

## Environmental Quality Standards in the Field of Water Policy

The European Parliament's draft report for 2nd reading on environmental quality standards in the field of water policy includes a list of additional substances for the European Commission to consider as potential "priority substances" (PS) or "priority hazardous substances" (PHS).

This amendment 45 includes the intermediate Bisphenol A (BPA), and states that BPA should be reviewed as a potential PHS by the Commission within 12 months:

- A. In the context of the EU's better regulation agenda, the inclusion of this list of additional substances unnecessarily **duplicates an existing regulatory process** (article 16, WFD, 2000/60/EC).
- B. The conclusions of the recently updated **EU risk assessment** of BPA clearly show that BPA poses **no risk** to the aquatic environment, has **no classification** that would warrant its inclusion as a PHS, and is **not** an endocrine disruptor.
- C. Including BPA in the additional list damages the reputation of a substance that has been **safely used** for decades for products providing a number of important **environmental benefits**.

**Our position: On these grounds, BPA should not be included in the Parliament's second reading report on environmental quality standards. The PC/BPA group asks that MEPs support the existing regulatory process under Article 16 of the Water Framework Directive (2000/60/EC) for reviewing priority substances.**

### A. Including an additional list of substances duplicates a pre-existing regulatory process

The Water Framework Directive (2000/60/EC) already sets out a process for identifying additional substances as PS or PHS. According to Article 16 of the Water Framework Directive (WFD, 2000/60/EC), the Commission shall identify and review the list of priority substances every four years and the Commission is due to adopt a new proposal to add additional chemicals to the list in December 2008.

This legislation, agreed to by both the European Parliament and Council, states that risk assessments carried out under Existing Substances Regulation EC/793/93 should be used as the basis to prioritise substances for action.

#### Article 16, WFD, 2000/60/EC states:

2. The Commission shall submit a proposal setting out a list of priority substances selected amongst those which present a significant risk to or via the aquatic environment. Substances shall be prioritised for action on the basis of risk to or via the aquatic environment, identified by:
  - (a) Risk assessment carried out under Council Regulation (EEC) No 793/93 (1), Council Directive 91/414/EEC (2), and Directive 98/8/EC of the European Parliament and of the Council (3), or
  - (b) Targeted risk-based assessment (following the methodology of Regulation (EEC) No 793/93) focusing solely on aquatic ecotoxicity and on human toxicity via the aquatic environment.
4. The Commission shall review the adopted list of priority substances at the latest four years after the date of entry into force of this Directive and at least every four years thereafter, and come forward with proposals as appropriate. [i.e. 2004 and 2008, 2012 etc]

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Through this agreed process, the Commission is currently reviewing priority substances. By nominating substances and ignoring the process laid out in Article 16, the European Parliament would unnecessarily divert the attention and resources of the Commission and Member State experts, who are already addressing this issue.

### **B. The BPA risk assessment concludes that it poses no risk**

The BPA risk assessment concludes that BPA poses no risk to the aquatic environment. EU risk assessments are the most authoritative source of scientific information for regulatory purposes.

The BPA risk assessment sets out concentrations of BPA in surface water derived both from modelling and from the data contained in approximately 80 scientific publications. The risk assessment fully reviews and assesses potential endocrine activity of BPA before reaching its conclusions. Moreover, the risk assessment concludes that BPA is not carcinogenic, mutagenic or toxic for reproduction (CMR category 1 or 2), nor is it persistent, bioaccumulative or toxic (PBT).

These conclusions prove that the inclusion of BPA in an additional list of substances is unjustified.

### **C. Including BPA damages the reputation a safe substance that benefits the environment**

The inclusion of BPA in this additional list will needlessly damage the reputation of a substance that poses no risk to the aquatic environment and, in fact, provides a number of key environmental benefits.

BPA has been safely-used in countless products for decades. It is a chemical starting point for the manufacture of polycarbonate plastic and epoxy resins, used to make products that are essential to the quality of life; from CDs and cell phones to safety glasses and computers. There is no direct consumer or professional use for BPA.

BPA-based products assist in improving environmental performance. For example, lightweight polycarbonate is often used in cars and planes, which improves energy efficiency, saves fuel and limits carbon dioxide emissions. Furthermore, transparent polycarbonate roofing allows lightweight steel construction for increased eco-efficiency.

Amendment 45 will only serve to blacklist BPA, and create unfounded damage to European BPA manufacturers who are committed to ensuring that their products meet the highest levels of safety.

### **Our position:**

Given the points above, BPA should not be included in the Parliament's second reading report on environmental quality standards. The PC/BPA group asks that MEPs support the existing regulatory process under Article 16 of the Water Framework Directive (2000/60/EC) for reviewing priority substances.

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The Polycarbonate / Bisphenol A Group of PlasticsEurope represents the European producers of Bisphenol A (BPA), the intermediate used in the manufacture of polycarbonate and epoxy resins.