for international consideration at BRS COPs and which we anticipate will be revisited at future BRS COPs.

We seek further information that will help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform these positions is provided in Annex A.

Consultation questions

30. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
31. **If yes, how would it impact you and/or your organisation?**
32. **To what extent do you agree or disagree with our proposed waste limit for SCCPs (1,500 mg/kg)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
33. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**

34. **Are you aware of any evidence to help determine whether SCCPs may fall above or below the waste concentration limit of 1500mg/kg in the UK? Please provide details if so, including with reference to relevant waste streams, tonnages, concentration levels, ability to segregate wastes, and other impacts where possible.**
35. **Do you have evidence of the tonnage of waste containing SCCPs in the UK and how they are currently disposed of (landfill, recycling, Energy from Waste)? Please provide details if so.**
36. **Are you aware of any anticipated costs for disposing of SCCPs contaminated waste (such as incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc)? If so, please provide any supporting evidence.**
37. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**
38. **Are you aware of any evidence to suggest that a lower waste concentration limit would be achievable in the UK with regards to technical and economic feasibility? Please provide details if so, including with reference to current and/or future limits of detection for SCCPs in waste.**

Waste limits (iv) - Polybrominated diphenyl ethers (PBDE)

Substance information

At the time this substance was listed (2017), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"Polybromodiphenyl ether congeners including tetraBDE, pentaBDE, hexaBDE, and heptaBDE inhibit or suppress combustion in organic materials and therefore are used as additive flame retardants."*
>
> *"DecaBDE is used as an additive flame retardant, and has a variety of applications including in plastics/polymers/composites, textiles, adhesives, sealants, coatings and inks. DecaBDE containing plastics are used in housings of computers and TVs, wires and cables, pipes and carpets. Commercially available decaBDE consumption peaked in the early 2000's, but [is] is still extensively used worldwide."*

Where PBDEs are present in an item that arises as a separate item of waste, then the threshold will be applied to that item. That item would need to be segregated from other waste and sent for destruction.

The Basel Convention guidelines on POPs Waste containing PBDEs list the environmentally sound destruction or irreversible transformation techniques for this

substance. These include advanced solid waste incineration (including municipal waste incineration in UK facilities), hazardous waste incineration and co-incineration in cement kilns. The most appropriate method will depend on whether the waste is classified as hazardous or non-hazardous waste.

Policy options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2	Option 3	Option 4
Polybrominated Diphenyl Ethers (PBDE)	1,000 mg/kg (as sum of PBDEs [as listed]) (note: this is the limit stated in the POPs Regulation, and has previously been proposed for international consideration at BRS COPs)	350 mg/kg, dropping to 200 mg/kg 5 yrs after entry into force	(i) 500 mg/kg (ii) drop to 350 mg/kg 3yrs after entry into force (iii) drop to 200 mg/kg 5 yrs after entry into force (note: this is anticipated to be newly proposed for international consideration at BRS COP in May 2023)	500 mg/kg (note: this has previously been proposed for international consideration at BRS COPs)	50 mg/kg (note: this has previously been proposed for international consideration at BRS COPs)

Our lead proposal goes further than what we anticipate will be proposed for international consideration at the next BRS COP in May 2023.

We seek further information to help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform these positions is provided in Annex A.

Consultation questions

39. Is this proposal of particular importance to you and/or the organisation you represent?

a. Yes
b. No
c. I don't know

d. I'd prefer not to say

40. **If yes, how would it impact you and/or your organisation?**
41. **To what extent do you agree or disagree with our proposed waste limit for PBDE (350 mg/kg, dropping to 200 mg/kg 5 years after entry into force)?**
    a. Strongly Agree
    b. Agree
    c. Neither agree nor disagree
    d. Disagree
    e. Strongly Disagree
    f. I don't know
    g. I'd prefer not to say
42. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
43. **Based on current EA evidence, decreasing the PBDE waste limit to 200mg/kg in GB is expected to have no/minimal additional impacts on WEEE/ELV plastic recycling, compared to existing waste limits. Are you aware of any evidence to either support or oppose this? Please provide details if so.**
44. **Are you aware of any evidence to indicate the presence of PBDE in CDW plastics and textiles, and/or other waste streams or sectors? Please provide details if so, including with reference to relevant waste streams, tonnages, concentration levels and impacts where possible.**
45. **Are there any additional costs you anticipate for disposing of PBDEs contaminated waste under the proposed waste limit (such as incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc)? If so, please can you provide any supporting evidence.**
46. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**

Waste Limits (v) - Pentachlorophenol (PCP)

Substance information

At the time this substance was listed (2015), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"PCP has been used as herbicide, insecticide, fungicide, algaecide, disinfectant and as an ingredient in antifouling paint. Some applications were in agricultural seeds, leather, wood preservation, cooling tower water, rope and paper mill system. Its use has been significantly declined due to the high toxicity of PCP and its slow biodegradation.*

… Short-term exposure to large amounts of PCP can cause harmful effects on the liver, kidneys, blood, lungs, nervous system, immune system, and gastrointestinal tract... Long-term exposure to low levels such as those that occur in the workplace can cause damage to the liver, kidneys, blood, and nervous system. Finally exposure to PCP is also associated with carcinogenic, renal, and neurological effects."

The waste limit for PCP of 100mg/kg has been agreed by Basel and Stockholm Conventions and this limit will therefore progress into international guidelines. As this process is already developed, we are proposing to follow these internationally agreed guidelines.

Policy options

Substance	Current limit (I.e. do nothing)	Lead option
Pentachlorophenol (PCP)	Limit not stated in the POPs Regulation	100 mg/kg (note: this limit has already been agreed at a previous BRS COP)

Our lead proposal aligns with what has already been adopted into the Basel guidelines at a previous BRS COP.

We seek further information that will help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform this position is provided in Annex A.

Consultation questions

47. Is this proposal of particular importance to you and/or the organisation you represent?

- **a. Yes**
- **b. No**
- **c. I don't know**
- **d. I'd prefer not to say**

48. If yes, how would it impact you and/or your organisation?

49. **To what extent do you agree or disagree with our proposed waste limit for PCP (100 mg/kg)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
50. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
51. **Based on current evidence, we anticipate the economic costs of introducing the proposed waste limit for PCP in GB to be none/minimal. Are you aware of any evidence to either support or oppose this view? Please provide details if so, including with reference to gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc.**
52. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**

Waste limits (vi) – Dioxins, Furans, and dioxin-like PCBs

Substance information

At the time this substance was listed (2004), the Stockholm Convention detailed the following information about the use and production of dioxins and furans:

> *"These [dioxins] chemicals are produced unintentionally due to incomplete combustion, as well during the manufacture of pesticides and other chlorinated substances. They are emitted mostly from the burning of hospital waste, municipal waste, and hazardous waste, and also from automobile emissions, peat, coal, and wood. There are 75 different dioxins, of which seven are considered to be of concern.*
>
> *…Dioxins have been associated with a number of adverse effects in humans, including immune and enzyme disorders and chloracne, and they are classified as possible human carcinogens."*
>
> *"These [furans] compounds are produced unintentionally from many of the same processes that produce dioxins, and also during the production of PCBs. They have been detected in emissions from waste incinerators and automobiles. Furans are structurally similar to dioxins and share many of their toxic effects."*

Waste containing dioxins and furans (PCDD/F) above the waste concentration limit will need to be identified based on suspected uses or through testing, segregated from other wastes, and then sent for destruction in a hazardous waste incinerator or cement kiln (noting the potential for hazardous waste landfill and underground storage to be considered for wastes listed in Annex V of the POPs Regulation).

Policy options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2
Dioxins (or PCDD) and furans (or PCDF)	0.015 mg TEQ/kg (note: this is the limit stated in the POPs Regulation, and is one of two limit options already agreed at previous BRS COPs)	0.005 mg TEQ/kg, including dioxin-like PCBs (note: this has previously been proposed for international consideration at BRS COPs)	0.001 mg/kg 0.00005 mg/kg for waste spread to land (note: 0.001 mg/kg is one of two limit options already agreed at previous BRS COPs; the specified limit for waste spread to land is anticipated to be newly proposed for international consideration at BRS COP in May 2023)

Our lead proposal aligns with what has previously been proposed for international consideration at BRS COPs and with what we anticipate will be revisited at future BRS COPs.

We seek further information that will help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform these positions is provided in Annex A.

Elsewhere in the consultation we are seeking information on what Toxic Equivalence Factors (TEFs) should be listed for dl-PCBs in a GB context. TEFs indicate the degree of toxicity of dioxins, furans and dioxin-like PCBs (dl-PCBs).

Consultation questions

53. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
54. **If yes, how would it impact you and/or your organisation?**
55. **To what extent do you agree or disagree with our proposed position to include dioxin-like PCBs in the dioxins and furans waste concentration limit?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
56. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
57. **To what extent do you agree or disagree with our proposed waste concentration limit for dioxins, furans, and dioxin-like PCBs (0.005 mg TEQ/kg, including dioxin-like PCBs)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
58. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
59. **Based on current evidence, we anticipate the economic impacts of decreasing the dioxins and furans waste limit to 0.005 TEQ/kg in GB to have limited impacts on biomass incinerator APCR and no impacts on domestic ash. Are you aware of any evidence to either support or oppose this view? Please provide details if so, including with reference to relevant waste streams, tonnages, concentration levels and impacts where possible.**
60. **The EU Impact Assessment identifies approximately 20 waste streams where dioxins and furans can be found, primarily in waste streams related to combustion activities. Are you aware of any other waste streams that are likely to be impacted by a lower waste concentration limit value? Please provide details if so.**
61. **Are there any additional costs you anticipate for disposing of PCDD/F waste under the proposed waste limit (such as gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc)? Please provide details if so.**

62. **There is limited analytical information available on the concentration of dioxin- like PCBs in waste and the amount of waste that would be diverted to different treatments under the lead waste limit option. Are you aware of any evidence regarding relevant waste streams, tonnages, concentration levels, ability to segregate waste, and associated costs (such as gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc)? Please provide details if so.**
63. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**

Waste limits (vii) - Dicofol

Substance information

At the time this substance was listed (2019), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"Dicofol is an organochlorine miticidal pesticide that has been used in agriculture to control mites on a variety of field crops, fruits, vegetables, ornamentals, cotton, tea. It was also used an acaricide for cotton, citrus and apple crops.*
>
> *…Dicofol is a toxic concentrated formulation found in the environment and humans with a long persistent and bioaccumulative property. Prolonged or repeated exposure to dicofol can cause skin irritation, hyperstimulation of nerve transmissions along nerve axons. Dicofol is highly toxic in fish, aquatic invertebrates, algae and in birds is tied to eggshell thinning and reduced fertility."*

Policy options

Substance	Current limit (I.e. do nothing)	Lead option
Dicofol	Limit not stated in the POPs Regulation	50 mg/kg (note: this limit has already been agreed at previous BRS COPs)

Our lead proposal aligns with what has already been adopted into the Basel guidelines at a previous BRS COP.

We seek further information to help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform this position is provided in Annex A.

Consultation question

64. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
65. **If yes, how would it impact you and/or your organisation?**
66. **To what extent do you agree or disagree with our proposed waste limit for dicofol (50mg/kg)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
67. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
68. **Based on current evidence, we anticipate the economic costs of lowering the dicofol waste limit in GB to be zero or minimal. Are you aware of any evidence to either support or oppose this view, including with reference to costs such as gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc)? Please provide details if so.**
69. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**

Waste limits (viii) – Hexabromocyclododecane (HBCDD)

Substance information

At the time this substance was listed (2013), the Stockholm Convention detailed the following information about the use and production of this substance:

> *"HBCD[D] is used as a flame retardant additive, providing fire protection during the service life of vehicles, buildings or articles, as well as protection while stored. The*

main uses of HBCD globally are in expanded and extruded polystyrene foam insulation while the use in textile applications and electric and electronic appliances is smaller.

…HBCD[D] has a strong potential to bioaccumulate and biomagnify. It is persistent in the environment, and has a potential for long-range environmental transport. It is very toxic to aquatic organisms. Though information on the human toxicity of HBCD[D] is to a great extent lacking, vulnerable groups could be at risk, particularly to the observed neuroendocrine and developmental toxicity of HBCD[D].”

Waste containing HBCDD above the waste concentration limit will need to be identified based on suspected uses or through testing, and then segregated from other wastes. To properly destroy HBCDD, waste needs to be incinerated at a temperature of 850˚C or higher.

Policy options

Substance	Current limit (I.e. do nothing)	Lead option	Option 2	Option 3
Hexabromocyclododecane (HBCDD or HBCD)	1,000 mg/kg (note: this is the limit stated in the POPs Regulation, and is one of two limit options already agreed at previous BRS COPs)	500 mg/kg (note: this has previously been proposed for international consideration at BRS COPs)	200 mg/kg (note: this may be newly proposed for international consideration at BRS COP in May 2023)	100 mg/kg (note: this is one of two limit options already agreed at previous BRS COPs)

Our lead proposal aligns with one of the limits that has previously been proposed for international consideration at BRS COPs and which we anticipate will be revisited at future BRS COPs.

We seek further information to help us determine the potential impacts of implementing such a proposal in upcoming or future legislation.

A summary of existing evidence used to inform this position is provided in Annex A.

Consultation questions

70. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
71. **If yes, how would it impact you and/or your organisation?**
72. **To what extent do you agree or disagree with our proposed waste limit for HBCDD (500 mg/kg)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know/No preference**
    g. **I'd prefer not to say**
73. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
74. **Based on current evidence, we anticipate the economic costs of lowering the HBCDD waste limit in GB to be minimal for all waste streams. Are you aware of any evidence to either support or oppose this view, including with reference to costs such as incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes etc? Please provide details if so.**
75. **Are you aware of any other organisations that may be impacted by this proposal? Please provide details if so, including references to the number of organisations, types of organisations (Local Authorities, businesses, independent or public bodies), size (micro, small, medium or large), and the anticipated impacts, if known.**

Waste limits (ix) – UV328, Dechlorane Plus, and Methoxychlor

Substance information

Three other substances – UV-328; flame-retardant Dechlorane Plus; and insecticide Methoxychlor – have been recommended by the POP Review Committee for consideration as new POPs. Accordingly, they may be adopted by the Stockholm Convention and designated as POPs at the next BRS COP in May 2023, or else at subsequent future COPs (held every two years).

If any of these substances are adopted and added to the Stockholm Convention annexes for prohibition or restriction, we would intend to add them to Annex I or II of the POPs Regulation for prohibition or restriction. Similarly, we would also intend to add a new waste concentration limit value to Annex IV of the POPs Regulation.

However, there is currently insufficient evidence available to propose a suitable limit for these substances.

Through this consultation we are seeking further information and evidence to help inform introduction of a suitable waste limit for these substances, should any of them be listed for prohibition or restriction in the Stockholm Convention.

Consultation questions

76. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
77. **If yes, how would it impact you or your organisation?**
78. **Are you aware of any evidence to suggest a waste concentration limit value for UV-328 that would be suitable for adoption within GB if and/or when this substance is adopted as a POP by the Stockholm Convention? Please provide details if so, including with reference to data sources, timescales, tonnages impacted and potential costs (including incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes), if known.**
79. **Are you aware of any evidence to suggest a waste concentration limit value for Methoxychlor that would be suitable for adoption within GB if and/or when this substance is adopted as a POP by the Stockholm Convention? Please provide details if so, including with reference to data sources, timescales, tonnages impacted and potential costs (including incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes), if known.**
80. **Are you aware of any evidence to suggest a waste concentration limit value for Dechlorane Plus that would be suitable for adoption within GB (if and/or when this substance is adopted as a POP by the Stockholm Convention)? Please provide details if so, including with reference to data sources, timescales, tonnages impacted and potential costs (including incineration gate fees, administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes), if known.**

Waste limits (x) - Other POPs

81. **Are you aware of any evidence to suggest that any of the other waste concentration limits listed in the POPs Regulation should be amended in upcoming or future legislation? Please provide details if so, including with reference to specific substances, data sources, timescales, tonnages impacted and potential financial costs (including incineration gate fees,**

administrative costs or time taken to familiarise with the requirements and sourcing disposal, testing, segregation, storage of wastes), if known.

Removal of existing specific exemptions (or ‘derogations’) for four POPs

Overview

In accordance with obligations under the Stockholm Convention, substances listed in Annex I of the POPs Regulation are prohibited from production, manufacturing, placing on the market and use. However, exemptions (or ‘derogations’) are in place for some substances where specified and time-limited acceptable purposes have been agreed. Specific exemptions allowing the use of POPs are rare and apply only to very specific activities.

These exemptions are listed in the Stockholm Convention and implemented in Great Britain by Annex I (Part A) of the POPs Regulation. The POPs with existing exemptions for specified uses in the UK include decaBDE, SCCPs, PFOA, and PFOS. UK REACH data includes Downstream User Import Notifications (DUIN) registered for use of exemptions for SCCPs, PFOA, PFOS, and decaBDE in GB. However, this does not necessarily signify real in-practice use, or need for continued use, as some organisations might be taking a precautionary approach by submitting DUINs even when the substance is no longer being used.

In line with the UK’s obligations as a Party to the Stockholm Convention, a review on the use of these exemptions was carried out during Summer 2022 through (i) targeted engagement with organisations known to have previously indicated need for such exemptions, as identified through UK REACH data, (ii) wider engagement via a 4-week public call for information, which was also disseminated to members of Defra’s communication Fora for Chemicals Stakeholders and Trade Associations.

During our review, we received notification that some of these pre-existing exemptions are still in use and required for continued use by GB businesses. However, for several exemptions detailed below, we received no reported ongoing use, suggesting there is no longer a requirement for these exemptions to be in place within GB. We are now proposing that these exemptions (or ‘derogations’) are removed from the POPs Regulations. If removed, we would also inform the Stockholm Convention to update their register of specific exemptions required by GB (http://www.pops.int/Implementation/Exemptions/SpecificExemptions/tabid/1133/Default.aspx).

The review in Summer 2022 was not a full public consultation and was not formally linked to potential legislative changes to the POPs Regulations. Exemptions identified for potential removal as a result of the Review are now being presented here and will be considered for legislative change depending on the outcome of the public consultation.

The considered exemptions are detailed below, with each followed by a series of questions relating to our lead proposal.

Quoted text and exemption reference numbers correspond to those found in Annex I of the POPs Regulationhttps://www.legislation.gov.uk/eur/2019/1021/annex/I/adopted, in the column marked “Specific exemption on intermediate use or other specification”

In the Summer 2022 review of the specified exempted for POPs, we received no notification that the exemptions and derogations in the following table were still being used.

We therefore propose the following two options through this consultation:

- Option 1: The exemptions remain and are not removed. See the final column of the table below to understand what this will mean for each exemption.
- Option 2 (lead option): These exemptions are removed from the POPs Regulation, and the exemption from controlled use ceases to be available for UK industry.

	Substance (exemption number)	Current text of existing exemption	What happens if this exemption is not removed?
i	PFOS (exemption 4)	If the quantity released into the environment is minimised, manufacturing and placing on the market shall be allowed until 7 September 2025 for use as mist suppressant for non-decorative hard chromium (VI) plating in closed loop systems. Provided that where PFOS is used the competent authority reports to the appropriate authority by 7 September 2024 on progress made to eliminate PFOS and justify the continuing need for this use, the appropriate authority shall review the need for a prolongation of the derogation for this use of PFOS for a maximum of five years by 7 September 2025.	• Exemption will expire on 7 September 2025. • This deadline could be extended as far as 7 September 2030 if justification is provided by 7 September 2024.
ii	SCCPs (exemption 1)	By way of derogation, the manufacturing, placing on the market and use of substances or mixtures containing SCCPs in concentrations lower than 1% by weight or articles containing SCCPs in concentrations lower than 0.15% by weight shall be allowed.	• Exemption remains available until actively removed through legislative change.
iii	PFOA, its salts and	By way of derogation, the manufacturing, placing on the market and use of PFOA, its salts and	• Exemption 5(e)(iii) is due to

	PFOA-related compound (exemption 5e)	PFOA-related compounds shall be allowed for the following purposes: manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of: i) high-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles; ii) industrial waste heat exchanger equipment, iii) industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates; until 4 July 2023.	expire on 4 July 2023, but exemptions 5(e)(i) and (ii) will remain available until actively removed through legislative change.
iv	PFOA, its salts and PFOA-related compound (exemption 7)	By way of derogation, the use of perfluorooctyl bromide containing perfluorooctyl iodide for the purpose of producing pharmaceutical products shall be allowed, subject to review and assessment by the appropriate authority by 31 Dec 2026, every four years thereafter and by 31 Dec 2036.	• This exemption will remain available until actively removed through legislative change. • Nb: This exemption is due to be reviewed and assessed by the appropriate authority by 31 December 2026, and every four years thereafter.
v	DecaBDE (exemption 3(a))	By way of derogation, the manufacturing, placing on the market and use of decaBDE are allowed for the following purposes: in the manufacturing of an aircraft, for which type approval was applied for before 2 March 2019 and was received before December 2022, until 18 December 2023, or, in cases where the continuing need is justified, until 2 March 2027.	• This exemption will remain available until actively removed through legislative change. • This exemption will remain in place until 18 December 2023, or until 2 March

			2027 for cases where justification is provided for its continued use.
vi	DecaBDE (exemption 3(b)(i))	By way of derogation, the manufacturing, placing on the market and use of decaBDE are allowed for the following purposes: in the manufacturing of spare parts for either of the following: (i) an aircraft, for which type approval was applied for before 2 March 2019 and was received before December 2022, produced before 18 December 2023, or, in cases where the continuing need is justified, produced before 2 March 2027, until the end of service life of that aircraft.	• This exemption will remain in place for the above-specified spare parts until the end of service life of a given aircraft type (for which type approval was applied for before 2 March 2019 and was received before December 2022, produced before 18 December 2023, or, in cases where the continuing need is justified, produced before 2 March 2027)

Consultation questions

82. **Are any of the exemptions proposed for removal of particular importance to you and/or the organisation you represent?**
    a. **(i) PFOS exemption 4;**
    b. **(ii) SCCPs exemption 1;**
    c. **(iii) PFOA exemption 5e;**
    d. **(iv) PFOA exemption 7;**
    e. **(v) DecaBDE exemption 3(a);**
    f. **(vi) DecaBDE exemption 3(b)(i);**
    g. **I don't know;**
    h. **None of the above**
83. **If yes, please specify how their removal would impact you or your organisation**
84. **To what extent do you agree or disagree with our proposed position (removal of the above-listed exemptions)?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
85. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
86. **Are you/your organisation currently making use of any of these exemptions? Please select all that apply**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
87. **If you/your organisation are still making use of this exemption, what efforts are being made to transition away from reliance on this substance and this exempted use? If multiple substances and/or exemptions: please detail for each one. In your answer, you may like to refer to why this exemption is still required, the estimated quantity of production and/or use of this substance, potential alternative substances and/or approaches, why an alternative substance or approach cannot be used, and the practicalities and/or costs of transition.**
88. **If you/your organisation are still making use of this exemption, when do you anticipate no longer requiring use of this exemption? If multiple substances and/or exemptions: please detail for each one.**

Amendment, addition and/or removal of Unintentional Trace Contaminant (UTC) exemptions for POPs

Overview

Annex I of the POPs Regulation lists POPs which are prohibited from use, some of which also have exemptions or specified uses or as Unintentional Trace Contaminants (UTC). A UTC exemption defines the level of a substance that can lawfully be incidentally present in a substance, mixture or article in a minimal amount. If a UTC exemption is given for a POP, use of any substances, products or articles containing a concentration of the specified POP above the UTC level is unlawful in most cases. If no UTC exemption is given for a POP, any substances, products or articles containing *any* concentration of the specified POP are unlawful and must be appropriately disposed of.

Legislating on UTC exemptions and/or limit thresholds provides industry with clarity while also aligning with the UK's commitments as a Party to the Stockholm Convention to eliminate, prohibit or restrict chemicals listed as POPs.

First, in 2022, the UK government reviewed the existing UTC exemptions for PFOA, building on an EU-UK evaluation process that was underway when the UK was still a member of the EU. Part of this process included analysis compiled by the European Chemicals Agency (ECHA) which, in 2022, was reviewed by Defra and experts in the Environment Agency (EA) and the Health and Safety Executive (HSE). This analysis and its findings were deemed relevant and appropriate within a UK context, resulting in several proposed amendments to PFOA UTC exemptions as set out in the POPs Regulation. We present these proposals below and seek any further views on their suitability.

Second, we would like to hear from you about any evidence or information to help us determine if new UTC limits should be introduced for two POPs: HCB and PCP.

Finally, we highlight all POPs that currently have UTC exemptions stated in the POPs Regulation to provide an opportunity for you to share any evidence or information to support amendment and/or introduction of UTC exemption limits for any POP (whether there is already an existing UTC exemption limit in place or not).

UTC exempted levels (i) – proposed removal of exemption for PFOA for use in transported isolated intermediate

Current text of existing exemption

For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA-related compounds equal to or below 20 mg/kg (0.002 % by weight) where they are present in a substance to be used as a transported isolated intermediate within the

meaning of Article 3 point 15(c) of Regulation (EC) No 1907/2006 and fulfilling the strictly controlled conditions set out in Article 18(4)(a) to (f) of that Regulation for the production of fluorochemicals with a carbon chain equal to or shorter than 6 atoms. This exemption shall be reviewed and assessed by the appropriate authority no later than 5.7.2022

Policy Options

- Option 1 – do nothing:
  - Exemption will remain available
- Option 2 – remove exemption (lead proposal):
  - Exemption ceases to be available for UK industry

Evidence to support lead proposal

This section of the PFOA entry in Annex I of the POPs Regulation relates to an exemption for the use of PFOA in transported isolated intermediates (chemicals transported for use in the manufacture of another substance and not present in the final product).

This exemption does not appear in the Stockholm Convention and was instead added to the European POPs Regulations at the specific request of an EU company. Following EU Exit this exemption was retained in the POPs Regulation. A Defra-led review of this exemption was carried out in early 2022. The review included targeted stakeholder engagement and utilised expertise from EA and HSE to analyse ECHA-led analysis. In this review it was determined that no companies in Great Britain make use of this exemption and it should therefore be removed.

During an EU public consultation on the ECHA opinion on PFOA UTCs, some stakeholders also submitted comments on this exemption. Fluoropolymer manufacturers have developed alternatives to PFOA and related long-chain polymerisation aids that can be used for the production of all types of fluoropolymers, regardless of their final application. Additionally, there are no fluoropolymer manufacturers in the EU that still use PFOA as a polymerisation aid. In the light of the above information, the European Commission also considered that this exemption was no longer needed.

Consultation Questions

89. Is this proposal of particular importance to you and/or the organisation you represent?

a. Yes
b. No
c. I don't know
d. I'd refer not to say

90. If yes, how would it impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs.

91. **To what extent do you agree or disagree with our proposal to remove this exemption?**
    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**
92. **Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**
93. **Are you aware of how many organisations may be impacted by this proposal? Please provide details if so, including any references to organisation size (micro, small, medium or large).**

UTC exempted levels (ii) – proposed amendments to exemption for PFOA in PTFE micropowders

Current text of existing exemption

[4.] For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA and its salts equal to or below 1 mg/kg (0.0001 % by weight) where they are present in polytetrafluoroethylene (PTFE) micropowders produced by ionising irradiation of up to 400 kilograys or by thermal degradation as well as in mixtures and articles for industrial and professional uses containing PTFE micropowders. All emissions of PFOA during the manufacture and use of PTFE micropowders shall be avoided and, if not possible, reduced as far as possible. This exemption shall be reviewed and assessed by the appropriate authority no later than 5.7.2022.

Policy Options

- Option 1 – do nothing:
  - Exemption will remain available in current form
  - The phrase ‘of up to 400 kilograys’ will remain in the above exemption.
- Option 2 (lead proposal)
  - Proposal 1: amend the UTC level for PFOA in PTFE micropowders in the following way: The concentration limit of PFOA will be reduced to 0.025 mg/kg. A limit of 1 mg/kg will continue to be applied only to the manufacture, placing on the market and use of PFOA and its salts where they are present in PTFE micropowders that are being transported or treated in order to reduce the concentration of PFOA and its salts below the limit of 0.025 mg/kg.
  - Proposal 2: remove the phrase ‘of up to 400 kilograys’: Requirement to demonstrate ionising irradiation of up to 400 kilograys ceases

Evidence to support lead proposal 1

This section of the PFOA entry in Annex I of the POPs Regulation relates to an exemption from prohibition for ‘PFOA compounds equal to or below 1mg/kg present in PTFE micro-powders'.

In early 2022, Defra led a review of PFOA exemptions which considered evidence produced by the EU alongside targeted stakeholder engagement. The review utilised expertise from the Environment Agency and the Health and Safety Executive to consider the evidence and it was determined that the analysis was relevant and appropriate within a UK context. The review led to the recommendation that the Unintentional Trace Contaminant (UTC) limit for PFOA in PTFE micropowders should be lowered from 1 mg/kg to the generic UTC limit for PFOA of 0.025 mg/kg. A limit of 1 mg/kg would apply only to the manufacture, placing on the market and use of PFOA and its salts where they are present in PTFE micropowders that are transported or treated in order to reduce the concentration of PFOA and its salts below the limit of 0.025 mg/kg.

Prior to this, the EU consulted on an amendment reducing the UTC limit for PFOA in PTFE micropowders from 1 mg/kg to 0.025 mg/kg. ECHA’s committees had concluded that processes have been developed to reduce the concentration of PFOA to below the

generic UTC level of 0.025 mg/kg (25 ppb) and that these processes have been successfully implemented by most PTFE micropowder manufacturers. The amendment also proposed keeping a UTC limit of 1 mg/kg for the manufacture, placing on the market and use only for the purpose of transport and treatment of PTFE micropowders to reduce the PFOA concentration below the 0.025 mg/kg limit. The consultation received ten responses with respondents generally supporting the proposed revision of the restriction wording as it would enable sufficient supply of the final treated PTFE micropowders to the EU market which would otherwise have faced a critical shortage.

Through industry engagement, Defra is aware of at least one company that manufactures PTFE micropowders in the UK, during which PFOA is unintentionally generated above 0.025 mg/kg in the final stage of the production process. During this process, the PTFE micropowders remain in sealed containers during transport to and from an abatement facility, a gas scrubbing plant, where fluorinated compounds are captured and subsequently disposed of by an external contractor by incineration. The PTFE micropowders product range is a significant portion of the company's manufacturing in the UK. Without the derogation wording, there would be economic consequences for downstream sectors such as plastic and rubber, defensive flares and the coatings industry.

Evidence to support lead proposal 2

The European Commission received information that the conditions linked to the unintentional trace contaminant (UTC) for PTFE micropowders were too specific, and that it was considered impossible for enforcement authorities to determine if PTFE micropowders had been produced with irradiation of up to 400 kilograys. Therefore, the reference was subsequently removed from the listing. Due to the timing of EU Exit preceding the removal of this phrase in the EU Regulation, this phrase still remains in the POPs Regulation: we propose that it be removed following the progress made in the technical understanding of this issue.

In early 2022, Defra led a review of PFOA exemptions which considered the above evidence alongside targeted stakeholder engagement. The review utilised expertise from the Environment Agency and the Health and Safety Executive to consider the evidence and it was determined that the analysis was relevant and appropriate within a UK context.

Consultation questions

94. Is this proposal of particular importance to you and/or the organisation you represent?

- **a. Yes**
- **b. No**
- **c. I don't know**
- **d. I'd prefer not to say**

95. If yes, how would it impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs.

96. **To what extent do you agree or disagree with our proposals as stated above? Please explain the reasons for your answer, with reference to evidence and/or possible alternative options where relevant**

    a. **Strongly Agree**
    b. **Agree**
    c. **Neither agree nor disagree**
    d. **Disagree**
    e. **Strongly Disagree**
    f. **I don't know**
    g. **I'd prefer not to say**

UTC exempted levels (iii) – call for evidence regarding HCB

Hexachlorobenzene (HCB) was primarily used as a pesticide and fungicide before it was listed as a Persistent Organic Pollutant in 2004. At the time of listing, it was not given an Unintentional Trace Contaminant (UTC) level. Its presence has been identified across a number of applications including solvents, paints, inks, textiles and wood. In addition, in 2010-2011, the EA undertook a targeted campaign dedicated to tackling HCB in the fireworks industry, where this substance was unlawfully being used to enhance the colour of fireworks. This campaign resulted in safe disposal of a large number of fireworks and significant amount of HCB from the UK market.

Current Unintentional Trace Contaminant (UTC) level for HCB

There is currently no specified UTC exemption for HCB.

Policy Options

- Option 1 – do nothing:
    - There will continue to be no UTC exemption limit for HCB
- Option 2 – introduce a UTC of 10 mg/kg (0.001% by weight) for HCB (lead proposal):
    - Substances, mixtures and articles containing up to the specified UTC level of HCB will be exempted from the prohibition against the manufacturing, placing on the market and use of HCB

Evidence to support lead proposal

The lack of a specific UTC limit for HCB results in legal uncertainty and could be interpreted as if the limit of detection applies. This detection limit could be disproportionately low, effectively banning the placing on the market of any substance, mixture or article containing minimal levels of HCB. The EU has recently proposed a UTC limit for HCB, as described below. We are seeking further information and/or evidence to identify whether an equivalent UTC would be beneficial for UK stakeholders. If sufficient evidence is obtained (through this consultation or through other routes) to satisfy our understanding of the relevant implications of such a change to the GB POPs Regulation, then we could introduce such a change in upcoming and future legislation (i.e. without further public consultation).

In 2021 the EU consulted on the UTC limit in HCB of 10 mg/kg (0.001% by weight), receiving three responses. EU member states were broadly supportive of the proposed UTC limit, although two member states indicated that the limit is relatively high and should be reviewed in the future.

Consultation questions

97. **Is this proposal of particular importance to you and/or the organisation you represent?**
    a. **Yes**
    b. **No**
    c. **I don't know**
    d. **I'd prefer not to say**
98. **If yes, how would it impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs?**
99. **Are you aware of any evidence to suggest that a UTC exemption for HCB is needed within the UK? If yes, please provide details on your answer including any supporting evidence or information on potential financial costs.**
100. **Are you aware of any evidence to suggest that a UTC exemption to allow 10 mg/kg (0.001 % by weight) would be suitable for adoption within GB? Please provide details if so.**
101. **Are you aware of any evidence to suggest that a UTC exemption of another value would be suitable for adoption within GB? Please provide details if so.**

UTC exempted levels (iv) – call for evidence regarding PCP

Pentachlorophenol (PCP) was widely used in pesticides, insecticides, fungicides and as a disinfectant. Applications included wood preservation, cooling tower water and agricultural seeds. PCP has been detected in soils, air, water and sediments due to historical usage. At the time of its listing in the Stockholm Convention in 2016 it was not given an Unintentional Trace Contaminant (UTC) level.

Current Unintentional Trace Contaminant (UTC) level for PCP

There is currently no specified UTC for PCP

Policy Options

- Option 1 – do nothing:
  - There will continue to be no UTC exemption for PCP
- Option 2 – introduce a UTC of 5mg/kg (0.0005% by weight) for PCP (lead proposal):

- Substances, mixtures and articles containing up to the specified UTC level of PCP will be exempted from the prohibition against the manufacturing, placing on the market and use of PCP

Evidence to support lead proposal

The lack of a specific UTC limit for PCP results in legal uncertainty and could be interpreted as if the limit of detection applies. This detection limit could be so low that products are prohibited from entering the market, in this case articles produced from recycled wood chips. The EU has recently proposed a UTC limit for PCP, as described below. We are seeking further information and/or evidence to identify whether an UTC would be beneficial for UK stakeholders. If sufficient evidence is obtained (through this consultation or through other routes) to satisfy our understanding of the relevant implications of such a change to the GB POPs Regulation, then we could introduce such a change in upcoming and/or future legislation without further public consultation.

In 2020 the EU consulted on a UTC of 5 mg/kg (0.0005% by weight), receiving two responses. Respondents stated that the proposed limit of 5 mg/kg (0.0005% by weight) is suitable to enable the recycling of waste wood, create legal certainty and enable the circular economy. Prior correspondence between the EU and POPs Combined Authorities was also supportive of the introduction of a UTC limit, with information from the wood panels industry indicating 1 mg/kg as the highest measured PCP concentration.

Consultation questions

102. Is this proposal of particular importance to you and/or the organisation you represent?

a. Yes
b. No
c. I don't know
d. I'd prefer not to say

103. If yes, how would it impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs.

104. Are you aware of any evidence to suggest that a UTC exemption for PCP is needed within the UK? Please provide further details if so, including any supporting evidence or information on potential financial costs.

105. Are you aware of any evidence to suggest that a UTC exemption to allow 5 mg/kg (0.0005 % by weight) would be suitable for adoption within GB? Please provide details if so.

106. Are you aware of any evidence to suggest that a UTC exemption of another value would be suitable for adoption within GB? Please provide details if so.

UTC exempted levels (v) – Call for evidence regarding other POPs

POPs that currently have UTC exemptions in the GB POPs Regulation are as follows:

- Polybromodiphenyl ethers (Tetra-, Penta-Hexa-, Hepta, and Deca-bromodiphenyl ether (DecaBDE))
    - For *each* of tetra-, penta-, hexa-, hepta- and deca-BDE: concentrations equal to or below 10mg per kg (0.001% of the overall weight) when present in substances
    - For *sum* of tetra-, penta-, hexa-, hepta- and decaBDE: concentrations up to 500 mg/kg where they are present in mixtures or articles
- Perfluorooctane sulfonic acid (PFOS) and its derivatives
    - Concentration of 10mg per kg (0.001% of the overall weight) where present in substances or mixtures
    - for textiles or other coated materials: 1µg (0.000001 grams) per square metre of the coated material
      In semi-finished products, or parts of semi-finished products: at a concentration below 0.1% by weight of the parts of the product that contain PFOS (for example, if a 100kg semi-finished product includes a 1kg component that contains PFOS, the PFOS is considered an unintentional trace element if it weighs less than 1g)
- Hexabromocyclododecane (HBCDD)
    - Concentrations equal to or below 100mg per kg (0.01% by weight) in substances, mixtures, articles or as constituents of articles that are flame-retardant.
- Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds
    - concentrations of PFOA or any of its salts equal to or below 0.025 mg/kg (0.0000025 % by weight) where they are present in substances, mixtures or articles.
    - concentrations of any individual PFOA-related compound or a combination of PFOA-related compounds equal to or below 1 mg/kg (0.0001 % by weight) where they are present in substances, mixtures or articles.
    - In relation to transported isolated intermediates, as quoted above in section ‘Amendment, addition and/or removal of Unintentional Trace Contaminant (UTC) exemptions for POPs’, proposal (i)
    - In relation to PTFE micropowders: as quoted above in section ‘Amendment, addition and/or removal of Unintentional Trace Contaminant (UTC) exemptions for POPs’, proposal (ii)

All other POPs do not currently have UTC exemptions within the POPs Regulation. Where UTC exemptions are not in place, all substances, mixtures and articles containing *any* concentration of these POPs will be prohibited from being manufactured, placed on the market and used

Further, this will also be the case for any newly added POPs, such as PFHxS (and/or UV-328, DP, Methoxychlor if they are adopted as POPs at the next BRS Triple COP) unless UTC exemptions are added when these substances are listed in the POPs Regulation.

Consultation questions

107. For any of the other POPs that currently do not have UTC exemptions listed in the POPs Regulation, are you aware of any evidence to suggest that a UTC exemption needs to be introduced? Please provide details if so, including any references to potential impacts and/or financial costs where relevant.

108. For any of the other POPs that already have UTC exemptions listed in the POPs Regulation, are you aware of any evidence to suggest that these need to be amended? Please provide details if so.

109. For any of the substances that could soon be adopted as POPs (UV-328, DP, Methoxychlor), are you aware of any evidence to suggest that a UTC exemption would need to be introduced alongside introduction of these substance/s to the POPs Regulation? Please provide details if so.

Potential addition of Toxic Equivalency Factor (TEF) values for a POP

Overview

Toxic Equivalence Factors (TEFs) indicate the degree of toxicity of dioxins, furans and dioxin-like PCBs (dl-PCBs). The level of toxicity is relative to the most toxic form of dioxin, 2,3,7,8-TCDD which is given a reference value of 1.

As stated in the POPs Regulations: "To determine the total concentration of PCDDs and PCDFs, the mass concentration of a dibenzo-p-dioxin or dibenzofuran [in the first column of a given table in annex v] is to be multiplied by the corresponding toxic equivalence factor [in the second column of the same table] before summing."

dl-PCBs are currently covered by existing limits in Annex IV of the POPs Regulation, however, we anticipate that specific reference to dl-PCBs, including its own waste limit, will be discussed in future COP meetings of the Stockholm and Basel Conventions. Elsewhere in this consultation, we discuss possible options to adapt existing waste limits for dioxins, furans and PCBs, including with specific reference to dl-PCBs. If we specify a waste limit for dl-PCBs, we will also be required to introduce a TEF value for dl-PCBs to enable the concentration of dl-PCBs within the waste stream to be calculated.

The latest World Health Organisation (WHO) TEFs for dioxin and dioxin-like compounds were established by the WHO through an expert consultation in 2005. In October 2022, WHO held a further expert consultation to re-evaluate the 2005 WHO TEF values for dioxins, furans and dioxin-like PCBs (dl-PCBs). The outcome of this evaluation is expected to be published in early 2023.

Simultaneously, the EU are proposing a new set of dl-PCB TEF values. These proposed values are outlined in the table below in the absence of a published outcome of the WHO re-evaluation.

Through this consultation, we are seeking further information and/or evidence to help us identify what TEF value for dl-PCBs could be suitable for GB purposes. If sufficient evidence is obtained to satisfy our understanding of the relevant implications of such a change to the POPs Regulation (through this consultation or through other routes), then we could introduce such a change during upcoming or future legislation (i.e. without further public consultation).

Name	Proposed EU TEF values for dl-PCBs
dl-PCBs	
PCB 77	0.0001
PCB 81	0.0003
PCB 105	0.00003
PCB 114	0.00003
PCB 118	0.00003
PCB 123	0.00003
PCB 126	0.1
PCB 169	0.03
PCB 156	0.00003
PCB 157	0.00003
PCB 167	0.00003
PCB 189	0.00003

Consultation questions

110. Is this proposal of particular importance to you and/or the organisation you represent?

a. Yes
b. No
c. Don't know
d. Prefer not to say

111. If yes, how would it impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs, where relevant.

112. Are you aware of any evidence to suggest that a TEF value for DL-PCBs would be needed within GB? Please provide details if so.

113. Are you aware of any evidence to suggest that a TEF value for DL-PCBs as set out in the above table would be suitable for adoption within GB? Please provide details if so.

114. Are you aware of any evidence to suggest that a different TEF value for DL-PCBs would be suitable for adoption within GB? Please provide details if so.

115. Are you aware of any evidence to suggest that any other TEF values as listed in the POPs Regulation need to be amended? Please provide details if so.

Amendments to Annex V including to Maximum Concentration Limits (for hazardous waste landfill) for several POPs

Overview

The POPs Regulation includes a derogation that allows for an application to permanently store certain wastes (as listed in Annex V of the POPs Regulation) in designated landfill for hazardous waste or salt mines, where it can be demonstrated that destruction is not the environmentally preferred option. That derogation is only available for a limited number of waste streams that are listed in Annex V, and, where hazardous waste landfill is the intended disposal option, only where the concentration of the POP is present below a maximum concentration limit. Only one derogation has been granted in the UK and that is for salt mine disposal, so the maximum concentration limits have as yet not been applied in the UK.

We are proposing to make the following changes to Annex V, which ensure that the POPs Regulation reflects the listing of new substances to the Convention. This change also reflects the experience of regulators in working with the Regulations and is appropriate for

a UK context. Through their own research the EU has reached a similar position and these changes almost entirely reflect changes made to the EU to their POPs Regulations through Regulation (EU) 2022/2400.

Proposal 1

Firstly, we propose extending the scope of the derogation by adding the following two European Waste Catalogue (EWC) codes and descriptions to Part 2 of Annex V:

- '10 01 03: fly ash and peat from untreated wood' - this addition is necessary to provide for the landfill of fly ash from biomass power plants that exceeds existing or proposed waste concentration limits
- '17 05 04: soil and stones other than those mentioned in 17 05 03*' - this addition provides for the landfill of soil and stones containing POPs above existing or proposed waste concentration limits, where that waste is classified as non-hazardous waste

We are not proposing to add '20 01 41: wastes from chimney sweeping' to Annex V, as the EU has done, as this addition provides for the landfilling of separately collected domestic soot and ash. This is not relevant in the UK, as detailed elsewhere within this consultation (see the Waste Concentration Limits section).

Proposal 2

Secondly, we propose amending the scope of maximum concentration limits for the following substances, while retaining the existing limit values. This would be achieved through the changes identified in the following table.

Current text in the POPs Regulation	Proposed replacement text
Polychlorinated dibenzo-p-dioxins and dibenzofurans: 5 mg/kg;	Polychlorinated dibenzo-p-dioxins and dibenzofurans and dioxin-like polychlorinated biphenyls (dl-PCBs): 5 mg/kg
Sum of the concentrations of tetrabromodiphenyl ether $C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$) and heptabromodiphenyl ether ($C_{12}H_3Br_7O$): 10 000 mg/kg	Sum of the concentrations of tetrabromodiphenyl ether ($C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$), heptabromodiphenyl ether ($C_{12}H_3Br_7O$) and decabromodiphenyl ether ($C_{12}Br_{10}O$): 10 000 mg/kg;

Proposal 3

Thirdly, we propose adding the following substances to Annex V with the following maximum concentration limits:

POP	Concentration limit
Pentachlorophenol (PCP), its salts and esters	1000 mg/kg
Dicofol	5000 mg/kg
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	50 mg/kg for PFOA and its salts ; 2000 mg/kg for PFOA-related compounds
Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds	50 mg/kg for PFHxS and its salts and 2000 mg/kg for PFHxS-related compounds

Consultation Questions

116. Are the new European Waste Catalogue (EWC) code and Maximum Concentration Limits proposals (1, 2, and 3) of particular importance to you and/or the organisation you represent?

- **a. Yes**
- **b. No**
- **c. I don't know**
- **d. I'd prefer not to say**

117. If yes, how would they impact you or your organisation? Please provide details, including any supporting evidence or information on potential financial costs, where relevant.

118. Are you aware of any evidence to suggest that the new EWC code and Maximum Concentration Limit proposals (1, 2 and 3) as set out above would be suitable for adoption within GB? Please provide details if so.

119. Are you aware of any evidence to suggest that the new EWC code and Maximum Concentration Limit proposals (1, 2 and 3) as set out above would not be suitable for adoption within GB? Please provide details if so, including details of any potential financial costs where relevant.

Any other comments or evidence to share?

120. Please use this space if you have any other comments or evidence that you would like to share relating to this consultation.