



ALBEMARLE EUROPE SPRL  
Parc Scientifique Einstein  
Rue du Bosquet 9  
B-1348 Louvain-la-Neuve Sud

Phone : +32 (0) 10 48 17 11

Fax : +32 (0) 10 48 17 17

Öko Institute  
Attn. Mrs. Rita Gross  
Postfach 50 02 40  
79028 Freiburg  
Germany  
[hse-rohs@oeko.info](mailto:hse-rohs@oeko.info)

Louvain-la-Neuve, March 26, 2008

Dear Mrs. Gross,

I am writing to you on behalf of Albemarle, in the context of the ongoing Öko Institute consultation regarding the substances to be potentially added to the RoHS Directive. Albemarle is a producer of a wide range of flame retardants, such as mineral, brominated and phosphorus flame retardants. We are reacting regarding the proposal from the Öko Institute to include amongst others Tetrabromobisphenol-A and a whole list of other brominated flame retardants on the list of RoHS-prohibited substances.

We understand that to identify potential new substances, the European Commission requested to consider "*whether the substance would be regarded as a substance of very high concern in the sense of REACH*". The criteria that should therefore be taken into account are: CMR, PBT, vPvB. The Öko-Institute is also required to look at the risks as per Task 3 in the tender of the European Commission. Hence the risk assessments conducted by several Member States for the European Commission should be the reference for those substances that have gone through this process.

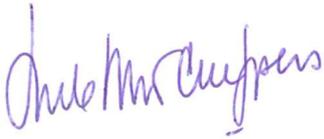
The flame retardant Tetrabromobisphenol-A (TBBPA), which is for the moment included in your draft high priority list, does not meet any of the criteria outlined above. Furthermore, the European Commission has just finalised an 8-year Risk Assessment to evaluate its risks on human health and the environment, including findings in the environment and toxic effects such as endocrine disruption. This assessment did **not lead to any legislative restriction**. The risk reduction strategy specifically states that "**a prohibition on the use of TBBPA as a flame retardant in ABS is considered to be disproportionate because the risks from compounding could be effectively controlled by other measures**".

The European Commission and European Member States approved the use of TBBPA in all its applications. Hence TBBPA should not be included in the RoHS Directive as firstly it does not satisfy the criteria and secondly it has been approved for continued use following an extensive scientific assessment.

The Öko Institute has also included in the draft high priority list a number of other Brominated Flame Retardants (BFRs) without any scientific or other justification. The list of BFRs is based on the JIG list, which was put together for declaration purposes only and it was not meant for regulatory purposes. We hence request that this list of BFRs is removed completely.

Finally, we would like to raise your attention to another flame retardant, HBCD. Although it is included in your priority list for being classified as a PBT, the other criteria mentioned in your interim report are not accurate. HBCD is not classified as R33 nor R64. We request you to rectify these references.

Yours sincerely,



Huub Cuijpers  
Managing Director  
Albemarle Europe