

Briefing-Update

Industry urges Norway to respect EU regulation and follow EU science

Norwegian initiative to restrict the use of selected substances in consumer products sold in Norway.

On 10 July 2008, the Norwegian State Pollution Control Authority (SFT) published their recommendation to the Norwegian Ministry of Environment (MoE) to restrict the use of selected substances in consumer products sold in Norway. The proposal lists 10 substances recommended for stricter regulation in Norway, and includes Bisphenol A (BPA).

However, downstream users should continue to use BPA-based products with confidence for the following reasons:

- The proposal is in direct contradiction to the recently-published updated EU risk assessment report on BPA (June 2008), which confirms the safety of BPA and BPA-based products in all their intended uses. Norway, although a member of EFTA and not the EU, was party to the EU risk assessment, which is based on best available science and has undergone scrutiny by the highest scientific committees of the EU Member States.
- SFT has not demonstrated any adverse human health or environmental effects related to BPA, and SFT has not demonstrated the necessity and proportionality of the proposed measures.
- The Norwegian MoE now needs to build its opinion on the proposal. Including BPA in any future restriction in Norway poses significant legal questions, especially in view of the fact that since June 2008, Norway has to act according to REACH regulations.
- The SFT proposal does not apply to all consumer products and contains a number of exemptions for key consumer products (*Scope of the SFT Proposal* see next page*).

Industry group activities

The PC/BPA-industry group of PlasticsEurope will urge the Norwegian MoE to delete BPA from the list of substances proposed by SFT and to respect existing regulation and existing science.

The PC/BPA-group will further intensify its cooperation with the coalition of other industry groups joining forces under the umbrella of Cefic to ensure that the best interests of the industry's customers are safeguarded.

The group fully supports the initiative to arrange a meeting between Cefic representatives and the Norwegian Ministry of Environment in order to discuss the overall flaws in the proposal.

***Scope of the SFT proposal**

The proposed restrictions do not apply to all consumer products and there are a number of key exemptions. SFT suggests general exemptions from the regulation for:

- Food products, food packaging, fertiliser, tobacco and medical devices (as they are regulated in other legislation)
- Applications in the automotive industry (means of transport, rigidly mounted equipment to means of transport, tyres and similar fittings)
- Substances in electrical and electronics products (as far as they are already regulated through RoHS)
- Substances and products that are already regulated through harmonised EU legislation

For BPA, SFT proposes to permit the production, import, export and distribution of products that contain less than 50 ppm (0.005%) of residual BPA in the plastic product, and to reduce this to 25 ppm after three years.

SFT proposes that some uses containing BPA would be exempted altogether. These include:

- Joint-free floorings
- Brake fluid
- Thermal paper
- Dental fillings
- Cosmetics and personal care products, which are regulated by other means

Please find the English language release of SFT here:

http://www.sft.no/artikkel_42883.aspx?cid=29292

and the Norwegian release and related documents here:

http://www.sft.no/artikkel_42872.aspx?cid=35920

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