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## **SE CA comments on the Stakeholder consultation 1 2021, exemption request of 5b, Lead in glass of fluorescent tubes not exceeding 0,2 % by weight in the RoHS Directive**

The Swedish Chemicals Agency has some comments regarding the request to renew the exemption for lead in glass of fluorescent tubes (and extend it to LED retrofit tubes) not exceeding 0,2% by weight in the RoHS Directive:

- i) To make the shift towards toxic-free material cycles and clean recycling, it is necessary to phase out substances of very high concern and minimise substances of concern in products and recycled material, as outlined in the EU Chemicals Strategy for Sustainability – Towards a Toxic-Free Environment. Lead is a substance that has such properties of concern that it should be phased out as far as possible in consumer products.
- ii) Accepting a higher limit value of lead (0,2% instead of 0,1%) due to the use of recycled material is not in line with the principle of having the same limit values to new and recycled material as outlined in the Chemicals Strategy. The Chemicals strategy sets out as a principle that the same limit value for hazardous substances should apply for new and recycled materials with derogations in only exceptional and justified cases. We doubt that this exemption is truly an exceptional and justified case as envisioned in the Chemicals Strategy.
- iii) A lower energy consumption does not per se justify the use of the restricted substance through an exemption. We believe that this type of reasoning shifts the focus from the intended scope of the RoHS Directive: to protect the environment and human health by restricting the use of hazardous substances in EEE. If the goal is energy saving, there are other instruments in the EU to deal with this type of problem, e.g. the Ecodesign Directive.

In this regard, we look forward to the result of the RoHS review to have some guidance as to how an exemption application based on energy-saving objectives (Article 5 (1) (a), third indent) should be assessed/calculated and what weight it should have in relation to the main objective of the RoHS Directive. There must be consistency in how exemption applications based on energy savings are evaluated and approved as well as how the energy saving is calculated. In particular, the prospect of saving energy today should be put in perspective to the energy costs in

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the future of handling even larger volumes of lead-contaminated glass at the waste stage.

- iv) When evaluating an exemption application, the risks to human health and the environment over the whole life cycle of the material and not only during the use phase should also be considered. Risks to human health and the environment from lead-containing glass can arise e.g. in improper/incomplete collection of lamps at their end-of-life as well as exposure to workers and emissions to the environment during the glass recycling and manufacturing processes of new lamps.
- v) Using recycled glass with a higher level of lead and mixing it with new uncontaminated glass results in contamination of a pure material stream. This will result in larger volumes of contaminated material that will need to be taken care of at a later waste stage. This further delays the shift to toxic-free material cycles and prevents the transition to a clean circular economy, which is not in line with neither the EU Circular Economy Action Plan, nor the EU Chemicals Strategy for Sustainability. Thus, lamps with a higher level of lead should preferably be sorted out at the waste phase (in particular very old lighting installations) to prevent reintroducing lead into new consumer products. Consequently, in a first step we should consider possibilities to decontaminate the waste stream, in a second step we should consider recycling lead-containing glass in a separate loop from clean glass and only use the material in well-defined and controlled applications.

We want to highlight that a new technique to decontaminate lead from glass is currently being developed by the Swedish Research Institute RISE<sup>1</sup>.

- vi) The possible import of lighting equipment from outside the EU that are not compliant with EU law, and consequently contain lead above 0,1%, should not be a reason for accepting an exemption to recycle glass with a higher lead content. This would undermine the purpose of adopting legislation to restrict the use of hazardous chemicals to protect human health and the environment.
- vii) We also note that EEEs covered by the exemption need to be reported to the SCIP database at ECHA.

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<sup>1</sup> <https://www.ri.se/en/what-we-do/projects/verification-and-implementation-of-new-technology-for-recycling-of-lead-glass>