



4 April 2008

Margaret Muindi
Secretariat
Convention on Long-Range Transboundary Air Pollution
United Nations Economic Commission for Europe (UNECE)
Environment and Human Settlements Division
Palais des Nations
CH-1211 GENEVA
Switzerland

Re: Comments of ESIA, SIA, SEMI on Proposal to List PFOS in LRTAP POPs Protocol

Dear Margaret:

On behalf of three major international semiconductor industry trade associations (the European Semiconductor Industry Association, the Semiconductor Industry Association, and Semiconductor Equipment and Materials International), I write to submit comments related to the WGSR's consideration of the proposal to amend the LRTAP POPs Protocol to add PFOS. We have actively participated as an observer in the Task Force on POPs over the past two years and we appreciate the opportunity to provide our comments to the WGSR.

We have previously made available significant and substantiated material that demonstrates the continuing critical uses of PFOS for our industry, the lack of alternatives to those uses, the significant economic value associated with the semiconductor manufacturing that depends on those uses, and the *de minimis* environmental impact associated with these uses. In brief, PFOS continues to perform an important role in semiconductor manufacturing. Very small amounts of PFOS compounds are critical ingredients in leading-edge photoresists, materials used in the photolithographic process for imprinting circuitry on silicon wafers. The industry is committed to ending non-critical uses of PFOS and is working to identify substitutes for PFOS in critical uses for which no other materials are presently available.

We appreciate the fact that the amendment proposal recognizes the need to include an exemption for PFOS production and use in the semiconductor industry, as has already been granted under the relevant regulatory authorities in the European Union and the United States.

Our primary comment relates to the issue of whether PFOS should be listed in Annex I or Annex II. We believe that if PFOS is added to the Protocol, it should be added to Annex II alone, with appropriate exemptions, to reflect the ongoing need for certain identified critical PFOS production and uses. Annex II -- the "restricted use" annex -- was intended precisely for this purpose, *i.e.*, to accommodate the listing of active chemicals in commerce for which certain discrete ongoing uses continue but where severe restrictions are otherwise warranted. As we have explained to the Task Force, moving away from PFOS use will require an invention or innovation, followed by many years of hard work. Therefore it would be not appropriate to impose a specific timetable for PFOS phaseout in semiconductor manufacturing. We are also concerned that placement in Annex I could jeopardize the industry's access to PFOS supplies in the future for critical uses, with severe disruptions to the global supply chain for many products still in commerce.

We appreciate the opportunity to share our observations and look forward to working with the WGSR as it considers this proposal. For further information about these comments, please contact me at rlamotte@bdlaw.com.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Russell LaMotte". The signature is fluid and cursive, with a large, stylized initial "K" and "L".

K. Russell LaMotte
Counsel to SIA, ESIA, and SEMI
Beveridge & Diamond, PC