

Report from HAZBREF – Stakeholder Conference 19th-20th March 2018 in Helsinki, Finland

1. Introduction

The two-day conference aimed at presenting the INTEREG project HAZBREF (Hazardous Industrial Chemicals in IED BREFs), agreeing concrete ways how to engage HAZBREF stakeholders in the project activities and planning main activities in more detail. The programme of Day 1 set the scene and brought in different perspectives to the subject by several plenary talks from main European or regional stakeholders. The series of presentations were followed by poster sessions during which goal and main activities of the HAZBREF of the three work packages were presented in more detail. These poster sessions offered to participants the possibility to ask questions on the planned activities and to comment the proposed work plan. Day 2 started with three plenary presentations to better prepare participants for the following breakout sessions. There, participants used the chance to debate actively questions taken mainly from a background document that was drafted and shared with participants some weeks before the start of the stakeholder conference.

There were over 60 participants altogether, representing different HAZBREF stakeholders, including representatives from EU Member States (MS), Ministries and Competent Authorities (IED and Chemical), industry, NGOs and water utilities. Representatives from policy level stakeholders were also present; EU Commission (DG ENV and EIPPCB), ECHA and HELCOM. The success of HAZBREF is very dependent on the input and feedback from stakeholders and therefore it was important that the participation in the event a wide range of different stakeholder groups.

2. Main issues discussed

The presentations and discussions covered the policy landscape of the different regulatory frameworks (IED, REACH, HELCOM) and the inclusion of management of hazardous chemicals and substances in IED BREFs. Implementation issues from competent authorities and operator perspective were also addressed.

During the Breakout Sessions 4 different topics were discussed in 4 different groups. Each of the groups set a different priority in order to make sure that for each topic at least in one group more time was dedicated. The points below summarize the discussions.

Topic 1: How can BREFs be improved with regard to chemicals management and reduction of hazardous substances?

The most recent BREF reviews are considering the managements of hazardous substances already in a more comprehensive way than the reviews that started earlier; however, in most cases BREFs do not cover issues related to hazardous chemicals in a systematic and comprehensive manner, due to time constraints and resources.

A few participants questioned whether the available information is sufficient to provide evidence for improving BREFs regarding hazardous substances. It was proposed that specific monitoring of some key pollutants at the installations as a first requirement could provide better knowledge on the issue and as a basis for further actions.

Participants draw the attention to the point that BREFs cannot address all of the numerous specific hazardous substances. At least grouping of substances seems to be necessary. Another difficulty is

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the fact that the use of specific chemicals may change constantly or often. The slow and the non-dynamic nature of BREFs can hardly cope with the inclusion of new substances in between the BREF review cycles. Therefore, concerning the identification of relevant substances, the outcome of HAZBREF should contribute to deliver a tool that provides a kind of short list of the most relevant hazardous substances for each industrial sector (reality check for chosen substances needs to be carried out in the frontloading process of the BREF review). This list probably would need regular updating.

One of the questions where longer discussion took place was if there should be a separate chapter in BREFs with regard to handling of hazardous chemicals and how this chapter could look like. It was pointed out that there is a need to have more information on hazardous chemicals and the appropriate section would be part of the BAT Conclusions. The current long review cycles for BREFs (reviews 8 – 12 years) are unsuitable to take into account lists of used substances and their possible release from installations. Again, the dynamic nature of the substance lists and changes in the different regulatory frameworks were evoked. One solution to manage this difficulty could be a reference/link to the source of most recent information for relevant substances under a given regulatory framework (e.g. to the Safety Data Sheet in REACH). The usefulness of “negative” BATs in one BREF (e.g. mercury ban in the Chloralkali BREF) was also discussed.

Topic 2: How can the enforcement gaps, if any, in the interface between the different pieces of legislation be better addressed? What are the needs from Competent Authority and operator perspective on the information needs on chemicals management?

The discussions confirmed that the competent authorities and operators of installations need more guidance on the requirements on chemicals management at the interface between REACH and IED. For many a “grey zone” seems to exist where requirements of the different frameworks are somewhat unclear.

It was suggested that it would help competent authorities if information in BREFs clarifies how to deal with certain specific chemicals. For the permit writers it is often difficult to find information about the abatement techniques for hazardous substances, also on information that is currently not available in BREFs or REACH. One of the examples is the lack of descriptions for wastewater treatment techniques for hazardous substances such as PFOS or brominated organic compounds. This information can neither be found in technical documents related to REACH. Participants proposed that BAT-descriptions on abatement techniques and associated emission levels for key hazardous substances should be described in BREFs, whenever possible. Others expressed doubts concerning the feasibility of this proposal and its applicability in permit situations. It remained unclear to what extent and to which level of detail BAT descriptions with regard to hazardous substances can address the issue.

Participants also expressed a clear need to improve the collaboration between the chemical and IED authorities within the Member States. Possibly this is an area where HAZBREF could provide examples of good practices in Europe. In principle, the Chemical Agencies of many Member States have information about the characteristics of hazardous substances and could be addressed by permit writers and/or enforcement authorities if information is missing, incomplete or generally required. It was suggested that it might be helpful if wastewater treatment techniques would be included in the REACH databases. In principle, all relevant information related to risks of hazardous substances should be available in REACH. Others mentioned that there are also incomplete files and information not always sufficiently validated.

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Topic 3. How could better interaction between the regulatory frameworks benefit REACH?

EIPPCB and ECHA informed about the intensified interaction between the EU institutions in order to improve information exchange on hazardous chemicals.

Some participants pointed out that the information in ECHA databases is probably more useful for the IED, than the other way around, but it was discussed how the information in BREFs could be used in Safety data sheets (SDS) under REACH. Currently the mapping in SDS is focused on workers' health issues, but the companies could benefit also from information which is more related to the environmental issues. Information in BREFs could perhaps be utilized in improving the exposure scenarios.

It was also raised that the results from the HAZBREF activity concerning analysis of the interfaces, links or gaps between the different pieces of EU-legislations are also interesting from REACH point of view. There was broad consensus that there is a need to enhance the communication between experts in different fields; experts need to get out from their silos and try to consider issues from many sides.

Topic 4: Can BREF contribute to circular economy and if so, how?

Many participants were of the opinion that Circular economy is more a theoretic, strategic approach at this moment and that BREFs are not considered as the primary tool to address Circular economy issues. Many also pointed out that waste legislation and product design are seen as the primary instruments to support Circular economy. The importance to analyse the relation of the Waste Framework Directive to the IED was emphasized (especially concerning Circular Economy issues). HAZBREF representatives confirmed that the analysis of waste legislation is included in the scope of HAZBREF work package 3.

However, participants drew the attention that some aspects, such as the consideration of secondary waste material, could be included in BREFs. Industry representatives pointed out that Companies usually want to promote the use of secondary raw materials but there are strict rules to do that. The best way is not to use hazardous substances in high material flows which have to be recycled in the end. Some proposed that BREFs could contain information on techniques that describe avoidance of waste generation, for example recommendations for further treatment of post-process residues, to avoid waste status or techniques that generate easily recyclable secondary raw materials. It was pointed out that sometimes it is not good to reduce the waste stream – if the waste can be used as secondary material.

It was also discussed that there is lack of information in the value chain with regard to hazardous substances. Hazardous substances may hinder plastics reuse and there are problems with accumulation of hazardous substances. The lack of information on hazardous substances in products can either be because of import of products and due to confidentiality reasons. Some participants said that there is also a need on more information about hazardous substances in the secondary products.

Participants discussed about the importance to firstly identify the areas where improvements can be made to address circular economy aspects and to act at a certain point. Some sectors covered by the IED are more important than others where the focus should be prioritized.

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3. Main questions and points raised during the poster sessions on HAZBREF Work packages

During the poster sessions in the afternoon of Day 1 the participants had a chance to pose questions with regard to the planned activities in the different HAZBREF work Packages.

WP 2 Identification of targets substances

- the starting point for identifying the substances could be the selected sectors and proposals from the case studies on the one hand and priority substances from various lists on the other hand. The ECHA CHEM database can provide information on uses, exposure and hazards of chemicals.
- Depending on the approach taken the first criteria for identification of the substance would be exposure and use categories or hazardousness.

Questions and answers

- Q: is HAZBREF looking at substances that transform in the processes and substances that end up in the sludge or the soil?
- A: The focus is on the use of chemicals, but in case studies the transformations may be looked at. The fate of substances into the sludge will be evaluated for selected substances.
- Q: will only substances relevant for the 3 selected sectors be identified?
- A: No, the intention is to cover all IED sectors as far as possible, but focus is on the 3 sectors
- Q: How different will the HAZBREF list be from other existing lists and how many substances will the project deliver?
- A: HAZBREF will not invent a new long list, but will rather use existing criteria to find a technique how to find the relevant substances from existing lists in order to implement the requirements in a better way. It will be an iterative process ending up with perhaps in a few dozen substances within the HAZBREF project.
- Q: Are nanopollutants and microplastics covered in HAZBREF?
- A: No, we try to focus on registered substances.

WP3 Policy improvement

- EIPPCB and ECHA have started to collaborate in order to establish information flow between the two frameworks and HAZBREF should focus on areas that bring added value to ongoing work, e.g. in the analysis of the links between the legislation.
- There are different goals in different legislations, but there are benefits in analyzing the similarities, differences and gaps between the different frameworks and to get a clear picture of usefulness of chemical data provided by REACH.
- There is clear need to improve the collaboration between the chemical and IED authorities within the Member States and this is an area where HAZBREF could provide examples of good practices.
- There is a lot of information available on chemicals in both the BREFs and Safety data Sheets of REACH, but authorities are not always aware of where to find the right information -guidance on where to find information is needed
- The SDS information is not designed to be used in BREFs and the information available in SDS does not need to be repeated in BREFs, but a link could be useful.
- Perhaps HAZBREF could use expertise to model the fate of possibly relevant substances?

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Questions and answers

- Q: is the relation of the Waste Framework Directive to the IED included in the regulatory framework analysis in HAZBREF?
- A: yes

WP 4 Best practices in chemicals management

- Focus should be on issues with biggest potential of improvements
- HAZBREF could also search for lists/tools like US Toxic Release Inventory outside Europe.
- Hazardous substances affecting recyclability should be assessed case by case. The project could produce a decision tree showing what you need to consider if you want to recycle waste.
- Currently the chemical information of products does not follow the product to the waste management sector. It would be a big step forward if HAZBREF could generate ideas on how chemical information could be passed on in the product-waste chain more efficiently than now.

Questions and answers:

- Q: Is there direct interaction with the companies in case studies?
- A: Yes

- Q: What if substance pops up in WP2 but investigated industry has minor role of load?
- A: It is also question to WP2. We still investigate the flow.

- Q: Does HAZBREF focus on Baltic Sea Region or wider area?
- A: Case studies focus on facilities in Baltic Sea Region. Other WPs focus on wider area and outcomes are intended to be applicable for the whole of EU.

- Q: What about unintentionally produced hazardous substances?
- A: We need to investigate through case studies

- Q: Are the sectors selected to be addressed in HAZBREF already decided?
- A: Yes, the 3 sectors are decided and are final. One criteria for selection was the timetable for the upcoming review of BREFs.

- Q: What kind of waste are investigated; from installations or also consumer waste?
- A: The same as in the case studies.

- Q: Do you consider waste of installation or waste as end of product.
- A: Life cycle. It means that also product that has ended as waste. (Note! We cannot go this far. Maybe only in one case). In one case the industrial waste from installation is in the focus, and in another case both industrial waste and post-consumer waste (from products produced by the installation).

- Q: Will also legal obstacles of circular economy be considered?
- A: Yes, analysis of legal aspects are looked into in WP3 (gaps, overlaps, obstacles including Waste Directive)

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- Q: How are substances used in installations identified?
- A: Each of installations is visited and chemical inventory lists and SDS are investigated. And WP2 will produce list of substances and then we will check whether these substances are used in WP4 case study installations.