

# A P E R E S E A R C H C O U N C I L

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July 31, 2003

Mr. Greg Carreau  
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Chemicals Control Division  
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**Re: Comments on Working Document on Pollution Prevention Planning  
For Products Containing Nonylphenol And Its Ethoxylates (May 2003)**

Dear Mr. Carreau:

The Alkylphenols & Ethoxylates Research Council (APERC) appreciates this opportunity to respond to Environment Canada's Draft *Working Document on Pollution Prevention Planning For Products Containing Nonylphenol And Its Ethoxylates* (May 2003). APERC is comprised of the major North American manufacturers, importers and processors of alkylphenols (APs) and alkylphenol ethoxylates (APEs), including nonylphenols (NPs) and nonylphenol ethoxylates (NPEs). Members of APERC include: Dover Chemical Corporation; GE Plastics; Great Lake Chemical Corporation; Rhodia Inc.; Rohm and Haas Company; Schenectady International, Inc.; Sunoco, Inc.; and, The Dow Chemical Company. APERC and its member companies have conducted extensive research on the fate, effects and exposure of NP and NPE.

**The Environmental Objective Should Also Be The Risk Management Objective**

As we have stated in previous comments,<sup>1</sup> APERC supports the overall Environmental Objective in the Proposed Risk Management Strategy for NP/NPE, which is to achieve ambient concentrations of these compounds in Canadian waters that do not exceed the Canadian Environmental Quality Guidelines (EQGs) for NP/NPE. We believe that this goal should also be the Risk Management Objective for products that contain NP/NPE, which are Track 2 substances. The intention under CEPA is to mitigate the risk of Track 2 substances with appropriate actions. Prescriptive use reduction targets of 95% are excessive for a P2 Plan for Track 2 substances, particularly considering that the Risk Assessment for NP/NPE found "discharges from municipal wastewater

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<sup>1</sup> Comments of the Alkylphenols & Ethoxylates Research Council On The Proposed Risk Management Strategy For Nonylphenol and Its Ethoxylates in Products Under CEPA 1999, September 30, 2003.

treatment plants and pulp and paper mills contribute NP and NPEs to the environment at levels that are of concern at a limited number of sites.”<sup>2</sup>

Environment Canada should not impose a 95% phase-out for companies that are manufacturing NP/NPE in products that are intended for use in a manner that is not contributing to an exceedance of the EQG. Moreover, the CEPA Environmental Objective should be listed among the Factors to Consider in the Working Document. This is consistent with the approach taken in the P2 Plans for other Track 2 CEPA Toxic compounds such as the *Working Document for Ammonia, Inorganic Chloramines and Chlorinated Wastewater Effluents in Municipal Wastewater Effluents*<sup>3</sup> and the *Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Acrylonitrile*.<sup>4</sup> Other factors to consider in developing a P2 Plan should include Best Management Practices, improved wastewater treatment technologies and, if necessary, product use reduction. Defining the Risk Management Objective in terms of achieving the EQG, provides an incentive for textile, paper and cleaning product formulators to integrate upgrades in general pollution prevention practices among their customers into their P2 Plans, rather than simply switching from one product to another without necessarily achieving any real measured environmental benefit.

### **The Working Document Should Provide Flexibility In The Development Of Pollution Prevention Plans**

In consideration of the Environmental Objective, the Working Document should afford flexibility in the development of P2 Plans so that companies can work with downstream users to demonstrate through Best Management Practices or improved wastewater treatment technologies, that these compounds can be handled and disposed of in a manner consistent with the overall Environmental Objective. Achieving the Environmental Objective should eliminate the need to reformulate for specific end users. Documenting the implementation of Best Management Practices and improved technologies can be included in the P2 Plans and progress noted in the updates.

As noted by Environment Canada, there was poor participation in the Environment Canada stakeholder process related to cleaning products. This poor participation likely reflects a lack of awareness on the part of at least some affected stakeholders. Including the option for Best Management Practices and improved treatment in certain textile, paper and cleaning product uses of NP/NPE does not remove product reformulation from the options in the P2 Planning process. It merely provides the flexibility for each party subject to P2 Planning to consider more than one option for achieving the Environmental Objectives for NP/NPE. APERC has developed draft Best

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<sup>2</sup> Environment Canada and Health Canada, Priority Substance List Assessment Report, Nonylphenol and Its Ethoxylates, April 2001.

<sup>3</sup> Environment Canada, Pollution Prevention Planning for Ammonia, Inorganic Chloramines and Chlorinated Wastewater Effluents in Municipal Wastewater Effluents Working Document, July 2002.

<sup>4</sup> Environment Canada, Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Acrylonitrile, Canada Gazette, May 24, 2003.

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Management Practices for the textile industries, which also have general applicability to industrial and institutional laundries and we would be glad to discuss them with Environment Canada.

### **TNPP Should Not Be Included On The List Of NP/NPEs And Should Not Be Covered In The Working Document**

Over the past year APERC has been working with Environment Canada to correctly describe the NP and NPE compounds that are used in commerce. APERC appreciates that Environment Canada has removed a number of NPE derivatives from the list of *CAS Numbers for Most Commonly Used NP and/or NPEs in Canadian Industry*. However, the current list as specified in Table 1 of the NPE Instruction Insert to the Working Document identifies phenol, nonyl-, phosphite (CAS RN 26523-78-4) under the NP section. Phenol, nonyl-, phosphite, otherwise known as trisonylphenyl phosphite or TNPP is not an NP. A footnote in the Instruction Insert identifies this compound as an “additive in plastics and polymer manufacturing – typically contains free NP as an impurity at 1 to 3%.” While TNPP is derived from NP and may contain some residual levels of NP, it is a chemically distinct substance with uniquely different properties and functions, molecular structure, physical-chemical properties, uses and toxicological profile. To equate this compound with NP violates the basic tenets of chemistry as well as the chemical nomenclature rules used in the Canadian Domestic Substance List, the US EPA Toxic Substance Control Act Inventory, the EINECS inventory and other accepted systems of chemical identification.

APERC does not believe it is appropriate to include TNPP within the list of NP compounds covered in the Working Document. Canada’s Risk Assessment on NP and NPE<sup>5</sup> did not identify TNPP as a source of NP or NPE in textile, paper or cleaning products. In fact, to the best of our knowledge, this compound is not used within these industries. TNPP has not been added to the List of Toxic Substances to Schedule 1 of the Canadian Environmental Protection Act, 1999 (CEPA 1999)<sup>6</sup>; it has not been identified as a priority source of NP/NPE in the environment; and is not even used in the product sectors targeted by the Risk Management Strategy. As a result, its unsubstantiated inclusion on the list of NPs targeted for use reduction mandates is arbitrary and capricious. Therefore any reference to TNPP should be removed from the *Working Document*.

Environment Canada’s listing and identification of TNPP on the list of NP/NPE targeted for use reduction will result in confusion and unnecessary regulatory and reporting burdens for formulators subject to P2 Planning as they will be required to evaluate all of their products and survey their suppliers merely to confirm that they are not using this compound. In addition, targeting TNPP for 95% use reductions will also

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<sup>5</sup> Environment Canada, Health Canada, *Priority Substance List Report, Nonylphenol and Its Ethoxylates*, April 2001.

<sup>6</sup> Canada Gazette Part II, 1 January 2003, Vol. 137, No. 1, p. 143.

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cause confusion among other users who are not familiar with the textile, paper and cleaning focus of this document and may raise questions regarding the regulatory status of these substances in other contexts. This may lead users to mistakenly spend time, money, and resources unnecessarily reformulating products for the primary uses of TNPP which are not subject to the proposed Pollution Prevention Plan.

### **The Description Of Affected Textile Processes Should Be Clarified**

While the NPE Instruction Insert to the Working Document lists certain “wet textile” processes and products that are covered under the P2 activities, processes that are not considered “wet textile processing” are not specified. Since applications such as textile coating are aqueous based, but do not fall into the definition of “wet processes,” APERC strongly recommends that Environment Canada provide clarification regarding textile processes and products that are and are not covered by P2 Planning. We request that Environment Canada examine to what extent such descriptions can be included within the formal rule as we believe such information will provided needed clarification to the textile industry.

### **The Criteria For Alternatives Should Be Expanded To Ensure Reduced Risk**

The Working Document states that alternatives to NP/NPE containing products should be chosen to ensure that environmental risks are reduced or minimized; however, it does not define reduced risk in terms other than avoiding the use of AP/APEs. It is certainly possible that a non-APE alternative product could pose an equal or greater risk than NP/NPE; therefore, Environment Canada should define the toxicological and biodegradation characteristics of acceptable alternatives more generically so that reformulated products will truly not pose a greater risk, especially in situations where no action is taken to reduce emissions.

Please contact me at 202\637-9071 or [blosey@regnet.com](mailto:blosey@regnet.com) if you have any questions or would like to discuss these comments further.

Sincerely,

Barbara S. Losey  
Deputy Director

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