

April 14, 2017

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Dear Antonette:

Thank you for the opportunity to review the draft document, *PBDEs in the Great Lakes Workshop – Addressing Polybrominated Diphenyl Ethers in the Great Lakes Basin: Search for Solutions to Key Challenges*. These comments, which reflect my recollections and notes taken during the workshop, are provided below. They are offered on behalf of the members of the Council of Great Lakes Industries (CGLI). CGLI is a binational non-profit organization representing the common policy interests of Canadian and U.S. industrial organizations that have significant assets in the Great Lakes region. The mission of CGLI is to promote the growth and vitality of the region in harmony with its human and natural resources (sustainable development).

Characterization of workshop output

Each of the persons attending the workshop, either on-site or by phone, had extensive backgrounds in at least one of the topics discussed during the workshop. These included PBDEs, flame retardants in general, fire safety, waste management, chemical assessment practices, and public policy. This experience and background provided for presentation of a number of viewpoints held by workshop participants. However, given necessary limitations on how workshop questions and responses could be posted, debated, or vetted and supported, the summary report should not overstate the nature of workshop outputs. For example:

- On page 1, the bulleted paragraphs state that “subject matter experts ... identified challenges and barriers that may inhibit...” and “generated a set of practical solutions...” (emphasis added). This wording is too strong. Participants did not have the opportunity to present in-depth study results needed to reach the verifiable conclusions described.
- At the bottom of page 1, the report text should state that the “potential solutions, and guidance ... generated at the workshop” should be offered to governments for further consideration or research rather than characterized as finished products.
- On the bottom of page 6, in the sub-paragraphs under “Opportunity,” substitution of the words “identify and identified” with “list and listed” would be better choices.
- In the middle of page 8, the bullet regarding Extended Producer Responsibility states that it “can be a good tool to overcome some of these gaps.” However, as noted in Section 5 of the report (starting on page 12), workshop participants mentioned several short

comings of EPR. Additionally, it is unclear what the characterization of EPR as “the policy-du-jour” means in 6th paragraph.

Report language throughout the document should be reviewed and “toned down” from the standpoint of what concepts were “identified” vs. discussed or presented.

Discussion points missing from report

Discussion points brought forward during the workshop that have not been incorporated into the draft report include:

- The fact that since the introduction of PBDEs decades ago, Canadian and U.S. chemical management regulatory structures have dramatically changed. Canada’s Chemicals Management Plan and the U.S. Toxic Substances Control Act (TSCA), both before and after the enactment of the U.S. Lautenberg Chemical Safety Act, require review and assessment of new chemical substances and require an evaluation of alternatives. References to these programs need to be added to report discussions regarding alternatives selection and the “History Repeating Itself” questions.
- Concerns were expressed by several workshop participants that costs and benefits associated with waste management programs that can address product end-of-life issues need to be understood and addressed. It was pointed out that PBDEs are not the only issue that waste managers face. Relative risks from all aspects of waste management must be assessed and balanced, it was said.
- A need for bringing the “right stakeholders” together was discussed. Incentives and opportunities to bring all parties to the table in a fair and equitable manner were cited as necessary, and as noted below may not have occurred.
- Some workshop participants suggested that it may be “too late,” in the issue management cycle, for EPR to be an effective tool for addressing PBDE issues.

We suggest that these discussion points be incorporated into the report.

Finally, we feel a need to comment more broadly on the nature of the discussion of PBDEs and the use of chemical flame retardants in consumer products. This workshop was just one event in a long-standing discussion about both the PBDE class of flame retardant chemicals and the use of flame retardants in general. Many PBDE management actions have already been taken by both producers (on a voluntary basis) and regulatory authorities. Many points raised by chemical control advocates about these substances have been rebutted by widely recognized scientific experts. Nevertheless, the debate goes on.

It seems to us that this workshop was organized primarily to advance the call for widespread chemical controls. Invitations to attend the workshop were extended to representatives of industry, but the program was not structured in a way that would encourage them to attend. No opportunities were provided for industry personnel to make presentations -- they could only react to presentations provided by others. Researchers with insights into the science behind the chemicals and fire protection needs were not included in the program. And we noted that some of the language used in the workshop discussions was pretty strong. Workshop participants alleged that fire protection standards have been created by industry purely to help them “sell more chemical.” A remnant of these discussions appears in the report on page 13 at the end of

the second bullet where the report states, “Loss of business is also a concern for the flame retardant industry, if products begin to be designed in such a way that makes them flame-resistant without the use of flame retardant chemicals.”

While we appreciate the opportunity to participate in IJC activities, we believe the format of this workshop was not conducive to a balanced and productive discussion of issues related to PBDEs. We suggest that future IJC-sponsored workshops and other activities truly attempt to include the “right stakeholders” in a meaningful way, so that a more balanced discussion of important issues that may impact water quality improvement and control can occur. In addition, and at the very least, we ask that the statement on page 13 of the report regarding loss of business be removed from the report.

Thank you once again for the opportunity to provide these comments. I look forward to continued collaboration with IJC staff and the WQB task force as final versions of this report or other PBDE related matters move forward.

Very truly yours,

COUNCIL OF GREAT LAKES INDUSTRIES

A handwritten signature in black ink, appearing to read "Dale K. Phenicie". The signature is written in a cursive, flowing style.

Dale K. Phenicie, Technical and Projects Director