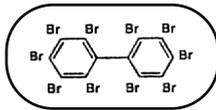


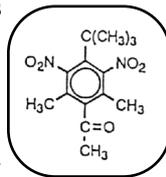
How to Make the Market of Hazardous Substances More Transparent?

At OSPAR MMC 1998 (Sintra, Portugal), Environment Ministers of the Contracting Parties to the OSPAR Convention and the Member of the European Commission signed up to a new Strategy with regard to Hazardous Substances.

WWF welcomed the adoption of the Strategy and its ultimate Objective „to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances (that is, substances which are toxic, persistent and liable to bioaccumulate (=PTB) or which give rise to an equivalent level of concern), with the ultimate aim of achieving concentrations in the environment near background values for naturally occurring substances and close to zero for man-made synthetic substances.“



WWF complements OSPAR on its efforts to move towards the target of „cessation of discharges, emissions and losses of hazardous substances by the year 2020“. At OSPAR MMC 1998, Ministers had invited industry and other international organisations to join OSPAR in their efforts to achieve this target, e.g.



* to select and prioritise substances and groups of substances which cause most concern, and to update the OSPAR List of Chemicals for Priority Action (also see the outcome of OSPAR 2000, Copenhagen);

**European Importers
and Producers of
Chemical Substances
Suspected to Have a
PTB Profile**

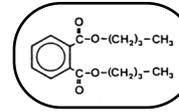
* to draw up programmes and measures to control discharges, emissions and losses of the substances on that list;
* to identify and assess substances that, although not fulfilling all the traditional criteria of a hazardous substance give rise to equivalent concern, especially those that act as endocrine disruptors;

* to elaborate and publish the OSPAR List of Substances of Possible Concern.

For information, contact:

Stephan Lutter
WWF North-East Atlantic Programme
Am Güthpol 11 · D-28757 Bremen · Germany
Tel: +49 421 65846-22 · Fax: +49 421 65846-12
E-mail: lutter@wwfneap.org

On the occasion of OSPAR 2001 (Valencia, Spain), WWF emphasizes § 5.6 of the Strategy with Regard to Hazardous Substances:



„The Commission and Contracting Parties, individually or jointly, will endeavour to maintain and develop further a constructive dialogue with regard to hazardous substances with all parties concerned, including producers, manufacturers, user groups, authorities and environmental NGOs. This should ensure that all relevant information, such as reliable data on production volumes, use patterns, emission scenarios, exposure concentrations and on properties of substances, is available for the work of the Commission in connection with this strategy.“

WWF regrets that this commitment to transparency has not been taken seriously enough by all stakeholders concerned. Progress on implementation of the target adopted in Sintra 1998 was either hampered by confidentiality constraints within the EU chemical market (where chemicals data on substances produced by less than four companies are restricted) or delayed due to the reluctance of manufacturers and chemical industry themselves to disclose sufficient information.

Background: until 2000, an *ad hoc* working group had developed a mechanism to select and prioritise substances which may be of concern with regard to the marine environment (DYNAMEC Mechanism). The outcome of this work was a comprehensive List of Substances of Possible Concern (about 400 substances) and a subset of 80 substances which were divided into six categories according to the type of further work to be carried out. Substances were prioritised either for identification of sources and reduction measures (group A and B) or for compilation of hazard data by industry (group A* and B*). Group C and D comprises substances of very high concern due to their PTB and/or POP profile as well as other initially selected substances without indication of use or exposure.

Glossary

POP = Persistent Organic Pollutant

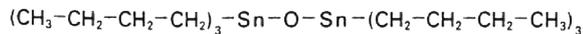
PTB = Persistent, Toxic and Bioaccumulative substance based on the following criteria as set up by OSPAR DYNAMEC: half-life in water > 50 days or failing to be inherently degradable (P), acute aquatic toxicity < 1 mg/l or CMR (carcinogenic, mutagenic or toxic to reproduction) properties (T), bioconcentration factor (BCF) > 500 or LogPow > 4 (B).

IUCLID = International Uniform Chemical Information Database



WWF's approach to enhance a transparent process:

as OSPAR 2000 had invited Contracting Parties and Observers to provide more reliable data for the A*, B*, C and D categories of substances, WWF commissioned a *Report on European Importers and Producers of Chemical Substances Suspected to have a PTB Profile* thus assisting the OSPAR Commission in completing this task.

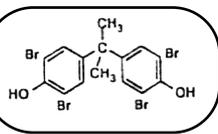


In order to raise awareness among importers and producers of substances which OSPAR had selected for further work, a letter was sent to 64 companies possibly importing or producing suspected PTB substances. About 40 substances were included in this data collection exercise. Industry was asked to provide information on market volumes, substance uses and any data indicating that the substance could not reach the marine environment, be it due to

- * insignificant releases to water and atmosphere, or
- * fast mineralisation in the environment.

Objective of WWF's report to OSPAR 2001: it aims to

- * identify the current European producers or importers of the prioritised substances;
- * investigate whether or not the substances still occur on the EU market or whether they are exported in relevant amounts;
- * compile basic information on uses and market volumes;
- * evaluate to which extent the identified companies are ready to respond to concerns with regard to the long-term effects their products may cause in the environment (Responsible Care Concept and/or Product Stewardship).



Statistics

* Among the 40 chemicals under scrutiny, there were 25 industrial chemicals, 14 pesticides and one pharmaceutical. Five of the industrial chemicals exclusively occur on the EU market in production sites for chemical substances (raw material, intermediate, processing media, by-products recovered onsite).

* Among the 40 substances, there were only nine substances for which more than three companies are involved in production and import. Following the current EU rules on confidentiality, for all other substances in the current study the market volumes would have been regarded a business secret. However, during the study 14 companies provided data on the current market volumes and uses or discharges for about 18 substances.

* Among the 64 companies included in the questionnaire, there were 19 importers, 27 producers and seven companies being importers and producers at the same time. Only three companies produce or import more than five different suspected PTB substances at the same time.

* Three relevant companies were identified not to appear in IUCLID and/or as a notifier in the framework of the EU existing pesticide programme.

Industry Performance

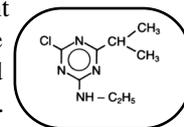
* Among the 14 active pesticide producers and/or importers, five companies were sufficiently open to communication and provided useful information. The same applies to nine producers and/or importers of industrial chemicals.

* Among the 64 companies, 12 did not respond though they definitely received the request. Four companies in this group, however, submitted information to CEFIC or EUROCHLOR who then forwarded the information to the relevant OSPAR expert groups. One company responded by clearly expressing its unwillingness to release any information to institutions other than authorities.

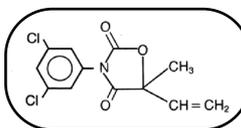
* The majority of responsible persons in the companies were not aware of the fact that their product is under evaluation under the OSPAR Strategy with regard to Hazardous Substances.

* Most of the companies did not provide the requested information to a full extent. In particular, valid data on degradation of pesticides and industrial chemicals under conditions in surface water and sediments (including stable metabolites) and/or use patterns of industrial chemicals outside the chemical industry and/or the percentage of losses from closed systems is lacking. Thus, for about 70 % of the substances covered in the WWF Report the assumption that they are potentially PTBs or even POP-like substances and that they may reach the marine environment has to be maintained for the time being.

Some conclusions: the possible PTB profile of a substance has not become a Product Stewardship issue for the majority of companies yet. For many substances, the IUCLID data on volumes and use patterns are largely dated or incomplete. Public access to relevant data on pesticide properties and exposure information for pesticides and industrial chemicals is insufficient.



WWF believes that OSPAR would send the wrong signal to industry in selecting only those substances for priority action for which the producer had provided good quality information while at the same time postponing action on



substances of potential concern for which industry has not submitted sufficient or any data. Such practice is supposed to work like an incentive to certain manufacturers for being less transparent than required by § 5.6 of the OSPAR Strategy while at the same time the more communicative companies might gain the disadvantage.

Text prepared by Stephan Lutter and Andreas Ahrens

References / Further Reading:

Heitmann, K. & A. Ahrens (2001): European Importers and Producers of Chemical Substances Suspected to Have POP-like Properties. ÖKOPOL – Institute for Environmental Strategies. A report commissioned by WWF NE Atlantic Programme. Hamburg/Bremen (also see document OSPAR 01/4/13-E*)