

**NFA ENVIRONMENT BULLETIN
APRIL 2013**

CONSULTATIONS

ENVIRONMENT AGENCY

No consultations directly relevant to NFA were found in April. EA have amended the EA website to provide a link to consultation responses. The link however did not seem to work on the occasion it was tried.

DEFRA

Non consultations of direct relevance to NFA were found in April. The DEFRA consultations pages have now been transferred to the www.gov.uk pages on the internet. This was forecast at the end of 2012. One particular improvement is that consultation responses are now also listed as they become available.

CONSULTATION GUIDELINES

Concerns continue to be voiced by industry sectors on changes to the guidelines for consultations. One of the first actions of the coalition government was to change the consultation guidelines established (by consultation) by then DTI, now BIS, in 2008. The changes were made by the Cabinet Office (2010 and 2012) without consultation, with the intention of streamlining the procedure. One of the key deficiencies of the previous guidelines was the lack of interactive debate during the consultation and this flaw remains in the new procedures. A fundamental principle was that the affected parties should be able to influence the outcome of a consultation and without interactive debate this is unlikely to be achieved. A committee within the House of Lords, chaired by Lord Goodlad, is challenging Government on this situation. The House of Lords committee has voiced the same concerns as NFA. A note on industries concerns will be drafted by WP to be shared with attendees at the Surface Engineering Association lunch with House of Lords/MPs in June. It is recommended that other associations such as ALFED also voice concerns during their parliamentary meetings.

CONSULTATION RESPONSES

The responses to the recent DEFRA consultation on persistent organic pollutants (POPs) has been posted on the www.gov.uk website. Of 150 consultees only 5 made a response (NFA replied and was one of these). The Government's decision following the responses is not yet clear but it does seem unlikely that there will be any further constraints on industry. Principal concerns are over 'backyard' burning (that is a significant source of dioxin) and the management of existing stocks of POPs and management of newly listed POPs, primarily pesticides and similar agricultural products.

REACH ISSUES

Cobalt Development Institute has intervened in EU ECHA REACH related activities on cobalt salts, where very clearly the regulators were quite ignorant of the potential impact of banning of certain cobalt salts.

Similar EU Authorisation procedures on the use of hexavalent chromium salts are underway. A consortium to manage this activity has been established under the auspices of McKenna, Long and Aldridge, international lawyers based in Brussels. Contact has been made with downstream users in the aerospace industry in the UK and further discussions will take place. The aerospace industry has found again that the technical advantages of use of chromates, the lack of substitutes, and the mandatory requirements of these in aerospace was not understood by the EU Commission or ECHA.

EU CONSULTATION

The EU Commission is consulting on the removal of the exemption for use of cadmium in NiCad batteries in cordless power tools. A brief examination of the background documents to the EU legislation shows that the use of NiCad batteries is purported to lead to diffuse emissions of cadmium into the environment through improper disposal of used batteries, therefore potentially adversely impacting human health and the environment. The consultation closes 10th May. An NFA response is not considered necessary as the issue is a long way 'down the tracks'. However the philosophy of hazard avoidance rather than risk management by the EU remains of great concern to the non-ferrous metals industry and its customers in the value chain.

WATER FRAMEWORK DIRECTIVE

UK implementation issues

In the UK WFD implementation matters are developed by the UK WFD Technical Advisory Group (UKWFD TAG). UKWFD TAG issued a consultation in 2012 with an unreasonably short consultation time of 6 weeks. NFA objected to this short period at the time. The outcome of the consultations has been made available on the UKWFD TAG website in the Stakeholder section. The NFA response to the consultation is reproduced in full but without comment. IZA (zinc) and ECI (European Copper Institute) also made submissions of considerable detail. No response on any of the submissions has been made. A document on how to determine the background level of zinc in UK freshwaters has been expected circa late spring (taken as around March) but nothing has yet appeared. NFA was informed informally that the Netherlands RIVM (NL government science body) no longer supports its own proposal of using the Added Risk Approach (ARA) for zinc (where the zinc Environment Quality Standard or EQS) where the EQS is added to the natural background determined for zinc in UK freshwaters. UK has intentions of using the ARA for checking compliance of zinc concentrations with the EQS proposed for zinc.

Following the NFA Forum 2013, Environment Agency has proposed a workshop to discuss WFD bio-availability implementation for metals. This workshop is scheduled for the 4th of June and will be held at the National Metalforming Centre, West Bromwich.

DEFRA CHEMICAL STAKEHOLDERS FORUM

The DEFRA CSF took place on the 23rd April. NFA presented on non-ferrous metals. The thrust of the presentation was that non-ferrous metals make modern technologies possible from sophisticated electronics to steel formulations. Substitution of non-ferrous metals is not simple and substitutes are not possible in the same manner as restructuring of organic molecules is. The profile of non-ferrous metals is changing in the UK to more end uses rather than metals refining. Recycling and secondary metals use is very important and an essential part of sustainability due to significant energy savings. Yet the UK exports 80% of recovered secondary non-metals and the EU trades in deficit with non-ferrous metals. The EU overall is not a significant source of primary non-ferrous metals ores. UK has the potential of tungsten ore mining, currently dominated by China (85% of world supply of tungsten) at Hemerdon in Devon but commercial viability is still not certain. Urban mining of strategic non-ferrous metals is a strategically important consideration for the UK (recovery of non-ferrous metals from redundant commercial electronic articles). Professor Clarke of York University expressed a wish to develop this consideration with NFA after the CSF meeting. He has government funding to explore this possibility.

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