

ALKYLPHENOLS BULLETIN

An Update from the Alkylphenols & Ethoxylates Research Council

October 10, 2016

ECHA Proposal to Prioritize NPE and OPE for Authorisation under REACH Calls for Industry Feedback:

Precedent on Unresolved Policies on Endocrine Disruptors and Polymers at Stake

On Sept 16 the European Commission (EC) released a draft [proposal](#) to add nonylphenol ethoxylates (NPE) and octylphenol ethoxylates (OPE) to Annex XIV of REACH, which would require that they be subject to authorisation under REACH. As currently proposed, it will not be legal to place on the market or use NPE and OPE without authorisation after a 42 month phase out period.

The draft amendment is currently [open for feedback until October 14](#) under the new Better Regulations Initiative by the European Commission. Comments will go to the EU Commission rather than to the European Chemicals Agency (ECHA) as in previous consultations. ECHA solely considers hazard properties of chemicals nominated as Substances of Very High Concern (SVHC) under Annex XV of REACH. At this stage in the consultation related to Authorization under Annex XIV of REACH comments may relate to:

- The proportionality of the proposed legal act
- Whether the act economically and legally fits with the need
- Things that EU Commission should consider that has not been considered by ECHA
- Relevant conditions that have changed since the prioritization of the substances

The North American-based Alkylphenols & Ethoxylates Research Council (APERC) will be jointly submitting the attached comments with the European Alkylphenols Manufacturer Association (CEPAD). APERC/CEPAD encourages other industry stakeholders to submit their own comments.

APERC and CEPAD are concerned about a potential decision by the European Commission to advance NPE and OPE based on their degradation to compounds that are SVHCs due to their environmental endocrine activity when there are no final criteria for endocrine disruptors under REACH or otherwise in the EU. In the case of NPE and OPE, ECHA readily acknowledges that these compounds do not meet the hazard criteria for SVHC on their own. They were proposed as SVHC and for Authorisation because their environmental transformation products nonylphenol (NP) and octylphenol (OP) have been demonstrated to be one thousand to one million-fold less potent than natural estrogens. However, they have aquatic toxicity effects that are not necessarily linked to an estrogenic mode of action as proposed in draft EU criteria for endocrine disruptors.

Also of concern is the precedent that a Commission decision to subject a non-hazardous polymer to Authorisation under REACH based solely on its degradation an existing SVHC compound will set for any polymers that degrade to any current – or future – SVHC chemicals.

Aside from the questionable basis for the SVHC determinations, comments provided by APERC on this proposal for Authorisation will address information not previously considered that show this proposed action is not proportional to the low potential for environmental risk when use patterns, environmental concentrations, and control under other existing EU regulations for NPE/NP and OPE/OP are considered.

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APERC encourage your organization to submit comments on this proposal. Please contact Barbara Losey, Director of APERC at blosey@regnet.com for additional information or to discuss comments on this European Commission proposal.

The Alkylphenols & Ethoxylates Research Council (APERC) is a North American organization whose mission is to promote the continued safe use of AP and APE products through science-based research, product stewardship and outreach efforts, within the framework of responsible chemical management.