BRUSSELS, 27 MARCH 2025

To:
European Commission
Ms. Veronica Manfredi, Director for Zero Pollution (ENV.C)
Ms. Kristin Schreiber, Director for Ecosystems I: Chemicals, Food, Retail (GROW.F)
In Copy:
Mr. Paul Speight, Head of Unit ENV.C4
Mr. Giuseppe Casella, Head of Unit GROW.F.1

Subject: Joint call for an ECHA mandate to restrict aromatic brominated flame retardants

Dear Veronica Manfredi,
Dear Kristin Schreiber,

We support the European Commission's commitment, under the European Green Deal and the Chemical Strategy for Sustainability, to better protect human health and the environment by preventing chemical pollution and moving towards a toxic-free environment. In this regard**, we call on the Commission to swiftly give a mandate to ECHA to prepare a restriction dossier for aromatic brominated flame retardants based on their recent investigation report which concludes that these substances pose a high burden to the environment**.

Aromatic brominated flame retardants are a highly problematic group of chemicals, often possessing persistent, bioaccumulative and toxic properties. Studies have demonstrated widespread exposure to humans and ecosystems. For this reason, they have been included in the EU Restrictions Roadmap since 2022, as chemicals for which a restriction is identified as a relevant risk-management option. In their 2023 regulatory strategy for flame retardants, ECHA further insisted that "for aromatic brominated flame retardants, a wide and generic restriction seems to be the most appropriate regulatory approach". As part of this work, ECHA's recent investigation report provides information regarding the release of hazardous flame retardants during waste handling and includes an alternatives assessment (see Annex I of this letter).

Based on the evidence presented in the investigation report, the commitments from the Restrictions Roadmap and the regulatory strategy on flame retardants, we therefore call on the Commission to swiftly proceed with their initiative and give a mandate to ECHA to prepare a restriction dossier for aromatic brominated flame retardants without further delay. This is essential to reduce exposure to these (groups of) harmful substances and will support other initiatives such as Europe's Beating Cancer Plan, the Chemical Strategy for Sustainability and the Zero Pollution Action Plan. Furthermore, by removing barriers to plastic waste recycling, it will promote Circular Economy efforts. Regulatory action to better protect people and wildlife from the impacts from flame retardants is long overdue and a broad restriction with short transition times is urgently needed.

In addition, we note that alternative flame retardant groups such as the chlorinated organophosphorus flame retardants are also problematic and have also been under discussion for a restriction for many years. For example, for TCPP there are currently no EU risk management measures under REACH. The substance was found to be **carcinogenic** in a US National Toxicology Program study and a subsequent substance evaluation published by Denmark in 2023 found concerns for **carcinogenicity**, **reproductive toxicity** and **endocrine disruption**. **Consequently, specific attention should be paid to the problematic alternatives as part of the ECHA mandate. Also, efforts must be made to develop safer, less flammable and non-fire toxic materials that would avoid the need for flame retardants.**

We would be happy to answer any questions or to provide further information.
In view of the public interest in this matter, we will make this letter available to the public.

Yours sincerely,

Genon K. Jensen, Executive Director
Health and Environment Alliance (HEAL)
on behalf of the following organisations

Arnika
Cancer Prevention and Education Society
CHEM Trust
ChemSec
ClientEarth
European Environmental Bureau (EEB)
Fidra
Health and Environment Alliance (HEAL)
Zero Waste Europe

Annex

Brief summary of the 2024 ECHA investigation report for aromatic brominated flame retardants (ABFRs)

In support of the conclusions presented in the Regulatory Strategy for Flame Retardants (2023): *"For the aromatic brominated flame retardants, a general concern has been identified due to their known or potential PBT/vPvB properties. Therefore, the release of these kind of flame retardants should be minimised."*

Main findings of the investigation report:

Hazards of ABFRs

- 70 % of investigated ABFRs (42 substances) found conclusive or likely to possess PBT/PMT or vPvB/vPvM criteria, with a further 15 % (9 substances) having inconclusive results for the PBT/PMT or vPvB/vPvM criteria and awaiting further assessment. Therefore, for 85 % (51 substances) of the investigated ABFRs, PBT/PMT or vPvB/vPvM properties could not be ruled out (Section 5.4)
- Bioaccumulation of ABFRs seems to depend on the species and substances (e.g. no bioaccumulation in fish but in terrestrial species), with the potential for very slow bioaccumulation for some of the investigated substances (Section 6.5)
- Assessment of other hazards (e.g. ED) ongoing for several ABFRs (bromophenols; TBBPA and its degradation products) (Section 5, Table 14)

Releases and environmental exposure to ABFRs

- Releases of ABFRs are reported to be highest at the end-of-life stage, with this life stage contributing nearly 80 % of the releases of ABFRs to the environment (Section 6.2, Figure 15)
- Significant concentrations of non-registered ABFRs have been detected in the environment: these may be degradation products, precursors or substances incorporated into imported articles (Section 6.1.2)

Waste management

- Plastic waste is reported to be usually screened and separated based on its density and/or screened bromine content: this also removes legacy POPs such as PBDEs or HBCDD (Section 4.1, 4.3 and 4.6)
- Determination of the identity of ABFRs in waste is feasible but only done sporadically (Section 4.6)
- Plastic waste containing > 5 % ABFRs is not being recycled, but generally incinerated or landfilled (Section 4.7.2)
- Measured environmental concentrations indicate landfilling to be not a good option for handling ABFR containing plastic waste (Section 6.5)
- Large volumes of plastic waste containing ABFRs (e.g. WEEE and/or ELV) are incinerated as non-hazardous waste (Section 4.7.4), while emissions from such incineration are controlled to a lesser extent compared to hazardous waste (there is no specific limit set (BAT-AEL) for brominated dioxins and furans and the minimum monitoring frequency is set to once every six months).

Alternatives and additional information on other flame retardants

- Alternative flame retardants, non-combustible materials and engineering/product design solutions are available for many ABFR applications (Section 3.4)
- However, organophosphorus flame retardants, which can be alternatives to ABFRs in some applications, have an increased leaching potential and have already been detected in the environment in higher concentrations than ABFRs (Sections 6.4 and 6.5). Due to their hazard profiles, increased usage of these flame retardants as ABFR alternatives would likely represent a regrettable substitution (Overall conclusion of the report)

Due to the findings listed above, we see sufficient reason to task ECHA with the restriction of aromatic brominated flame retardants.