



## ANNUAL CERTIFICATION OF INTENDED USE AND COMMITMENT FOR THE IMPORT OF CHEMICALS LISTED IN ANNEX A OR ANNEX B TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS<sup>1</sup>

### NOTE:

1. Paragraph 2 (b) of Article 3 of the Stockholm Convention on Persistent Organic Pollutants states:

“Each Party shall take measures to ensure ... that a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:

- (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
- (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
- (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
  - (a) Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
  - (b) Comply with the provisions of paragraph 1 of Article 6; and
  - (c) Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.”

### SECTION I: IDENTIFICATION OF THE EXPORTING PARTY

1. Name and address of the authority of exporting party	
Institution	Ministry of Environmental Protection/Department of International Cooperation
Address	No. 115, Xizhimennei Nanxiaojie, 100035, Beijing, China
Name of the contact point	Xia Yingxian
Telephone	+86-10-66556518
Fax	+86-10-66556513
E-mail	xia.yingxian@mep.gov.cn
Signature	
Date when the certification was received (DD/MM/YYYY)	

### SECTION II: IDENTIFICATION OF THE IMPORTING STATE

1. Name and address of the authority of importing State	
Institution	U.S. Environmental Protection Agency
Address	1200 Pennsylvania Avenue, NW Washington, DC

<sup>1</sup> As adopted by the sixth meeting of the Conference of the Parties to the Stockholm Convention (decision SC-6/5).



## Stockholm Convention on Persistent Organic Pollutants



اتفاقية استكهولم بشأن الملوثات العضوية الثابتة - 关于持久性有机污染物的斯德哥尔摩公约 - Convention de Stockholm sur les polluants organiques persistants - Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes - Стокгольмский конвенция о стойких органических загрязнителях

Name of the contact point	Karissa Kovner
Telephone	001-202-564-0564
Fax	001-202-564-0529
E-mail	Kovner.Karissa@epa.gov
Signature	
Date (DD/MM/YYYY)	04/20/2017

## SECTION III: IDENTIFICATION OF THE IMPORTED CHEMICAL

Name and CAS No. of the imported chemical*	Name of the chemical: Hexabromocyclododecane
	CAS No, 3194-55-6
*If the chemical is imported in the form of a preparation, please provide the name of the preparation, the name of the chemical and the concentration in percentage (%).	Name of the preparation Not Applicable
	Name of the chemical
	Concentration of the chemical in the preparation (%)
*If the chemical is imported in the form of a related substance, please specify the name of the chemical and its CAS No.	Name of the chemical Not Applicable
	CAS No.

## SECTION IV: INTENDED USE OF THE CHEMICAL

1. Intended use	
(1) Is the imported chemical intended to be used for any specific exemption or acceptable purpose in effect under the Stockholm Convention? <sup>2</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>The relevant specific exemption or acceptable purpose in effect under the Stockholm Convention is identified in Part VII of Annex A for the use of Hexabromocyclododecane in expanded polystyrene and extruded polystyrene in buildings. This certificate is limited to no more than four shipments and to a total of no more than 48 metric tons of the imported chemical for this use between April 20 and November 1 of 2017.</p>
(2) If yes, please specify the intended use of the imported chemical*	<p>It is the Agency's understanding from China and The Dow Chemical Company that the intended use of this import is consistent with China's specific production exemption for use and conditions of use in buildings and in the construction industry under Annex A of the Stockholm Convention, although we note that the United States is not a Party to, and has no legal obligations under, the Convention. Nothing in this document creates any rights or obligations under international or domestic law.</p>
* For DDT	<input type="checkbox"/> Disease vector control in accordance with part II of Annex B
* For lindane	<input type="checkbox"/> Human health pharmaceutical for control of head lice and scabies as second line treatment

<sup>2</sup> If the chemical is imported for the purpose of environmentally sound disposal, Article 6 of the Convention applies, in particular subparagraph 1 (d) which requires that wastes consisting of, containing or contaminated with persistent organic pollutants are not transported across international boundaries without taking into account relevant international rules, standards and guidelines.

<p>* For perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride, please select all that apply.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Photo-imaging</li> <li><input type="checkbox"/> Photo-resist and anti-reflective coatings for semi-conductors</li> <li><input type="checkbox"/> Etching agent for compound semi-conductors and ceramic filters</li> <li><input type="checkbox"/> Aviation hydraulic fluids</li> <li><input type="checkbox"/> Metal plating (hard metal plating) only in closed-loop systems</li> <li><input type="checkbox"/> Certain medical devices (such as ethylene tetrafluoroethylene copolymer (ETFE) layers and radio-opaque ETFE production, in-vitro diagnostic medical devices, and CCD colour filters)</li> <li><input type="checkbox"/> Fire-fighting foam</li> <li><input type="checkbox"/> Insect baits for control of leaf-cutting ants from <i>Atta spp.</i> and <i>Acromyrmex spp.</i></li> <li><input type="checkbox"/> Photo masks in the semiconductor and liquid crystal display (LCD) industries</li> <li><input type="checkbox"/> Metal plating (hard metal plating)</li> <li><input type="checkbox"/> Metal plating (decorative plating)</li> <li><input type="checkbox"/> Electric and electronic parts for some colour printers and colour copy machines</li> <li><input type="checkbox"/> Insecticides for control of red imported fire ants and termites</li> <li><input type="checkbox"/> Chemically driven oil production</li> <li><input type="checkbox"/> Carpets</li> <li><input type="checkbox"/> Leather and apparel</li> <li><input type="checkbox"/> Textiles and upholstery</li> <li><input type="checkbox"/> Paper and packaging</li> <li><input type="checkbox"/> Coatings and coating additives</li> <li><input type="checkbox"/> Rubber and plastics</li> </ul>
<p>Hexabromocyclododecane (HBCD)</p>	<p>X expanded polystyrene and extruded polystyrene in buildings</p>

* Endosulfan and its related isomers	<input type="checkbox"/> Apple	<input type="checkbox"/> Aphids
	<input type="checkbox"/> Arhar, gram	<input type="checkbox"/> Aphids; <input type="checkbox"/> caterpillars; <input type="checkbox"/> pea semilooper; <input type="checkbox"/> pod borer
	<input type="checkbox"/> Bean, cowpea	<input type="checkbox"/> Aphids; <input type="checkbox"/> leaf miner; <input type="checkbox"/> whiteflies
	<input type="checkbox"/> Chilli	<input type="checkbox"/> Aphids; <input type="checkbox"/> jassids
	<input type="checkbox"/> Coffee	<input type="checkbox"/> Berry borer; <input type="checkbox"/> stem borers
	<input type="checkbox"/> Cotton	<input type="checkbox"/> Aphids; <input type="checkbox"/> cotton bollworm; <input type="checkbox"/> jassids; <input type="checkbox"/> leaf rollers; <input type="checkbox"/> pink bollworm; <input type="checkbox"/> thrips; <input type="checkbox"/> whiteflies
	<input type="checkbox"/> Eggplant	<input type="checkbox"/> Aphids; <input type="checkbox"/> diamondback moth; <input type="checkbox"/> jassids; <input type="checkbox"/> shoot and fruit borer
	<input type="checkbox"/> Groundnut	<input type="checkbox"/> Aphids
	<input type="checkbox"/> Jute	<input type="checkbox"/> Bihar hairy caterpillar; <input type="checkbox"/> yellow mite
	<input type="checkbox"/> Maize	<input type="checkbox"/> Aphids; <input type="checkbox"/> pink borer; <input type="checkbox"/> stem borers
	<input type="checkbox"/> Mango	<input type="checkbox"/> Fruit flies; <input type="checkbox"/> hoppers
	<input type="checkbox"/> Mustard	<input type="checkbox"/> Aphids; <input type="checkbox"/> gall midges
	<input type="checkbox"/> Onion	<input type="checkbox"/> Aphids; <input type="checkbox"/> jassids
	<input type="checkbox"/> Okra	<input type="checkbox"/> Aphids; <input type="checkbox"/> diamondback moth; <input type="checkbox"/> jassids; <input type="checkbox"/> shoot and fruit borer
	<input type="checkbox"/> Potato	<input type="checkbox"/> Aphids; <input type="checkbox"/> jassids
	<input type="checkbox"/> Rice	<input type="checkbox"/> Gall midges; <input type="checkbox"/> rice hispa; <input type="checkbox"/> stem borers; <input type="checkbox"/> white jassid
<input type="checkbox"/> Tea	<input type="checkbox"/> Aphids; <input type="checkbox"/> caterpillars; <input type="checkbox"/> flushworm; <input type="checkbox"/> mealybugs; <input type="checkbox"/> scale insects; <input type="checkbox"/> smaller green leafhopper; <input type="checkbox"/> tea geometrid; <input type="checkbox"/> tea mosquito bug; <input type="checkbox"/> thrips	
<input type="checkbox"/> Tobacco	<input type="checkbox"/> Aphids; <input type="checkbox"/> oriental tobacco budworm	
<input type="checkbox"/> Tomato	<input type="checkbox"/> Aphids; <input type="checkbox"/> diamondback moth; <input type="checkbox"/> jassids; <input type="checkbox"/> leaf miner; <input type="checkbox"/> shoot and fruit borer; <input type="checkbox"/> whiteflies	
<input type="checkbox"/> Wheat	<input type="checkbox"/> Aphids; <input type="checkbox"/> pink borer; <input type="checkbox"/> termites	

## SECTION V: COMMITMENT

<b>1. Commitment to protect human health and the environment by taking the necessary measures to minimize or prevent releases</b>	
(1) Does your country commit itself to take necessary measures to minimize or prevent releases of the imported chemical in order to protect human health and the environment?	X Yes <input type="checkbox"/> No  The United States has a very extensive fabric of environmental laws in place to manage industrial chemicals and pesticides and their waste streams. The U.S. Government is of the view that our environmental laws demonstrate that the United States is committed to protecting human health and the environment and to managing chemicals and wastes in an environmentally sound manner, regardless of whether the chemical is an import or produced domestically.
(2) Please describe the measures and provide any appropriate supporting documentation such as legislation, regulatory instruments or administrative or policy guidelines.	The laws include, but are not limited to: the Toxic Substances Control Act (TSCA), as amended on June 22, 2016 by the Lautenberg Chemical Safety Act for the 21 <sup>st</sup> Century, the Clean Air Act (CAA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Environmental Policy Act (NEPA), and the Resource and Recovery Conservation Act (RCRA), the latter of which controls the domestic management and disposal of industrial chemicals and pesticide wastes, including HBCD and other POPs wastes.  Please find us supporting documentation a list of the appropriate links to these regulatory programs. For your information, we have also included a link to our Significant New Use Rule for HBCD and a link regarding the upcoming review of HBCD under the recent amendment to TSCA. Link to TSCA (as amended):  <a href="https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act">https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act</a> Link to Clean Air Act: <a href="https://www.epa.gov/clean-air-act-overview/clean-air-act-text">https://www.epa.gov/clean-air-act-overview/clean-air-act-text</a>  Link to FIFRA: <a href="https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act">https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act</a>  Link to the Clean Water Act: <a href="https://www.epa.gov/laws-regulations/summary-clean-water-act">https://www.epa.gov/laws-regulations/summary-clean-water-act</a>  Link to EPCRA: <a href="https://www.epa.gov/epcra">https://www.epa.gov/epcra</a>  Link to CERCLA: <a href="https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act">https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act</a>  Link to NEPA: <a href="https://www.epa.gov/NEPA">https://www.epa.gov/NEPA</a>  Link to RCRA: <a href="https://www.epa.gov/environmental-topics/land-waste-and-cleanup-topics">https://www.epa.gov/environmental-topics/land-waste-and-cleanup-topics</a>  Link to HBCD SNUR: <a href="https://www.federalregister.gov/documents/2015/09/23/2015-24178/significant-new-use-rule-for-hexabromocyclododecane-and-1256910-hexabromocyclododecane">https://www.federalregister.gov/documents/2015/09/23/2015-24178/significant-new-use-rule-for-hexabromocyclododecane-and-1256910-hexabromocyclododecane</a>

	<p>Link to Assessment of Management of Chemicals, including Evaluation of HBCD:  <a href="https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/evaluating-risk-existing-chemicals-under-tsca#chemical">https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/evaluating-risk-existing-chemicals-under-tsca#chemical</a></p>
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2. Commitment to comply with the provisions of paragraph 1 of Article 6 of the Convention	
(1) Does your country commit itself to comply with the provisions of paragraph 1 of Article 6 of the Convention regarding the imported chemical?	<p>X Yes    <input type="checkbox"/> No</p> <p>The United States is not a Party to the Stockholm Convention and has no obligations under paragraph 1 of Article 6. However, as noted above, the United States has a very extensive fabric of environmental laws in place to manage industrial chemicals and pesticides and their waste streams in an environmentally sound manner. In addition, the Agency has confirmed with The Dow Chemical Company its intended use of the imported chemical and its commitment to manage any resulting waste from its use of the imported chemical consistent with paragraph 1 of Article 6. We are therefore of the view that, as a practical matter, our environmental laws and the commitment of The Dow Chemical Company to only use the imported chemical for the specific use allowed for by the Stockholm Convention and to manage, consistent with the provisions of Article 6, paragraph 1, any waste associated with use of the imported chemical, demonstrate that the United States is committed to protecting human health and the environment and to managing wastes from the intended use of the imported chemical in an environmentally sound manner.</p>
(2) Please provide information on the current status of the following and provide any appropriate supporting documentation such as legislation, regulatory instruments or administrative or policy guidelines:	<p>The U.S. environmental laws in place to manage industrial chemicals and pesticides and their wastes streams include, but are not limited to: the Toxic Substances Control Act (TSCA), as amended on June 22, 2016 by the Lautenberg Chemical Safety Act for the 21<sup>st</sup> Century, the Clean Air Act (CAA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Environmental Policy Act (NEPA), and the Resource and Recovery Conservation Act (RCRA), the latter of which controls the domestic management and disposal of industrial chemicals and pesticide wastes, including HBCD and other POPs wastes. Please find us supporting documentation a list of the appropriate links to these regulatory programs.</p>
(a) Development of appropriate strategies for identifying (i) stockpiles consisting of or containing the chemical; and (ii) products and articles in use and wastes consisting of, containing or	<p>Not applicable: (i) there will be no stockpiles associated with the imported chemical, and (ii) the specific use has already been identified for the imported</p>

<b>2. Commitment to comply with the provisions of paragraph 1 of Article 6 of the Convention</b>	
contaminated with the chemical:	chemical:
(b) Identification of stockpiles consisting of or containing the chemical, to the extent practicable, on the basis of the strategies referred to in (a) above;	Not applicable; no stockpiles.
(c) Management of stockpiles consisting of or containing the chemical, as appropriate, in a safe, efficient and environmentally sound manner;	Not applicable; no stockpiles.
(d) Taking appropriate measures so that such wastes, consisting of, containing or contaminated with the chemical, including products and articles upon becoming wastes, are:  (i) Handled, collected, transported and stored in an environmentally sound manner;	Please see (2) above, with particular regard to the Resource and Recovery Conservation Act (RCRA).
(ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;	Please see (2) above, with particular regard to the Resource and Recovery Conservation Act (RCRA). The imported chemical, when discarded, would be classified as non-hazardous waste, with national and state-level requirements to ensure disposal in an environmentally sound manner.
(iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants;	Please see (2) above. The Agency's understanding is that the imported chemical is a commercial chemical product being used in full for its intended use and that any products produced from it would contain a declaration identifying the POPs content and the required application of U.S. waste laws.
(iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;	Not applicable, intended for domestic use only.
(e) Development of appropriate strategies for identifying sites contaminated by the chemical; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner.	Not applicable.

<b>3. Commitment to comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B</b>	
(1) If the imported chemical is DDT, does your country commit itself to restrict the production and use of DDT for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available in your country?	<input type="checkbox"/> Yes <input type="checkbox"/> No  Not applicable
(2) Where appropriate, please provide any supporting documentation, such as legislation, regulatory instruments or administrative or policy guidelines.	Not applicable

**PLEASE RETURN THE COMPLETED CERTIFICATE TO:**

Secretariat of the Stockholm Convention International Environment House, United Nations Environment Programme	Fax: +41 22 917 8098 E-mail: <a href="mailto:ssc@pops.int">ssc@pops.int</a>
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(UNEP) 11-13, chemin des Anémones, CH-1219 Châtelaine, Geneva, Switzerland	
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