CHLORINE
CHEMISTRY
COUNCIL

February 15,2002

(3)

FSIS Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection **Service**
Room 102
Cotton Annex
300 12* Street, SW
Washington, DC 20250-3700

01-047N
01-047N-3
C.T. "Kip" Howlett, Jr.

RE: Docket #01-047N

A
Council
of the
American
Chemistry
Council

Dear Document Clerk:

The Chlorine Chemistry Council is pleased to submit the attached letter to Docket #01-047N. This letter to Dennis Keefe of the US Food and Drug Administration provides background information for the U.S. Codex Office in advance of the March 11-15,2002 meeting of the Codex Committee on Food Additives and Contaminants.

Thank you for **your** consideration of these comments.

Sincerely,

Kip Howlett

C.T. "Kip" Howlett, Jr.
CCC Executive Director
American Chemistry Council Vice President

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CHLORINE
CHEMISTRY
COUNCIL

February 28,2002

(3)

FSIS Docket Clerk
FSIS Docket Room, Docket #01-47N
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 102, Cotton Annex
300 12th Street, SW
Washington, DC 20250-3700

Dear Sir/Madam:

The Chlorine Chemistry Council (CCC) is pleased to submit these additional comments to you in advance of the March 11-15,2002 meeting of the Codex Committee on Food Additives and Contaminants. CCC is a business council of the American Chemistry Council dedicated to addressing public policy issues related to the products of chlorine chemistry.

These comments provide background information to help you and other members of the U.S. delegation prepare for the discussion of *Proposed Draft Code of Practice for Source Directed Measures to Reduce Dioxin and Dioxin-Like PCB Contamination of Foods (CX/FAC 02/27). This* proposed draft code was not available when we submitted comments last week on the *Discussion Paper* on *the Use of Active Chlorine* (CX/FAC 02/07), and *Position Paper* on *Dioxins and Dioxin Like PCBs, Including Methods of Analysis for Dioxins and Dioxin-Like PCBs* (CX/FAC 02/26). Copies of this letter have been submitted to the Codex docket at the Food Safety and Inspection Service.

Proposed Draft Code of Practice for Source Directed Measures to Reduce Dioxin and Dioxin-Like PCB Contamination of Foods

This proposed draft code contains several errors that must be corrected should the document be finalized. These errors distract from the recommendations in Annex I, which appear to be appropriate measures to control dioxin contamination of food. It is unclear why the background information in this draft code is needed given the Stockholm Convention on Persistent Organic Pollutants, which thoroughly addresses source directed measures to reduce dioxin (see Attachment A). This document should be redirected to focus on intervening in the pathways from dioxin sources to the food supply rather than attempting to rewrite the Stockholm Convention by focusing on sources of dioxin releases to the environment.

Errors in the document are identified below using the section title and bullet point number.

A
Council
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American
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Background Section Point #6
The document states, "new emissions and reservoir sources share the same pathways to food." This clearly is not true in all cases. The ball clay incident in the United States illustrates this point. Ball clay containing very high levels of dioxin was intentionally added to animal feed. This pathway to food is very different from the indirect pathway where by current dioxin emissions deposit on plants that may be consumed by animals. Intervention strategies are also likely very different.

Background Section Point #7
This section of the report covers air sources of dioxin releases. The report incorrectly includes chemical industry activities as a major primary source of dioxins releases into air. The chemical industry is a very small source of dioxin releases to the environment. According to US EPA's Inventory of Sources of Dioxin and Dioxin-like Compounds the manufacture of EDC and vinyl chloride (the only chemical sector included in the air section of the inventory) released 11.2 grams TEQ of dioxins to the air in 1995 out of over 3000 grams TEQ emitted to the air. In addition data collected by CCC from chlorine producers and users that will be reported in the US EPA's Toxics Release Inventory in April 2002 indicates that the chlorine industry and polyvinyl chloride industries released a total of 33 grams TEQ of dioxin to air, water and land surface in 2000, which represents between 1 and 3% of US EPA's estimate of dioxin releases for 1995 or 2002/4 respectively.' Clearly, the chemical industry and chlorine industry in particular should not be highlighted as a major primary source of dioxin releases to the air.

Furthermore, this section downplays uncontrolled burning and backyard burning of household waste by placing it in the miscellaneous section of sources implying that it is a small source of dioxin releases to the environment. US EPA's Inventory of Sources of Dioxin and Dioxin-Like Compounds which is enclosed lists backyard trash burning as the number two source of dioxin in 1995 and indicates that backyard trash burning will be the number one source in 2002/4 accounting for 57% of releases.

Background Section Point #9
This section discusses releases of dioxin to water and solid waste. Again the document incorrectly identifies "processes in which chlorine is produced or used to produce chlorinated compounds" as the major source of dioxin in water. According to US EPA's Inventory of Sources of Dioxin and Dioxin-Like Compounds point sources of releases of dioxin to water are currently very small. These releases are regulated under the Clean Water Act. According to EPA[2] the major source of dioxin in water is believed to be surface water runoff

The contribution of dioxin-like compounds to waterways from nonpoint source resewoirs is likely to be greater than the contributions from point sources. Current data are only sufficient to support preliminary estimates of nonpoint source contributions of dioxin-like compounds to water (i.e., urban storm water runoff and rural soil erosion). These estimates suggest that, on a nationwide basis, total nonpoint releases are significantly larger than point source releases.

Production of paper pulp using chlorine and **chlorine dioxide** as bleaching agents is specifically cited as major sources of dioxin releases to water in the **draft** code. The use of elemental chlorine as a bleaching agent did produce significant amounts of dioxin. With the discovery of dioxins in bleached pulp mill wastewater in 1985, the US forest products industry embarked on a campaign to reduce emissions of dioxin and dioxin-like compounds. More than $1 billion was invested in process modifications, which included replacing free chlorine with chlorine dioxide in pulp bleaching. As a result of these process changes, the industry reduced dioxin water releases in the US from over **350** grams TEQ to less than 20 grams TEQ annually from bleaching. This constitutes a dramatic 95% reduction in emissions to the environment since 1987. The US EPA's Office of Water estimates that full compliance with effluent guidelines promulgated under the Clean Water Act for the pulp and paper industry will result in annual releases to water of **5** g I-TEQ[3], clearly an insignificant source of dioxins.

Background Section Point #10

This section recommends that national authorities consider establishing organizational and technical measures to reduce current dioxin emissions to soil and water. However, this section is based on the flawed analysis of sources cited above. The focus on "substitution of chlorine in processes and products" should be deleted for this reason.

Suggestion for Correcting Background Section

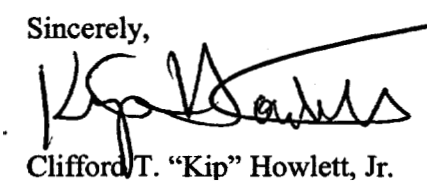
In addition to the dioxin source inventory compiled by EPA and cited above the United Nations Environment Programme (UNEP) Stockholm Convention on Persistent Organic Pollutants (POPs) provides an internationally recognized inventory of sources of dioxins. The text of the Stockholm Convention can be found on the UNEP website http://www.chem.unep.ch/sc/. Annex C of this Convention specifies the internationally recognized source categories of dioxins, furans and PCBs that are of high relevance to the work done under the Codex Alimentarius Commission on major primary sources of dioxins.

In light of the fact that the Stockholm Convention already addresses controlling emissions of dioxin and dioxin-like PCBs, we strongly urge that the background section of the **draft** code be substantially revised to focus on

ways to reduce contamination levels of dioxin and dioxin-like PCBs in food. For example, **12** and **13** of the background section correctly focus on reducing contamination levels in food and provide support for the proposed draft code of Annex I. At the very least, we recommend that the background section be redrafted to explicitly refer to the Stockholm Convention (and Annex C in particular), and to be consistent with the US EPA Inventory of Sources and the Stockholm Convention.

Should you need additional information or wish to discuss the issue further, please call Keith Christman at **(703) 741-5935.**

Sincerely,



Clifford T. "Kip" Howlett, Jr.
Executive Director,
American Chemistry Council,
Vice President