



BRINGING A COMPLAINT
UNDER THE OECD
GUIDELINES FOR
MULTINATIONAL
ENTERPRISES

11 June 2008
(updated on 14 January 2011)

URN 11/650

Note

This document is intended to facilitate presenting details of a complaint in a manner that will assist the UK National Contact Point (NCP)'s initial assessment. This is a checklist of the minimum information that the UK NCP needs to make an initial assessment on whether to accept a complaint or not.

Q1. The identity of the complainant (or the identity of the lead complainant where a number of organisations or persons are involved) including your identity, the contact person, name of the organisation, contact details (including email).

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Q2. If you are bringing a complaint on behalf of others (e.g. on behalf of a local union or community), explain your interest in this case and mandate or reason for bringing the complaint.

In 1991 my children were found to have very high blood lead levels which were later found by CSIRO researchers to be majorly caused by lead from petrol. Over the past 20 years I have researched nothing but lead and determined that the most widespread preventable cause of lead exposure to the global population is the continuing use of lead in petrol. I set up The LEAD Group – An Australian based health promotion charity – which runs the Global Lead Advice and Support Service (GLASS) in order to provide information and referrals on how to prevent lead poisoning, by phone and email, as well as a web site, and to date the service has helped over 86,000 people directly and over 2 million web users. I have represented the community in state, federal and international fora. I am a Partner, Partnership for Cleaner Fuels and Vehicles, United Nations Environment Programme (UNEP); an Ally, Global Alliance to Eliminate Lead in Paint, World Health Organisation / UNEP and a Member, UNEP Chemicals Lead and Cadmium Working Group.

Q3. The identity and location of the company offices and why you consider this company is relevant to the UK NCP. Provide relevant information on the company' corporate structure and location that you consider will assist the UK NCP in this regard.

TetraBOOST Ltd. 17 West Hill, London, SW18 1RB. TetraBOOST Ltd is relevant to the UK NCP because TetraBOOST Ltd. operates in the United Kingdom, and, according to its website, has distributors of tetra-ethyl lead (TEL) based product, TetraBOOST, in mainland United Kingdom, Belgium, The Channel Islands, Denmark, France, The Republic of Ireland, Northern Ireland and Sweden, and TetraBOOST (the product) can be delivered throughout Europe by these distributors for addition to unleaded petrol in motor vehicle tanks when refuelling. Leaded petrol itself has been restricted to less than 0.5% of total sales, by *Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels*, since January 1st 2000, and it seems an oversight that tetra-ethyl lead was not restricted at the same time and that therefore TetraBOOST as a lead additive falls outside the restrictions of the legislation. The aim of *Directive 98/70/EC* was clearly to protect people and the environment from this most preventable form of lead exposure and this aim is thwarted by the use of TetraBOOST.

Q4. Provide detailed information on the alleged breaches of the Guidelines and provide relevant information on developments. List the chapter(s) and paragraph(s) in the Guidelines that you consider the company to be breaching.

In 1994 "the UN Commission on Sustainable Development called upon governments to eliminate lead from gasoline worldwide. This action set in motion decisions and efforts in other international fora and institutions - including the Summit of the Americas, World Bank, Habitat II, OECD, and the UNECE - to encourage and assist nations to take action to phase out this principal source of lead pollution, which continues to harm the health of millions of people."

In 2002 World Summit on Sustainable Development (WSSD) took two decisions to protect children's health from exposure to lead. Firstly, the WSSD Plan of Implementation (POI) called for: "*Supporting the phasing out of lead in gasoline.*" One result of WSSD 2002 was that the United Nations Environment Programme (UNEP) set up the Partnership for Cleaner Fuels and Vehicles (PCFV) with a core goal of global elimination of leaded petrol.

On Jun 6 2006 - SAICM (Strategic Approach to International Chemicals Management) released *Global Plan of Action*: including: "Work areas addressing risk reduction (objective 1) Activit[y]: Eliminate lead in gasoline. Actors: National Governments, IOMC (UNEP, WHO, UNIDO, UNDP, World Bank), GEF, Industry. Targets/Timeframes: 2006-2010. Indicators of Progress: Lead in gasoline is eliminated. (See http://www.lead.org.au/Chronology-Making_Leaded_Petrol_History.pdf)

Setting up a company such as TetraBOOST Ltd. with the sole purpose of defying the above goals and targets, puts TetraBOOST Ltd. into the same position as Innospec in all aspects of the LEAD Group's complaint against Innospec. Accordingly see attached as file name: OECD UK NCP exact provisions of MNE not abided by TetraBOOST 20111223.doc

Q5. Provide detailed evidence and information that supports the allegations. Official documents, reports, studies, articles, witness statements can all be considered. The UK NCP requires enough information to substantiate what has taken place – anecdotal statements or unsubstantiated allegations are not sufficient.

See: http://www.lead.org.au/Chronology-Making_Leaded_Petrol_History.pdf and OECD UK NCP exact provisions of MNE not abided by TetraBOOST 20111223.doc (attached)

Q6. Provide details on dealings that you or co-complainants have had with the company (including details of exchanges) relevant to address the reasons for this complaint.

The only ‘dealings’ The LEAD Group has had with TetraBOOST Ltd. is to download the entire contents of their website as at 2/12/2011, see file name: TetraBOOST website all pages downloaded 20111202.doc pages downloaded 20111202.doc (attached). On that day, the following text was found on the site:

‘Who else stocks TetraBOOST?’

TetraBOOST is now available for a number of [international distributors](#). These include Jersey, the Republic of Ireland, Denmark, France and Australia.’

Also on 2/12/2011 The LEAD Group contacted the Australian National Industrial Chemicals Notification and Assessment Scheme (NICNAS) and advised them of the possibility of TetraBOOST being distributed to Australia and asked if this was legal. The answer was that it was not legal except by a special permit.

Either by coincidence or because of action taken by the Australian Government, the word ‘Australia’ which appeared on the 2/12/11 did not appear on the TetraBOOST site as of 9/12/11 when we next checked.

Q7. What actions do you consider the company should take to resolve the problem?

Stop distributing TetraBOOST.