OSPAR COMMISSION

Review Statement for the OSPAR Background Document on Octylphenol

Hazardous Substances Series

2009

OSPAR Convention

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”) was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

Convention OSPAR

La Convention pour la protection du milieu marin de l'Atlantique du Nord-Est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l’Irlande, l’Islande, le Luxembourg, la Norvège, les Pays-Bas, le Portugal, le Royaume-Uni de Grande Bretagne et d’Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l’Espagne.

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1. Introduction

OSPAR Background Documents are periodically reviewed and revised as necessary to take account of the latest information so that any additional risks to the marine environment can be highlighted, and additional measures and controls can be acknowledged.

In cases where a revision was not advised, a Review Statement supplementing the Background Document is prepared by the lead county, highlighting new developments since the adoption of the Background Document. The Review Statement will be updated, as appropriate, with information on progress on actions agreed in Background Documents.

The OSPAR Background Document on octylphenol was published in 2003 and updated in 2004 (monitoring strategy added) and 2006 (exchange of information on octylphenol in resins (OSPAR Publication number 273/2006). Following a review by the OSPAR Hazardous Substances Committee in 2009, this Review Statement, prepared by the United Kingdom lead country for this chemical, was adopted.

2. Progress in implementing and completing agreed actions

2.1 Understanding risks and suitability of alternatives

The background document recommended a number of actions associated with getting a better understanding of the risks posed by octylphenol from various sources, *e.g.* resins, and the suitability of various alternatives. Progress has been made on both areas.

a) The nonylphenol risk reduction strategy has been published by the United Kingdom Department for Environment, Food and Rural Affairs (Defra), and the Marketing and Use Directive (Council Directive 76/769/EEC) was amended in 2004.

b) Octylphenol has been listed as 'high concern' on the EU endocrine disrupter priority list.

c) The United Kingdom Environment Agency published its environmental risk evaluation report on octylphenol in April 2005 and subsequently Defra published a Risk Reduction Strategy (http://www.defra.gov.uk/environment/quality/chemicals/documents/op-rrs-aad-report.pdf), but this stalled at European Union (EU) level because it proposed a general restriction on the use of octylphenol followed by exemptions for the known uses. This approach was not supported because it was not sufficiently risk-based.

   However, the discussions did highlight imported textiles as a potentially important source of alkylphenol ethoxylates (APEs) in the EU environment, and the United Kingdom produced a draft report on this in February 2008. As a result, the United Kingdom is developing a new review of nonylphenol to see if there are grounds for further restrictions. Part of this involves a review of predicted no effect concentrations (PNECs), and the United Kingdom are looking at octylphenol again from this point of view.

d) The United Kingdom is also investigating further emissions information from industry about alkylphenols in resin production. It appears that although risks are controlled at

some sites, risks from other sites still cannot be excluded based on the information currently available.

e) The United Kingdom has also evaluated several alternatives to octylphenol. Environmental risk evaluation reports were published for both 4-tert-pentylphenol (http://publications.environment-agency.gov.uk/pdf/SCHO0208BNQR-e-e.pdf and dodecylphenol (http://publications.environment-agency.gov.uk/pdf/SCHO0607BMVN-e-e.pdf). Potential risks are identified for both, although they are refinable. The United Kingdom is still working on assessments for 2,4-di-tert-butylphenol and 2,6-di-tert-butylphenol. They are also assessing styrenated phenol which might be a possible alternative in some applications, and this appears to pose risks too.

2.2 Promotion of measures that would prevent octylphenol from entering the marine environment

The Background Document recommended that Contracting Parties should support measures underway in the European Community (EC) which would prevent octylphenol from entering the marine environment, particularly through the Water Framework Directive ((2000/60/EC) and the Marketing and Use Directive (76/769/EEC). Some progress has been made here.

a) Octylphenol has been designated as a Water Framework Directive “priority substance”, Environmental Quality Standards are given in Directive 2008/105/EC of 16 December 2008, which should mean that monitoring programmes in coastal waters required under the directive will contribute to any assessments which OSPAR makes regarding this substance.

b) as mentioned above, the initiative to control octylphenol in the Marketing and Use framework has stalled, because the proposed general restriction on the use of octylphenol followed by exemptions for the known uses, was not supported because it was not sufficiently risk-based.

2.3 Promotion of actions in OSPAR

The Background Document also promotes a number of actions in OSPAR, although progress on these is less clear.

a) Contracting Parties were invited to finalise their implementation of PARCOM Recommendation 92/8 dealing with nonylphenol (NP)/ nonylphenol ethoxylates (NPEs) in which octylphenol is frequently present. The implementation report on this measure, prepared by Sweden and published in 2006 (OSPAR publication number 260/2006), indicated that Iceland, Luxembourg, Ireland and Portugal had not presented implementation reports on this measure.

However, all reporting countries except Finland make use of voluntary agreements to phase out the use of NP and NPEs in the targeted applications or national legislation implementing Directive 2003/53/EC which restricts marketing and use of NP/NPEs in the European Community and the European Economic Area. Work on developing less hazardous substitutes was also mentioned by a number of countries.

b) OSPAR published the outcome of the exchanges of information within its Offshore Industry Committee on the presence of octyphenol as a production residue in ethoxylated resins and the possible effects of this as an annex to the Background Document on octyphenol.

c) OSPAR also considered the need for supporting evidence to justify measures, *e.g.* through one-off hot spots survey, but this has not yet been carried out.

3. Conclusions and recommendations on further work needed

Since octylphenol was identified by OSPAR and the EC as a substance of concern, and the Background Document was published, more work has been undertaken to further evaluate its risks to the environment and the suitability of various alternatives. Possible risks from emissions associated with resin production and from imported textiles have been identified, but these are not yet clear and need further evaluation.

Any further work and measures for the control of octylphenol would be best taken in the EC framework, rather than by OSPAR, but OSPAR should keep a watching brief on future developments to ensure that any possible risks to the marine environment are flagged up and taken into account. If necessary, OSPAR could develop a common approach.