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AMERICAN FOREST & PAPER ASSOCIATION

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October 7, 2003

(Via E-Mail)

Mr. Doug Wright
Director of Programs
Commission for Environmental Cooperation
393 St-Jaques West, Suite 200, Montreal,
Quebec, Canada H2Y 1N9

Re: AF&PA Comments on Phase One North American Regional Action Plan, Dioxins and Furans, and Hexachlorobenzene (“Action Plan”)

Dear Mr. Wright,

The American Forest & Paper Association (AF&PA) is pleased to submit these comments on the Action Plan. AF&PA is the national trade association of the forest, paper, and wood products industry. Our organization represents approximately 250 member companies and related trade associations that grow, harvest, and process wood and wood fiber; manufacture pulp, paper, and paperboard from both virgin and recycled fiber; and produce solid wood products. AF&PA is filing comments on only two specific references in the Action Plan to the pulp and paper industry.

Section 3.1.1 discusses actions taken by Canada to reduce releases of dioxins and furans, including two sets of regulations applicable to certain segments of the pulp and paper industry. The Action Plan then goes on to state that:

As a result of implementing the Pulp and Paper Regulations and complementary provincial regulatory initiatives, dioxins and furans releases to the aquatic environment were reduced by more than 99 percent, thereby achieving the goal of virtual elimination (V.E.) from this sector by 1997. This achievement was attributed to the strict standards required (non-measurable) for dioxins/furans, which encouraged the industry to switch to an elemental chlorine-free bleaching technology. Action Plan, page 6 (footnote 3 omitted and discussed below).

We support the Action Plan’s recognition of the Canadian industry’s virtual elimination of dioxins and furans from mill effluents. That achievement was the result of significant investment in elemental chlorine-free bleaching [ECF] technology.

Section 3.2.1 of the Action Plan discusses the United States' actions to reduce release of dioxins and furans and notes that U.S. EPA has adopted regulations (known as the "Cluster Rule") applicable to certain pulp and paper mills in the U.S. The Action Plan states that the regulations:

were promulgated in 1998 and will reduce this industry's dioxin discharges at least 96 percent. Pulp and paper facilities that used elemental chlorine bleaching processes were the largest known industrial dischargers of dioxins into water. Action Plan, page 10.

Thus, Canadian mills are recognized as having "virtually eliminated" dioxins, but U.S. mills are not. While the U.S. Clean Water Act and Cluster Rule do not have definitions of "virtual elimination," EPA did recognize in its Fact Sheet announcing the final Cluster Rule that implementation will "virtually eliminate all dioxin discharged from pulp, paper, and paperboard mills into rivers and other surface waters." Similarly, the U.S. industry's dioxin reduction achievement, along with the Canadian industry's, was recognized by the International Joint Commission (IJC) in its Tenth Biennial Report on Great Lakes Water Quality in 2000. The IJC stated that "[a] notable accomplishment occurred when the pulp and paper industry changed its process for pulp bleaching by substituting chlorine dioxide [ECF] for elemental chlorine. This substitution virtually eliminated the production of dioxins from pulp and paper mills."

We also would like to point out another disparity in the way that the Action Plan treats dioxin/furan reduction achievements of the Canadian and U.S. mills. As already noted, U.S. bleached kraft mills also have invested significant resources to convert to ECF bleaching technology, most mills, if not all, having done so in advance of the Cluster Rule deadlines. However, U.S. mills are credited in the Action Plan with only a 96% reduction, while the Canadian mills are credited with a 99% reduction.

The source of the disparity is how the two countries' environmental agencies treat "non-measurable" (i.e., below the level of quantification) mill effluent dioxin/furan sample results. In Canada, "non-measurable" sample results are counted as "zero" when calculating the industry's dioxin reduction, in this case, 99%. Further, if the industry's releases, if any, are below the "level of quantification," then the industry is considered to have achieved "virtual elimination." Action Plan, footnote 3, page 6.

In the U.S., however, the convention has been to treat measurements that are below the "minimum level" (which U.S. EPA asserts is equivalent to the level of quantification) as one half of that level for purposes of calculating percent reductions in mill effluents. Thus, under the U.S. convention, it is impossible to achieve a 100% dioxin reduction, because dioxins/furans are assumed to be present at a concentration of one half the level of quantification, even if all measurements are below that level. Since U.S. mills also would have non-measurable dioxin and furan results if the U.S. mills were using the same levels of quantification and convention as those used in Canada, the Action Plan unintentionally creates the misimpression that Canadian mills have achieved a higher level of reduction of these pollutants than U.S. mills.

In conclusion, we request that the U.S. industry's virtual elimination accomplishment be recognized along with that of the Canadian industry. We also request that the Action Plan include an explanation for the different percent reductions included in the Action Plan, or that the specific percentages be removed.

Thank you again for the opportunity to comment on the Action Plan. Please feel free to contact me at (202) 463-2581, if you have any questions about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Schwartz". The signature is fluid and cursive, with a prominent flourish at the end.

Jerry Schwartz
Senior Director,
Water Quality Programs