



IPPC Directive toothless on mercury phase-out

[Brussels, 18 December 2008] – EEBⁱ, Europe's largest federation of environmental citizens' organisations, today published an assessment of EU legislation on improving the environmental performance of the EU chlor-alkali sector, focussing on the use of mercury in the chlorine production industry. Based on the conclusions of this study, the EEB reiterates its call for the need for separate legislation of this industry and to set a sunset date for an obsolete process using mercury.

The report shows that the Industrial Pollution Prevention and Control (IPPC) Directiveⁱⁱ is not helping to phase out mercury from mercury-cell chlor-alkali plants (MCCAP). Emission limit values and other requirements in permits are not strict enough to drive the industry toward better performance and rather encourages business as usual. The permits confirm the status quo instead of addressing the aims of the EU Mercury Strategy to reduce use and emissions of mercuryⁱⁱⁱ.

“Allowable emissions of mercury differ from country to country and from plant to plant leading to an unequal - as well as often inadequate - level of protection of EU citizens,” said Elena Lymberidi-Settimo, EEB's Zero Mercury Campaign project coordinator. “Such an approach ignores the fact that mercury is a globally persistent, bioaccumulative pollutant, overlooks the negative effect at the EU and global levels of adding mercury to the environment, and is in direct contravention of the IPPC Directive which states that particular attention needs to be given to such substances.”

Until now the inherent flexibility of the IPPC Directive and the fact that no clear benchmarks are given in the related chlor-alkali reference document^{iv} have led to the abuse of the Directive by this industry and authorities in order to keep old, polluting mercury-cell plants operating for as long as they are profitable. However, the mercury-cell process is not the 'Best Available Technique' (BAT) for the sector, as confirmed at EU level. Mercury-free alternatives for chlorine production, such as the membrane process which consumes up to 30% less energy, have been commercially available since the 1980s. The chlorine industry is in good enough financial health to support the required investment in such a change, especially as the payback period is quite modest.

Furthermore, the EU's chlorine industry reports an average of 41 tonnes of 'unaccounted for' mercury per year, much of which ends up released into the environment, and authorities have not been questioning such losses. Significant mercury emissions into the air have also been shown in different countries in the EU from EEB member organisations' own spot measurements in public areas outside the plants. The EEB report shows that there is yet more evidence, further to our 2006 study^v, that mercury air emissions from the EU's chlorine plants may be significantly under-reported.

EEB's newly released document sets out key recommendations on better ecological management of this sector:

- An industry-specific law including a sunset date for the mercury-using process should be set. The EEB has been advocating 2010 as a phase-out date for many years, in line with the 1990 OSPAR Decision^{vi}.

Until then:

- The role of the Best Available Technique Reference Documents (BREFs) and BAT acknowledged membrane cell technology in the IPPC Directive must be made more stringent and permits should be based on that.
- The BREF document on the chlor-alkali industry needs to be revised rapidly with a maximum emission limit value of 0,2- 0,5 g mercury/tonne of chlorine production capacity, for MCCAPs.
- Continuous monitoring should be required for plants still operating with mercury.
- Regular reporting should be requested from operators justifying mercury consumption and losses.

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Editor's notes:-

Press release can be found at:

http://www.zeromercury.org/press/081218_PR_EEB_0Hg_Chlor-AlkaliPubFinalREV.pdf

The new report, *'The European Chlor-alkali Industry – Is National Implementation of the IPPC Directive contributing to a mercury-free industry?'* and all other EEB/ZMWG reports are available from www.zeromercury.org

Link to new report (December 2008): http://www.zeromercury.org/EU_developments/ChlorAlkali-1208-FINAL.pdf

Risky Business! No need for mercury in the chlorine industry. [October 2006]
http://www.zeromercury.org/EU_developments/061110RiskyBusinessFINAL.pdf

Status Report: Mercury Cell Chlor-alkali Plants in Europe [October 2006]
http://www.zeromercury.org/EU_developments/Final_Report_CA_31Oct2006.pdf

Mercury and its compounds are highly toxic, damage the central nervous system and are particularly harmful to foetal development. Mercury builds up in humans and animals and becomes concentrated through the food chain, especially in certain fish. It is widely diffused through the atmosphere and has contaminated global food supplies at levels which pose a major risk to human health, wildlife and the environment.

In the EU more than 40% of chlorine production is still based on the mercury-cell process. Forty-four mercury-cell chlor-alkali plants (MCCAPs) are still in operation in Europe, housing around 11,000 tonnes of mercury.

The European Parliament in its March 2006 resolution on the EU Mercury Strategy called for a phase out of the mercury-cell chlor-alkali industry by 2010.
<http://www.europarl.europa.eu/sides/getDoc.do?jsessionid=95602FA6620D4603B5773BF54FA62DFD.node2?language=EN&pubRef=-//EP//TEXT+TA+P6-TA-2006-0078+0+DOC+XML+V0//EN>

ⁱ The **European Environmental Bureau, (EEB)**, www.eeb.org, is a federation of more than 150 environmental citizens' organisations based in EU Member States and most Accession Countries, as well as in a few neighbouring countries. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

The **Zero Mercury Working group**, www.zeromercury.org, is an international coalition of more than 75 public interest non-governmental organizations from around the world formed in 2005 by the EEB and the Mercury Policy Project/Ban Mercury Working Group. The aim of the group is to reach "Zero' emissions, demand and supply of mercury, from all sources we can control, towards eliminating mercury in the environment at EU level and globally."

ⁱⁱ Directive 96/61/EC. For the full text of the IPPC Directive please see:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0061:EN:NOT>

ⁱⁱⁱ Communication from the Commission to the Council and the European Parliament - Community Strategy Concerning Mercury {SEC(2005) 101} <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0020:EN:NOT>

^{iv} Best available technique Reference (BREF) Document under the IPPC directive,
<http://eippcb.jrc.ec.europa.eu/pages/FActivities.htm>

^v EEB, by Concorde East/West, Status Report: Mercury-cell chlor-alkali plants in Europe, October 2006.

^{vi} In 1990, OSPAR Decision 90/3 of 14 June, recommended reducing chlor-alkali mercury emissions to 2 grams of mercury per tonne of Cl₂ capacity and phasing out the activities of existing mercury-cell installations in chlor-alkali production plants as soon as possible, with the aim of achieving the objective of their total closure by 2010 at the latest, www.ospar.org/documents/dbase/decrecs/decisions/pd90-03e.doc

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