

# ALKYLPHENOLS BULLETIN

An Update from the Alkylphenols & Ethoxylates Research Council

June 27, 2017

## **European Decision to List NPE and OPE on Annex XIV Authorisation List Misguided and Concerning Precedent**

The Alkylphenols & Ethoxylates Research Council (APERC), the North American trade association representing the manufacturers of alkylphenols and their derivative products views the recent decision by the Council of the European Union to add nonylphenol ethoxylates (NPEs) and octylphenol ethoxylates (OPEs) to the Authorisation list under Annex XIV of REACH to be a misguided and concerning precedent since these compounds do not meet the criteria for Authorisation.

NPEs and OPEs, which are polymers, were proposed for Authorisation primarily based on the argument that due to their degradation they are “an environmental source” of nonylphenol (NP) and 4-tert-octylphenol (4-t-OP), which were both previously designated as Substances of Very High Concern (SVHCs).

APERC believes that the assumption that because a polymer degrades to a SVHC the polymer should also be SVHC - or subject to Authorisation - is inconsistent with the requirements and intention of Article 57 of REACH. The decisions to designate OPE and NPE as SVHC, and more recently for Authorisation, circumvented the need for Commission consideration of this fundamental policy question. The “degradation as an environmental source of SVHCs” argument relied on a revision of Annex XIII, another section of REACH that relates to compounds that are persistent, bioaccumulative and toxic (PBT) or very Persistent and very Bioaccumulative (vPvB). Annex XIII allows consideration of “relevant transformation and/or degradation products” that are PBT and vPvB. NP, OP and their ethoxylates are not PBT or vPvB. The fact that there is such a specific revision to Annex XIII highlights the uniqueness of this provision within REACH. There is no such requirement to consider transformation and/or degradation products in the hazard assessment of substances as SVHC under Article 57.

APERC continues to disagree with the SVHC determination for NP and OP since they were listed on the basis of “environmental endocrine disrupting properties” in the absence of criteria in the European Union to define “endocrine disruptors”. While there are still no criteria in the European Union, APERC has provided comment to ECHA demonstrating that NP and OP are only very weakly estrogenic (one thousand to one million-fold less potent than natural estrogens) and their estrogenic activity does not impart special or more sensitive toxicity in aquatic species. In addition, monitoring for these compounds conducted by the Member States under the EU Water Framework Directive (WFD) and published in the peer-reviewed literature show that they do not pose a risk relative to Environmental Quality Standards, which have been derived for these compounds under the EU WFD.

For more information link to [FAQs about Listing NPEs and OPEs to Annex XIV of REACH for Authorisation.](#)

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