

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

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STATEMENT AT JUNE 12 EPA SDSI PUBLIC MEETING

I am Robert Fensterheim and am here in my capacity as Executive Director of the Alkylphenols & Ethoxylates Research Council (APERC). APERC is a not-for-profit association, representing the major producers of alkylphenols and alkylphenol ethoxylates, including nonylphenol (NP) and nonylphenol ethoxylates (NPE). On behalf of APERC and its members, I would like to thank you for the opportunity to present this afternoon.

I am sure you will not be surprised to hear that the alkylphenols industry does not support establishing the SDSI program. We appreciate the desire to promote detergents with positive environmental attributes. We further appreciate DfE's goal of recognizing companies that manufacture, formulate and sell "safer" products. However, we do not believe that SDSI will achieve that objective; rather, SDSI is nothing more than a "use anything but NPEs initiative."

EPA's website announcing SDSI suggests that the program is needed as a "preventive action" to attain the newly adopted NP Water Quality Criteria (WQC). Perhaps this justification would be understandable if levels in the environment were above the chronic WQC for NP of 6.6 ug/L; however, as we explained to EPA a few weeks ago, with few exceptions, available monitoring results show that levels of NP in US waters are below 6.6 ug/L.

We know this because in anticipation of the final WQC, APERC sponsored an extensive review of available environmental monitoring studies conducted between 1989 and 2004. This included over 1250 samples for NP taken from across the country, including from

several large monitoring studies conducted by the United States Geological Survey (USGS). A review of these results found only six samples in four locations to exceed the chronic WQC value. Over 45 % of the samples had non-detectable levels of NP. A review of the four sites where NP was found above the chronic WQC level revealed that these were taken from water bodies that were otherwise polluted, some with a history of non-compliance.

We appreciate that as states adopt a WQC for NP, there will likely be an increase in monitoring; we recognize that this may result in occasional samples found with levels that exceed the 6.6 ug/L level. At the same time, the extensive monitoring that has been done over the past 15 year -- more monitoring than we believe exists for any other surfactant -- clearly shows that there is not a national problem that warrants a national deselection campaign.

It is important to recognize that there is nothing unique about the adverse effects associated with the surfactant NPE; the toxicity of NPEs is comparable, and in some cases, less toxic than other surfactants. Additionally, NPEs and NP are not considered to be persistent according to both national and international criteria. This was recently affirmed by the State of Washington and Environment Canada. We understand that the focus of SDSI is on NP, given that low levels have been shown to be toxic to aquatic species. We are not, however, here to debate the toxicological properties of NP as EPA recently completed an extensive review of the available toxicity data in support of its NP WQC.

So what is the justification for SDSI?

As already noted, we recognize that part of DfE's motivation in setting up SDSI is to recognize companies that promote environmentally "safer" detergents. What has not been explained is why DfE believes that its existing programs, such as the DfE Formulator Initiative, does not provide a sufficient framework for such recognition. Under the Formulator Initiative, DfE can recognize companies that sell products the Agency believes have a "positive environmental profile." As part of its existing program,

before providing such recognition, EPA reviews each of the ingredients in a formulation and based on that review, decides whether to recognize the product on its website and grant the use of the DfE logo (see [detergent formulator partners](#)).

In contrast, the proposed SDSI program, would recognize companies simply because they commit not to use NPEs – without any indication that such action will result in an environmental benefit. We believe this to be misguided given that there does not appear to be a technical basis suggesting a national problem of achieving the NP Water Quality Criteria.

For these reasons, we recommend the following:

1. EPA should review the available environmental monitoring results for NP in order to assess whether there is adequate technical justification to support a national “use anything but NPEs initiative.”
2. If EPA finds that there is not adequate justification to endorse such a national program, then we believe EPA should abandon the SDSI program.
3. If after review of the monitoring results, EPA finds that there is sufficient justification to endorse a national program, the alkylphenol industry, which is comprised of companies that take seriously their commitment to Responsible Care, stands ready to work with EPA to reduce the levels of NP in the environment.
4. If after reviewing the data, the conclusion is reached that a national program is not justified, but there are a few local hot spots, we commit to work with the Agency to address those as well.

Thank you for your attention.