

Stellungnahme

Concept on German Business handling of supplies from Japan

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Problems and Objectives

Due to the tragic events in Japan clarification is needed on how German business is to deal with supplies from Japan to ensure the safety of customers, consumers and personnel and how this can be reliably communicated.

The BDI, HDE and BGA have therefore initiated a cross-sector coordination on what measures companies should take and are also adjusting these with the competent state authorities. Such measures should be credible, dependable and efficient, fit smoothly into the state's catalogue of measures and also serve to maintain the global supply chains, to the benefit of the people hit by the multiple tragedies in Japan.

Framework conditions

Measures by the Federal Government and the European Commission

The Federal Government and the German authorities are responsible for border controls. The federal police and the customs authorities are foremost in charge of controlling the import of goods at the German federal borders, including airports and ports; the internal customs authorities also conduct controls. Goods from Japan coming directly to Germany are randomly examined for radioactivity when they are imported. There is already almost complete control at airports. To comply with the ban on proliferation in the framework of the Non-Proliferation Treaty on nuclear weapons, customs have the necessary measurement equipment. Should there be reasonable grounds to suspect contamination after goods have been imported, the federal state monitoring stations provide assistance to measure and assess radioactivity. Reasonable grounds for suspicion are given if goods or objects come directly from the strongly hit region around the Fukushima Daiichi nuclear power plant. Immediately after the disaster, the Commission on Radiological Protection¹ (SSK) recommended that ships avoid the area close to Fukushima Daiichi and bypass it as widely as possible (approx. 50 sm or approx. 100 km respectively). Statements on the monitoring of goods imported indirectly via third countries are

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¹ <http://www.ssk.de/en/index.htm>; Federal Office for Radiation Protection <http://www.bfs.de/en/bfs/>; German Nuclear Safety Agency <http://www.grs.de/>, further addresses on radiation protection <http://www.ssk.de/en/impress.htm>

not possible as this is not regulated. Within the Federal Government, the Federal Ministry for the Environment² (BMU) is responsible for issues regarding radiation protection and precautionary radiation protection. The federal states and various federal authorities are responsible for enforcement. When the allocation of the various authorities' responsibilities overlap, e. g. as regards issues relating to shipping, customs or the official control of foodstuffs, measures are taken in close coordination. The departments are in contact with the European Commission to achieve harmonised evaluation standards and procedures in Europe.

For food and animal feed, the European Commission has issued by Regulation (EU) 297/2011, modified by Regulation (EU) 351/2011, specific provisions for the import. These products must only be imported into the EU via certain import locations and have to be accompanied by a certificate of the Japanese authorities. As far as products stem from the 12 mainly concerned provinces, they also need a certification of the Japanese authorities, that the limit values given in the EU-Regulation are not exceeded. State controls at the import into the EU must cover at least 10 % of the products of the concerned regions and at least 20 % of all products from other provinces in Japan.

Measures taken by the Japanese Government and Business

At present it is not yet possible to predict what measures the Japanese side will take. With a view to the branching of the international supply chains, it would seem appropriate to carry out reliable controls as close to the original location of the supplies as possible, thus in Japan. Companies in Japan can have their products tested for contamination by independent institutions, listed on the Japanese JETRO page³. After the examination, the relevant institution issues a document which the company can present to the Japanese Chamber of Industry and Commerce which in turn issues certificates. A so-called "Sign Shomei"⁴ is a certification of the company signature by the Japanese Chamber of Industry and Commerce. Companies have to register there with a signature so that the Chamber can confirm such a signature as legally binding (as will be found, for example, on a "Certificate of Environmental Radioactivity Level"). The suitability of this instrument will be given careful scrutiny as soon as further information is available.

From German industry's perspective all potentially hazardous supplies from Japan should only be given permission to be exported if they have been found to be contamination-free in a dependable and legally binding manner. Here, neutral control is required. Until such a system has been established, complete monitoring should be carried out at the German federal borders, including airports and ports, followed by random checks. Control measures are currently being coordinated at EU level.

Transport and Logistics

According to current knowledge it can be assumed that no contamination is to be expected on the exterior surfaces of aircraft and containers. It can be

² <http://www.bmu.de/english/aktuell/4152.php>

³ Japan External Trade Organization (JETRO): <http://www.jetro.go.jp> und http://www.jetro.go.jp/world/shinsai/20110318_11.html

⁴ http://www.tokyo-cci.or.jp/shomei/IV_rev1.html

assumed that contamination-free products would also not be contaminated during transport as they are tightly sealed in planes and containers (here possibly with restrictions concerning leak-tightness).

Logistics companies take their own measures locally. For example, Lufthansa Cargo AG in Japan is testing all freight shipments for radioactivity. At the German airports of Frankfurt and Munich Lufthansa Cargo is also checking all planes from Japan for radioactivity.

Dutch authorities and companies are drawing up a joint approach for the port of Rotterdam. The majority of containers have already for many years been automatically examined for radioactivity using large-area detectors. The same applies to the port of Antwerp (System Megaports), due to the current events there are plans to put ships from Japan under particular scrutiny.

At the port of Hamburg the pre-registration deadline for ships arriving from Japan has been extended from one day to two days, shipping companies must also state at which ports they have been controlled previously. The radioactivity controls in Hamburg are conducted randomly using hand-held instruments and automated equipment, in addition to the previous controls in Rotterdam und Antwerp.

The Associations' Recommendations for Action

The associations consider it as very problematic to ask within German business for mutual confirmations, guarantee declarations etc. that products do not contain components which come from Japan or from within a certain radius around Fukushima Daiichi or which could be radioactively contaminated. The effort would put too great a burden especially on smaller companies, but would also not prove a greater level of safety. There are also considerable doubts whether such declarations would be legally dependable. As a principle, faultless goods have to be contamination-free in accordance with the legal limit values. Current product safety legislation is complied with, this also covers any possible radio-active contamination. However to comply with this legislation and with a view to the public, companies might nevertheless have to take further measures, this should be decided in the companies, see the following options for action⁵. As a principle, superfluous red tape along the supply chains should be avoided as far as possible.

As regards inquiries from customers one can point out that product safety is already ensured by current legislation. The necessary measures to be taken by companies will be adjusted to the current requirements. These could be supplemented by the individual company's own assessment, which would either not require any further measures or has already resulted in measures which could be listed.

⁵ In some industrial sectors already since long there were activities to stem the risk of radio-actively contaminated input materials by establishing appropriate provisions in the customary trade supply conditions. Such contractual regulations, which already existed before the current crisis in Japan, could be an appropriate option.

Options for action for companies

Listed below are options for action beyond the state measures which companies could take in their own responsibility to ensure freedom of contamination.

Organisational Options

Inventory

- Identify the supplies' production location in Japan including the distance from the scene of the accident.
- Determine modes and routes of transport and clarify whether the supplies could have been contaminated during transport.
- Clarify whether third-country products could contain components from Japan.

Measuring Japanese import products in German Business

In view of the comprehensive expert knowledge required and the considerable effort involved, German companies should only measure radioactivity when necessary for compelling reasons. It could be appropriate to employ specialised companies.

Measurement equipment, measurement procedures

- As regards measurements with surface contamination monitoring equipment, these are generally shown in impulses/s, direct measurement in Bq/cm² is not possible without basic knowledge (restriction to a few nuclides). On the basis of this measured value an assessment can be made whether the goods are acceptable or not. Irrespective of the measurement procedure, further measures should be taken, if the limit value has been exceeded. It is difficult to measure in Bq/cm², it would therefore generally appear more practical to refer to the impulse rate.
- Measuring the ambient dose rate in µSv/h to determine possible contamination would be inappropriate. It would only be appropriate should there be massive contamination which is not to be expected in this particular case.
- In general, defining a low threshold value and a double or triple zero effect makes it possible to comply securely with legal regulations even under restricted measurements conditions (examination of packages, product composition, etc.).

Measurement Organisation

- Should measurements be envisaged then they should be initiated immediately to determine the location- and/or product-dependent zero effect and thus to be able to detect later divergences. For example, products containing natural rubber from volcanic regions show a significant amount of natural radiation. Swipe samples are recommended to make it possible to differentiate between surface radiation and natural internal radiation. However, swipe samples should as well only be taken by experts in order to avoid misinterpretation.

- In cases of justified suspicion or if a threshold value has been exceeded, measurement should not be restricted to the exterior of a shipment, if necessary the contents should also be measured.
- As a first step as simple procedures as possible should be taken. Should there be reason to suspect contamination, more exact measurements should be made.
- According to the Federal Ministry for the Environment (BMU) there is no need to pay particular attention to alpha-ray emitters. The BMU also considers a nuclide-specific measurement not feasible for the current problem. Contamination values should therefore be determined in a representative way in the sense of the nuclide spectrum to be expected.

Limit values

- The BMU recommends a maximum level for the contamination of ships and goods (also air freight) coming from Japan to Germany. This recommendation is given purely for reasons of precaution and for the protection of the population, there being no immediate threat to Germany's population. The maximum level refers to surfaces, i. e. to the exterior of a ship or the freight but not to food and animal feed. The recommendation addresses the relevant authorities, including customs and port operators, however it could also serve as a point of reference for measurements within companies. Europe is currently awaiting the first ships from Japan.
- In the view of the BMU and SSK, the maximum value for ships and freight (incl. air freight) should be set at 4 Bq/cm²⁶. One can assume there are no risks if the results are below this maximum level. Contamination of 4 Bq/cm² results in radiation doses distinctly below the internationally recommended lowest reference values for emergencies of 1 mSv/a. Radiation below this level is not considered a health hazard. Thus, should this contamination value be reached – although it would not yet constitute a hazard to health – it would trigger a need for action. By comparison, under average conditions in Germany the annual effective dose of natural radiation exposure totals 2.1 mSv/a. Moreover, according to the ADR (manual on the International Carriage of Dangerous Goods) the same value of 4 Bq/cm² applies to solid objects (in terms of beta and gamma emitters as regards non-firmly adhering contamination). However, according to the ADR, at 1/10 of this value further more detailed test requirements and measures become necessary.
- The clearance levels and/or release limit set out in the Federal Radiation Protection Ordinance would not appear appropriate. Although annex III, column 4 contains information on nuclide-specific contamination values this can in practice only be implemented with considerable effort and would be very time-consuming and therefore cannot be considered a pragmatic approach. The BMU emergency ordinance as of March 22, 2011 refers only to aircraft.

⁶ http://www.bmu.de/pressemitteilungen/aktuelle_pressemitteilungen/pm/47258.php

Measures to be taken when exceeding the limit values

- If limit values have been exceeded it is recommended that the relevant authorities be contacted to coordinate any further measures required, particularly if it is to be feared that human beings have already been contaminated.
- Should a dose of 4 Bq/cm² on the skin be exceeded, the BMU considers simply washing adequate to decontaminate. As regards short-lived iodine-131 in particular, contaminated clothing can be decontaminated by packaging it tightly for 2 weeks, for example, to the extent that it can be worn again after normal cleaning. After the 2-week packaging a control measurement should be made. This could also be a suitable measure for contaminated goods.
- It remains to be clarified who will bear the cost of the decontamination or disposal of a contaminated object. According to an initial assessment, one should not assume it is a case of force majeure. At present, the regulations in the supply contracts would appear to be the determining factor.

Certificates for Japanese products or third-country products respectively with components manufactured in Japan

- Whether certificates are suitable or appropriate is still to be clarified, an assessment is therefore not possible at present. Questions remaining open include objectives, issuers and verification, as well as reliability.

Communicative Options

- One can assume that the measures which the Federal Government and the authorities have already taken are dependable. In addition, it would seem that only in a few cases further justified measures within German business would be necessary.
- To ensure trustworthy communication vis-à-vis consumers, staff⁷ and the general public, the relevant organisational and technical preconditions should be in place.
- The greatest assistance German business could provide would be to support Japan in rebuilding its economy as well as not stigmatising Japanese products in general.

⁷ Special information on occupational health and safety:

http://www.dguv.de/ifa/de/prae/container/gefaehrdungen/radioaktive_kontamination/index.jsp and
<http://www.bg-verkehr.de/aktuell/aktuellmeldungen/archiv-2011/japan-informationen-fuer-mitgliedsunternehmen-der-bg-verkehr>