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BEST News

Better Environmental Sustainability Targets (BEST)

Published by Occupational Knowledge International



October 2012 - Volume 13

Johnson Controls Recycling Plant in Mexico: Operating Under Double Standards

Johnson Controls, which exports millions of used car and truck batteries to Mexico for recycling, is applying a double standard by exposing Mexicans to tons of lead emissions from a Mexican recycling plant while operating a less polluting facility in the U.S. Approximately half of all used lead battery exports to Mexico from the U.S. are being shipped to the company's Enertec facility that they purchased in 2005.

Johnson Controls' lead battery recycling plant in Cienega de Flores, Nuevo Leon, Mexico recently reported airborne lead emissions in 2010 that were 11 times higher than the emissions reported by the largest U.S. battery recycling plant (see Figure 1). The lead emissions from the Cienega plant were also 33 times more than the company anticipates releasing from its only U.S. recycling plant in Florence, South Carolina, that opened in September.

In spite of Johnson Controls' claims of sustainability in their global operations, the company's Shanghai plant was closed by the Chinese authorities earlier this year following reports that 49 children in the area had elevated blood lead levels. The world's largest manufacturer of lead-acid batteries was also fined \$188,600 this year by the U.S. Occupational Safety and Health Administration (OSHA) for 11 health violations in failing to address occupational lead exposures at their plant in Ohio.

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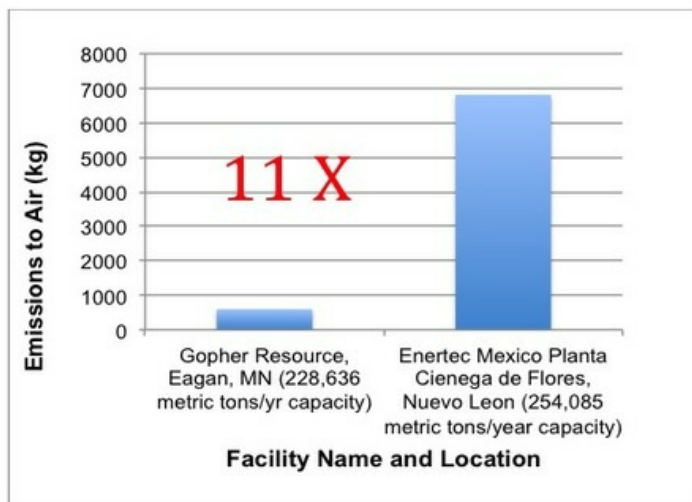
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Figure 1. Lead Air Emissions from Recycling Facilities Reporting to RETC (Mexico) and TRI (U.S.), 2010



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U.S. Halts Effort to Revise OSHA Silica Standard

The U.S. Occupational Safety and Health Administration (OSHA) has announced that it will halt the development of the long-awaited silica standard while they study how to address silica exposures during natural gas fracking. OSHA has been working for fifteen years to promulgate a silica standard to replace the permissible exposure limit that has been in place since 1977. The proposed new standard stalled in the Office of Management and Budget in early 2011. This week OSHA Chief, David Michaels, announced that they cannot move forward with the standard due to concerns about controlling silica exposures in fracking.

In May 2012, NIOSH released the results of a study in which investigators measured silica exposures for 116 workers at 11 fracking sites in five states showing that 79% were above the NIOSH recommended exposure limit. For additional information see: <http://www.okinternational.org/silica/Background>

The Commission for Environmental Cooperation (CEC) investigation into the export of used lead batteries to Mexico is continuing. For updates, click [here](#).

Global Alliance to Eliminate Lead in Paint (GAELP)

The Second Meeting of the GAELP was held in July in Bangkok to review the global partnership's operational framework and business plan. Attendees included representatives of the governments of 22 developing countries, and 12 NGOs, among others. The GAELP ["business plan"](#) outlining strategy which was approved following the meeting, sets forth the following targets for evaluating the achievements of the alliance with the ultimate goal of lead paint elimination by 2020:



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1. Thirty countries should adopt laws, regulations, and standards on lead paint by 2013 and all countries by 2020;
2. Five paint manufacturers publicly committed to the work of the Global Alliance by 2013 and 50 of the largest paint manufacturers should have eliminated the use of added lead compounds by 2015;
3. Five countries by 2013 and 40 countries by 2020 should have national awareness days for prevention of lead poisoning.

The plan also outlines a \$4.4 million dollar budget goal for the next three years.

In addition, the third International Conference on Chemicals Management (ICCM-3) re-affirmed its commitment to the work of the Global Alliance through a new resolution on lead in paints adopted in Nairobi in September.

OK International would like to thank our program funders including:

International Finance Corporation

Deshpande Foundation

Energy Foundation

Environ Foundation

Goldman Fund

Mailman Foundation

Sigrid Rausing Trust

United Nations Environment Program

Conservation, Food & Health Foundation

Asia Lead Paint Elimination

The European Commission's SWITCH-Asia Lead Paint Elimination Project held a kick-off training session in Bangkok in July. Perry Gottesfeld was one of the presenters during a weeklong course attended by NGO representatives from seven Asian countries. The program is being funded by the European Commission under a grant to IPEN.

In August Perry traveled to Nepal to collaborate with our partners at LEADERS and CEPHD to raise awareness and encourage government regulation. The organizations met with paint companies to ask them to voluntarily reformulate their products. In addition, Perry conducted a training session on sampling for lead in air, dust, and soil at Kathmandu University and spoke at a National Meeting sponsored by LEADERS.



Hon. Keshab Man Shakya, Minister of Environment, Science and Technology, Perry Gottesfeld, and Amod Pokhereil (from left), at the National Workshop on Lead paint in Nepa



Participants of a Training on Lead Sampling in Nepal

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New Regulations for Lead Battery Manufacturers in China

In May 2012, the Chinese Ministry of Industry and Information Technology and the Environment Protection Department jointly announced a new regulation for lead battery manufacturing. The regulation went into effect on July 1, 2012 in an effort to promote more sustainable practices in the industry. Last year, the Chinese government closed over 500 battery manufacturing and recycling plants as a result of environmental contamination and lead poisoning in surrounding communities.

The new rules include a requirement that new or renovated lead battery manufacturing facilities have a production capacity of at least 500,000 kVA while existing facilities must have a capacity of at least 200,000 kVA. New facilities must be approved by the Environment Protection Department and be in suitable industrial parks. Existing facilities should gradually move to industrial parks where feasible. The regulation also calls for specific engineering controls for certain processes as well as an occupational health management system that includes engineering and work practice controls, facilities for employee hygiene and protective equipment. It also requires medical surveillance including physical exams, blood lead testing, and treatment in accordance with the Diagnostic Criteria for Chronic Occupational Lead Poisoning (GBZ 37).

http://www.gov.cn/zwqk/2012-05/31/content_2149860.htm

In addition, the Shanghai Environmental Protection Bureau recently published the "Emission Standard of Air Pollutants for Lead-acid Battery Industry (DB31/603-2012)". These local regulations exceed national requirements in several areas including:

- Stack emissions limit: maximum permitted emission concentration of lead/lead compounds is 0.1 mg/m^3 and the permitted rate is 0.0025 kg/h measured at the stack. This is compared to the national standard of 0.9 mg/m^3 set in 1997;
- Fugitive emissions of lead and lead compounds are limited to 0.001 mg/m^3 . Nationally, there is a limit of 0.006 for the primary lead industry, but no equivalent standard for secondary lead smelters.

EU Publishes Rules on Calculating Battery Recycling Efficiency

In June, the European Union published a new regulation specifying detailed rules regarding the calculation of efficiencies for recycling waste batteries. The specified calculations are to be used to ensure a minimum efficiency of 65% defined as the mass output divided by the mass input. The rules for calculating efficiency this way go into effect on January 1, 2014.

Manufacturers Removing Lead from Industrial Paints and Pigments

Although lead has not been added to residential paints in most of the developed world for decades, there are no rules regarding its use in industrial paints and such use has continued to be widespread in a variety of industrial applications. This August, however, International Paint, owned by Akzo Nobel, the largest industrial coatings manufacturer in the world, announced that they had completed the several year process of phasing out the use of lead chromates in their marine paints. This follows the announcement from BASF that they would not be using lead in the pigments they manufacture after 2014 in compliance with EU mandates. In June, DuPont announced that it would stop using leaded pigments in their automobile paints by the end of 2012.

New HUD Guidelines for Lead Testing and Abatement

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing have been extensively revised by the Department of Housing and Urban Development (HUD) for the first time since 1995. The document outlines procedures for lead inspections, risk assessments, abatement and lead poisoning investigations. The new guidelines incorporate the revised CDC policy recommendations on childhood lead poisoning prevention. The full text of the guidelines can be found here:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines

CEC Workshop in Mexico City on Battery Recycling

Perry Gottesfeld and Kate Durand from OK International attended the Commission for Environmental Cooperation's (CEC) Workshop on Spent Lead-Acid Battery Recycling in North America in Mexico City in October. The purpose of the workshop was to review and discuss feedback on a draft report of CEC's investigation of transboundary shipments of used lead batteries, which was initiated in response to the [Exporting Hazards](#) report released by OK International and Fronteras Comunes last year.



Perry Gottesfeld presenting at the CEC meeting in Mexico City on the performance of the lead battery recycling industry

Representatives from government, industry, and NGOs, attended the workshop. Perry gave a presentation on the need to close the gap in environmental performance between recycling plants in Mexico and those in the U.S. and Canada. The CEC expects to complete its report by the end of the year.



Perry Gottesfeld, OK International; Marisa Jacott Jiminez, Fronteras Comunes; Evan Lloyd, CEC; Guadalupe Azucena Franco Chávez, Fronteras Comunes at the CEC Meeting in Mexico City.

U.S. Government Updates "Green" Guide for Product Labels

On October 1, 2012, the U.S. Federal Trade Commission (FTC) released an updated version of their guidelines for companies making environmental claims. The guidelines are intended to ensure that such claims are not unfair or deceptive. The revisions modify and clarify labeling practices to combat greenwashing practices.

The FTC guides indicate that it is deceptive to imply that a product, package, or service has been endorsed or certified by an independent third party when it has not. In addition, the new Guides advise companies using certifications or seals of approval to use clear and prominent qualifying language that conveys specific and limited benefits rather than making broad environmental claims.

In the new section on the use of the terms "free-of" or "does-not-contain", the FTC clarifies that the statement is deceptive if the product contains other substances with similar environmental risks, or if the substance about which the claim is made is not normally associated with the product. The terms may be used, however, if the substance is not intentionally added, but trace amounts are present and if they are of "no risk" to the consumer. The FTC recommends qualifying "free-of" claims to avoid deception.

For a full copy of the Guides, go to: <http://www.ftc.gov/os/2012/10/greenguides.pdf>

Survey Finds "Green" Values Across the Globe

A report examining trends in the World Values Survey indicates that support for environmental protection is increasingly strong among citizens of developing countries – most notably India and China. The survey found that there is a growing willingness to incur costs to protect the environment in spite of persistent poverty in Asia and Africa. See the full article [here](#).

APHA Session on New Policy Recommendations on Childhood Lead Poisoning Prevention

OK International is organizing a session on the U.S. Center for Disease Control's revised policy on Childhood Lead Poisoning Prevention at the American Public Health Association's Annual Meeting in San Francisco this month. Deborah Cory-Slechta, David Jacobs and Perry Gottesfeld are scheduled to speak. Please join us at [Session 5172.0](#) on Wednesday, October 31, 2012 from 12:30 – 2:00 pm.

Small Grants for Occupational Health

The Developing World Outreach Initiative of the Northern California Section of the American Industrial Hygiene Association (AIHA-NCS) is seeking proposals for small grants of up to \$2,000 for occupational health capacity building in developing countries. For the full RFP, click [here](#)

Industry Fights EPA's Standard for Lead Smelters

Johnson Controls (JCI) has initiated legal action in opposition to the EPA's January 2012 Final Rule regulating emissions from lead battery recycling plants. The court filing dated April 4, 2012 petitions EPA on 14 issues including the air emission standard, monitoring requirements, and the need for negative pressure enclosures. The company calls EPA's revised standard "arbitrary, capricious", and "not in compliance with the law." JCI is listed on the Dow Jones Sustainability Index and other lists of socially responsible companies.

In addition to JCI, Doe Run Resources Corp. and the Association of Battery Recyclers, Inc. also joined the action. Five environmental groups have joined forces to file a motion to intervene in the case to oppose attempts to weaken the Clean Air Act and EPA's rule.

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