

Brussels, 13 July

To
HoU C/3 DG Env
European Commission

Subject: Comments on TSAP Review from SEG members

Dear ...

Eurometaux - an extensive network made up of national non-ferrous metals federations, European non-ferrous metals commodity associations and non-ferrous metals companies – would like to thank you for the opportunity given to SEG members to provide comments on the review process of the Thematic Strategy on Air Pollution.

Hereby, we would like to restate some of the comments already made in the Expert Group and Public online questionnaires in September 2011, which we believe are critical for the achievement of good air quality status in concordance with best available means and technologies.

Emission values with Best Available Techniques

The past introduction of European air quality policies limiting emissions of the main air pollutants from industrial processes has significantly improved air quality and reduced air pollution-induced health effects that would otherwise have occurred.

Our industry has made considerable efforts to comply with EU and national legislation, emphasizing our involvement in the review of the Industrial Emissions Directive and the Best Available Techniques Reference Documents for classified activities, cooperating with national authorities for the proper functioning of the plants, and investing in new technologies aimed at reducing emissions derived from our processes to ambient air.

Nevertheless, in addition to the difficulties encountered by Member States in complying with National Emission Ceilings, the industry is also facing unsolved problems such as the contribution from natural sources and diffuse emissions caused by other sources to our total emission rates and the differences between applied measurement methodologies, to which a solution coming from the EU is desirable.

The Non-Ferrous Metals industry supports the establishment of risk-based limit values as a generic measure to protect the population at large, as such decisions must always take a risk-based approach into account rather than an approach based on the hazardous properties of substances as such, as well as taking into consideration the differences among the sources of emissions and measurement methodologies applied.

Concerning the effectiveness of target values for heavy metals, the 2004/107/EC Directive is particularly relevant to the Non-Ferrous Metals industry as it focuses on monitoring arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

In order to contribute to EU MS effort in complying with the 4th Daughter Directive, industry applies the BAT in compliance with the Industrial Emissions Directive (former IPPC), invests in state-of-the-art technology and keeps regular monitoring controls. Still many sites are experiencing difficulties in complying with these extreme low values, especially in respect of ambient background levels.

Taking the above into consideration, and in line with the technical feasibility and cost-effectiveness of further actions, we consider that lowering the current target values laid down in the 4th Daughter Directive will not offer further human health and environmental protection.

Standardised methodology

What is of great concern to the Non-Ferrous Metals industry is the fact that there are currently no European standard methods for monitoring the concentrations in ambient air of the substances to be covered in the 4th Daughter Directive.

Without uniform European standard methods, in fact, authorities are arriving at significantly different results when there are actually no real differences between the sites under assessment in the various Member States. Authorities may therefore take completely different actions for similar situations, compromising the level playing field within Europe.

We would propose that the following of assessing air pollution patterns:

1. A coherent approach would be to identify existing risks before establishing a permanent monitoring programme to determine the need for a methodology considering cost/benefit aspects as stated in the current Air Quality Directive.
2. We strongly advocate direct discussion with regional authorities in cases where local conditions determine the achievable performance of the process as acknowledged by the EC.

Objectives for PM

Regarding the setting of objectives for PM_{2.5}, the Non-Ferrous Metals industry welcomes the introduction of an additional PM_{2.5} objective targeting the exposure of the (urban) population to fine particles.

Despite not being the main source of PM, the industry is constantly innovating and improving its techniques for dust abatement, which helps with the reduction of PM₁₀ emissions, but particulate matter with diameter smaller than PM₁₀ is currently out of the scope of available technologies and moreover is not monitored yet. Hence, the establishment of the legally binding national exposure reduction obligations laid down in Article 15 of the Directive 2008/50/EC is received with caution, as to date no NFM industrial PM_{2.5} emission data are available.

Terminology

Additionally, if we may, we would like to draw the EC's attention to the existing terminologies used when referring to metals in air. We would like to suggest the harmonisation of the air terminology suggested by IUPAC (International Union of Pure and Applied Chemistry) and adopted by the OECD, whereby references to "heavy metals" are deleted and replaced by "metals and metalloids" (see report attached for information).

In conclusion, the Non-Ferrous Metals industry has largely decreased its emissions of sulphuric acid, SO₂, dust and fine particles, PCDD/F and prevented the formation of NO_x in the past few years through the implementation of innovative techniques, the periodical renovation of equipment, and continuous investments in research and innovation. We therefore strongly advocate a consistent proposal that integrates other milestones of EU legislation - like the Industrial Emissions Directive - in order to improve our environmental performance in concordance with technical and economical applicability criteria.

We trust that the Commission will adopt our comments and suggestions, and are willingly available to further explain our concerns, should that be desired.

Thanking you in advance for your attention, we remain,

Yours sincerely,

European Metals Association