

AISE/CESIO OBSERVATIONS ON THE RESPONSES TO THE PUBLIC CONSULTATION CARRIED OUT BY DG ENTERPRISE WITH REGARD TO THE NEW DETERGENTS REGULATION

General Comments

The European Detergent and Surfactant Industry Associations agree in general with the proposals for a new Detergents Regulation; which represent over four years of work by technical experts from Member States, the European Commission and Industry. Outstanding issues of concern have been communicated by industry to DG Enterprise through the Public Consultation process, numerous discussions with Commission members and submission of documents. Industry is surprised, however, to note that the response to the Public Consultation from the UK Competent Authority was neither mentioned nor taken into account in the published results of the Public Consultation. This response included a detailed scientific critique of Annex IX, which is extremely important for the scientific integrity of the document, and Industry wonders if other important contributions may have similarly been ignored.

Limits for Biodegradability

Many replies, largely from NGO, suggest that higher biodegradability levels should be imposed in the Regulation. At first sight this may seem a valid and simple option; particularly to those not expert in the science of biodegradation. The biodegradability levels provided in the draft Regulation are not, however, arbitrarily chosen but are derived from international standard methods (OECD) incorporated into EU law. These biodegradability limits apply to other EU legislation relating to control of chemical substances and, hence, allow widespread and economic use of biodegradability data.

The pass limits and operating conditions of the well-known “ready” biodegradability tests are particularly stringent. Professional environmental scientists would agree that 60% biodegradation (equivalent to mineralisation) in 28 days under the “ready” test conditions in methods which measure either oxygen consumption or carbon dioxide production is indicative of a high level of biodegradability in the environment. The OECD expert group which established the set of “ready” biodegradability tests (OECD 301 test series) pointed out that a positive result in any one of these tests “may allow the assumption that the chemical will undergo rapid and ultimate biodegradation in the environment”. The appropriateness of “ready” biodegradation methods and test limits has been endorsed in the context of this revised detergent legislation both by Member States’ technical experts and the CSTEE.

The suggestion that surfactants derived from “natural” raw materials such as oils and fats are *per se* more biodegradable than those derived from petrochemical raw materials is naïve and erroneous. Biodegradability and environmental fate are related to the chemical structure of the molecule and not to its chemical origin.

Removal in Sewage Treatment Works

A large number of responses, again principally from NGO, allude to poor and insufficient degradation of surfactants in sewage treatment works (STW). While a limited removal of surfactants may be observed in mechanical STWs (where no provisions for efficient biodegradation exist), there is overwhelming evidence that detergent-based surfactants are removed to a very high degree in properly run biological STWs which reflect the standard required in the EU member states. Detailed work conducted by industry (ERASM) in conjunction with the Netherlands Competent Authority, and shared with the European regulatory community in a Workshop at Limelette, Belgium, showed excellent removal of detergent surfactants (at least 99 %) by efficient sewage treatment facilities.

Results of a further ERASM study demonstrate that the “ready” biodegradability of most surfactants used in detergents ensures their more rapid removal compared to the other carbon-containing materials present in raw sewage. This is the case even under the conditions of direct discharge; when sewage enters rivers without previous treatment in a STW.

Consequently, if there are indeed local situations in which surfactants are being insufficiently removed in the sewage treatment process, this is indicative of inadequate sewage treatment capability rather than poor biodegradability potential of detergent surfactants. In such situations it is important to consider the impact of all other materials that are being released into the environment via the sewage effluent.

Effect on Coastal Vegetation

Industry is aware of publications which seek to implicate detergent surfactants as causative agents in the deterioration of littoral vegetation in some stretches of the Mediterranean coastline; mainly located near to urban zones. This effect, which is being attributed to domestic pollution transported by marine aerosols, appears to be localised to regions where inadequate sewage treatment is still admitted. Industry believes that efficient sewage treatment would ensure marine concentrations of surfactants below levels of concern, both for marine organisms and coastal vegetation. Marine risk assessment is provided for in the revised Technical Guidance Document for Risk Assessment and should not form part of a Detergents Regulation.

Derogation Issues

Industry has explained the need for an option to obtain derogations for small volume speciality surfactants in specialised technical applications and acknowledges that the

conditions and the time scale for granting such derogations must be precisely defined. In this context, the provision of clear guidelines and testing requirements for a stepwise and proportionate approach to the risk assessment requirements of Annex IV is of paramount importance. The current poorly structured proposals, which have never been discussed in the Technical Working Group, will impose a severe burden on those companies who produce and use small volume speciality surfactants; many of which latter are SMEs working in niche markets.

Industry has developed and offered to share with DG Enterprise clear constructive proposals for managing the complementary risk assessment in a transparent, scientific and economic way. Specific test methodology may be required to assay any potential metabolite toxicity and relevant experience is being developed in Industry.

It is particularly important that the Regulation provides sufficient time; both for approval of new surfactants and to phase out existing surfactants which may not be allowed by derogation. Surfactants incorporated into formulated products may be in the supply chain for a number of years before they are finally used.