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Legislative Council Subcommittee on Air Pollution Control (Volatile Organic Compounds)
(Amendments) Regulation 2009
Panel on Environmental Affairs
Legislative Council

Attn: Clerk to the Subcommittee

To Whom It May Concern:

**July 2nd Subcommittee Meeting on Air Pollution Control (Volatile Organic
Compounds) (Amendments) Regulation 2009:
Green Council's Submission**

Thank you for inviting the Green Council to contribute comments and suggestions on the measures to regulate four Volatile Organic Compound (VOC) containing products in Hong Kong, for consideration and potential discussion at the upcoming Meeting. For the Subcommittee's consideration, I am pleased to submit the following pre-meeting comments, questions and recommendations:

General

- (a) Green Council officials applaud and support the HKSAR Government in taking a progressive and leading international position regarding VOC emissions control through amendment of the Air Pollution Control (Volatile Organic Compounds) Regulation (Cap 311W). In order to meet the regional ultimate goal of a 55% reduction of VOC emissions by 2010 (based upon 1997 emissions levels), there is an immediate need to extend the existing control on VOC-containing products to vehicle refinishing paints, vessel paints, pleasure craft paints, adhesives and sealants. Apart from being the leading source of indoor air pollution, VOCs (notably chemicals being used by many paint manufacturers as solvents) evaporate very readily and enter human respiratory systems through the breathing in of any off-gassing fumes. VOCs also rise into the atmosphere and form smog which contains secondary pollutants like ozone and peroxyacetyl nitrate.

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- (b) In accordance with a predominant opinion of worldwide air quality issues researchers, air pollution control should be firmly aligned and addressed in unison with the protection of public health. However, in Hong Kong, the health element of air pollution legislation [existing and currently proposed] is inadequate and limited to only consideration and attention when and if the “air pollution” becomes a “nuisance” rather than as a continuous and significant public issue of concern. In other words, a “nuisance-based” approach means that air pollution is only addressed when it causes immediate discomfort that may or may not be human health-related. For the sake of improved and sustained good public health and better air quality, an alternative or more health-based approach should be deployed for a greener future. **Definitely, a “nuisance-based” or “incidence-based” approach should not be exclusively at the core of Hong Kong air pollution reduction and control policies / regulations.**
- (c) With the Green Council being the preeminent Hong Kong organization advocating and overseeing the Hong Kong Green Label Scheme¹ (HKGLS) and Eco-product Certification Scheme² (ECS), Green Council officials recognize and contend that broader and complementary Government initiatives are required. Apart from the VOCs content, the relevant consumer products also contain other anthropogenic chemicals which can lead to a wide range of environmental contamination and pollution and/or indoor air quality problems with adverse [and potentially severe] health impacts. From a product life cycle perspective, the most significant adverse environmental impacts relate to the inclusion and release of solvents, heavy metals and other toxic substances during manufacturing and use. While alternatives for the use of heavy metals (which can enter the human and animal food chains through production facility discharges into rivers and estuaries) can be and are being adopted, the production of highly dangerous substances (e.g. halogens, sulphuric acid, heavy metals, chlorinated hydrocarbons, etc.) along with their environmentally harmful by-products remains in place. Further, and in addition to the currently quite high energy use levels involved in the production of these products, these products also pose a significant health and environmental risk when improperly disposed of or ignited.

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¹ This is an independent, not-for-profit and voluntary scheme that has operated since 2000. Its focus is to identify, differentiate, certify and recognize environmentally preferable products produced and/or marketed in Hong Kong. For more details, go to www.greenlabel.org.hk.

² This is the first environmental product label for construction products in Hong Kong, adopting a Quality System based upon ISO/IEC Guide 65:1996 as a basic management tool, and involving system 5 of the product certification protocols (including testing and surveillance of samples from factory or the open market or both) provided in ISO/IEC Guide 67:2004.



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Another adverse environmental aspect of many conventional paint products is the incorporation of synthetic solvents that are mainly derived from petrochemicals. These solvents don't break down easily and efficiently in the natural environment. Also, the associated manufacturing processes cause air pollution while by-product wastes are generally non-degradable and can be highly toxic.

- (d) Together with effective and well-established schemes for displaying product information and sales-reporting by the importers and manufacturers, the Regulation should be enforced by routine and stringent surveillance by assigned HKSAR Government personnel in order to ensure non-compliant products will not be smuggled into and sold in Hong Kong.

Specific Comments

- (e) For the category of “*regulated architectural paints*” (formerly “regulated paints”), a clearer and expanded definition/description of the specific products included would be useful, along with the provision of more details and elaboration regarding: the prohibition on manufacture and import of certain products, requirements for carrying a label during the transitional period, appropriate and acceptable labeling/labels, requirements for certain information to be displayed, and product notification and report submission requirements.
- (f) Regrettably, but also extremely noteworthy [and of concern], while the Regulation (Section 9 Cap 311W) requires that the VOC content [of “regulated architectural paints” for example] be determined in accordance with the test methods specified in Part 5 of Schedule 1 [i.e. Method 24 and Method 303], the HKSAR Innovation and Technology Commission's Hong Kong Accreditation Service (HKAS) does not provide VOC-accreditation work for local laboratories under the Hong Kong Laboratory Accreditation Scheme (HOKLAS). As a result, there is no accredited test method for determining the VOC content of paint products in Hong Kong at present!
- (g) In the Legislative Council Brief prepared by the Environmental Protection Department in May 2009, it is stated that the importers and manufacturers of the regulated products should be able to comply with the proposal because the Amendment Regulation has already taken into account views and inputs from relevant trades and stakeholders. Is there any actual evidence or supporting information to justify this assumption? If not or inadequate, shouldn't such information be obtained?

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- (h) As alluded to in item (c), does the HKSAR Government already have an intention and tentative timetable for regulating other harmful chemicals / substances contained in currently regulated and/or other consumer products? If not, perhaps such regulatory expansion should be considered and/or targeted in the near future?

The above summarizes the position of the Green Council on the amended VOC Regulation and related issues. On behalf and as the CEO of the Green Council, I look forward to the opportunity to personally present, elaborate upon, and discuss this submission at the upcoming Meeting.

Yours Faithfully

Linda W P Ho
Chief Executive Officer

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