

**EU RISK ASSESSMENT OF NONYLPHENOL****AND RISK REDUCTION PROPOSALS: INDUSTRY COMMENTS**

***The EU risk assessment of nonylphenol has recently been finalised by the UK rapporteur. The report<sup>1</sup> concludes there are risks to the aquatic environment from some uses of nonylphenol and all uses of nonylphenol ethoxylates, the most commercially important derivatives of nonylphenol, which are used in a variety of industrial applications. The UK rapporteur has issued a proposal for a risk reduction strategy in the form of a report prepared by a consultant<sup>2</sup>. While we agree with many of the recommendations in this report, we believe the most appropriate means of managing potential risks from industrial uses of nonylphenol ethoxylates is through proper waste treatment and not through restrictions on marketing and use.***

The risk reduction strategy report recommends various means of managing the perceived risks. The report is a thoughtful and reasonably balanced study of a very complex issue, and we agree with many of its recommendations. However, we disagree with the recommendations that it makes for applying marketing and use restrictions to many industrial uses of nonylphenol ethoxylates. Instead, we consider that pollution control measures that ensure proper waste treatment are the most appropriate means for managing environmental risks.

Our reasoning is as follows:

- The risks to the aquatic environment are overestimated because of the way the EU risk assessment methodology has been applied. Our concerns in this respect are explained in more detail elsewhere<sup>3</sup>.
- We acknowledge that some localised "hot spots" in cases of heavily polluted waters may exist and believe that the risks identified in the risk assessment are related to these "hot spots". To ensure a high level of protection of the environment, industry fully agrees that measures have to be taken to remediate such "hot spots".

- Assessments of the risks of nonylphenol ethoxylates undertaken elsewhere in the world do not come to the same conclusions as the EU risk assessment. In the USA, for example, where consumption of nonylphenol and its ethoxylates is about three times higher than that in Europe, the US EPA has concluded there is no immediate concern<sup>4</sup>.
- The proposed risk reduction strategy does not recognise that within various categories of use, there are uses that do not lead to any or only very minor discharges to waste waters. Industry therefore believes that it is unnecessary to apply risk reduction measures to such uses.
- It is recognised that nonylphenol ethoxylates can be effectively treated in sewage treatment plants with biological treatment.

Therefore, in view of the likelihood that where risks to the aquatic environment exist they are confined to so-called "hot spots", we consider that for industrial uses adequate protection can be achieved via appropriate pollution controls (for example via the IPPC directive 96/61/EC). The application of proper waste treatment and pollution control instead of marketing and use restrictions on nonylphenol ethoxylates in industrial applications would:

- a) avoid the considerable costs that industry will suffer in having to substitute nonylphenol ethoxylates in a myriad of formulations and applications,
- b) avoid creating possible barriers to trade and other competitive disadvantages for industry in the EU versus other parts of the world where no marketing and use restrictions exist and
- c) maintain freedom of choice of surfactants for users.

Further, the application of directive 76/769/EEC to nonylphenol ethoxylates would be inappropriate because this legislative measure has primarily been used to regulate substances that are highly persistent and/or are classified as carcinogenic, mutagenic, or toxic to reproduction (the so-called "CMR substances"). Neither the nonylphenol ethoxylates nor any of their degradation intermediates including nonylphenol are classified as such.

To summarise:

1. The draft EU risk assessment overestimates the risks to the aquatic environment arising from the use of nonylphenol ethoxylates. In other parts of the world no such conclusions have been reached.
2. In Europe for consumer uses, voluntary agreements have been successfully used to manage risks. For industrial uses, "hot spots" may exist due to inadequate sewage treatment, where risks to the aquatic environment must be controlled.
3. The most appropriate means of controlling such localised risks are through pollution controls (e.g. via the IPPC directive), not through marketing and use restrictions, which are normally only applied to chemicals with very serious concerns about their effects on man or the environment.
4. Use of pollution controls instead of marketing and use restrictions avoids any potential trade frictions and competitive disadvantages, which may arise because of the absence of such use restrictions elsewhere in the world.

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<sup>1</sup>Risk Assessment of 4-Nonylphenol (Branched) and Nonylphenol; report currently being prepared by UK under EU Existing Substances Regulation (793/93/EEC).

<sup>2</sup>Nonylphenol Risk Reduction Strategy Final Report, Risk and Policy Analysts Limited, April 1999.

<sup>3</sup>CEPAD paper "EU Risk Assessment Of Nonylphenol And Risk Reduction Proposals: Industry Concerns about the EU Risk Assessment of Nonylphenol"

<sup>4</sup>Rodier D., RM-1 Document for para-nonylphenol, US Environmental Protection Agency, 1996, CSRAD, Washington DC