

# From Bioavailability Science to Regulation of Organic Chemicals

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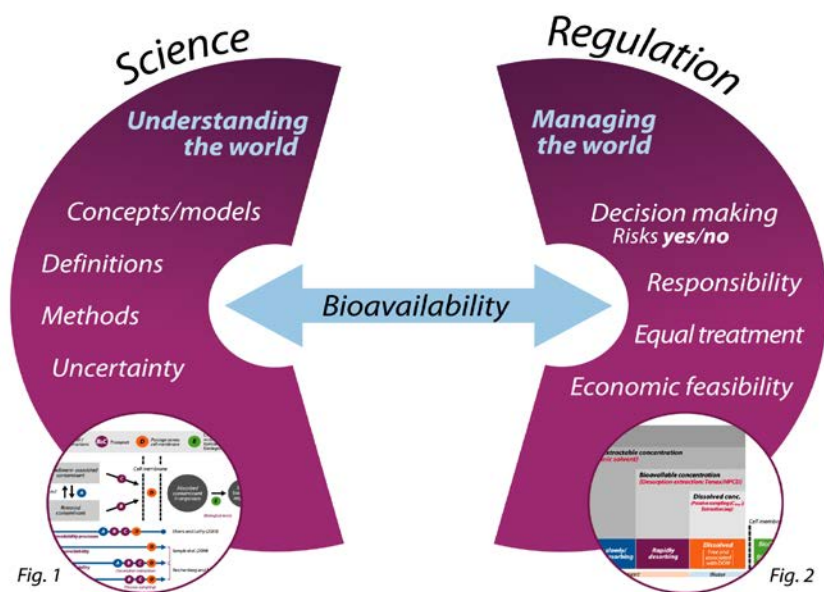
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2 The bioavailability of organic chemicals in soil and sediment is an important area of scientific

3 investigation for environmental scientists, although this area of study remains only partially

4 recognized by regulators and industries working in the environmental sector. Regulators have

5 recently started to consider bioavailability within retrospective risk assessment frameworks for

6 organic chemicals; by doing so, realistic decision-making with regard to polluted environments

7 can be achieved, rather than relying on the traditional approach of using total-extractable

8 concentrations. However, implementation remains difficult because scientific developments on

9 bioavailability are not always translated into ready-to-use approaches for regulators. Similarly,

10 bioavailability remains largely unexplored within prospective regulatory frameworks that

11 address the approval and regulation of organic chemicals. This article discusses bioavailability

12 concepts and methods, as well as possible pathways for the implementation of bioavailability

13 into risk assessment and regulation; in addition, this article offers a simple, pragmatic and

14 justifiable approach for use within retrospective and prospective risk assessment.

15

## 16 INTRODUCTION

17

18 Straightforward approaches are required to assess the risks associated with contaminated sites  
19 and chemicals that require regulation. However, realistic assessments must also include the  
20 consideration of bioavailability. To enable regulatory decisions, the fraction of a chemical  
21 present in soil or sediment that is available for uptake, and for causing adverse effects to biota  
22 within a given time span, should be explicitly considered. Moreover, such decisions must rely  
23 on measurements made using established and, preferably, standardized methods. In this paper,  
24 we summarize the current state of knowledge on bioavailability science and translate this  
25 knowledge into a simple, pragmatic and justifiable approach for use in prospective and  
26 retrospective assessment and management of risk.

27 A recent search of articles published since 1996, carried out using the Web of Science™  
28 data-base and the search-terms "bioavailability/organic/pollutant", identified 2,028 papers with  
29 59,776 citations.<sup>1</sup> Despite this, the application of “bioavailability” in the risk assessment (RA)  
30 of soil and sediments remains very limited, and assessments are routinely based on the total  
31 extractable chemical concentrations alone, even if it can be shown that most of the chemical  
32 burden is either non-mobile or non-bioavailable. At the moment, risk characterization, which is  
33 based on total contaminant loading, is an overly protective, conservative approach that  
34 minimizes liability should something go wrong and transfers cost to the owners of the  
35 contaminated sites. In spite of the recent shift to a more risk-based assessment strategy, the  
36 implementation of bioavailability knowledge for the production of a more pragmatic, site-  
37 specific approach is still uncommon.

38 Retrospective RA targets the identification and evaluation of the potential negative  
39 effects of chemical substances (e.g., from contaminated soil and water) and is implemented  
40 through national legislation on soil contamination.<sup>2, 3</sup> In contrast, prospective RA is carried out

41 in the context of the market authorizations of chemicals. In Europe, the latter is implemented at  
42 the legislative level mainly by means of regulations (e.g., REACH Regulation,<sup>4</sup> Plant  
43 Protection Products Regulation,<sup>5</sup> and Biocidal Products Regulation).<sup>6</sup> At present, total  
44 extractable concentrations are used for both forms of regulatory RA. However, over the last  
45 few years there has been growing acknowledgement of the need to include bioavailability in  
46 risk assessment frameworks. Methods that consider bioavailability have also been promoted for  
47 the purpose of water and sediment monitoring.<sup>7</sup> This has led to the inclusion of a  
48 bioavailability-specific method (passive sampling - see below) in the guidance provided under  
49 the Water Framework Directive.<sup>8, 9</sup> However, this approach is only included as a  
50 complementary method. Similarly, the guidance of regulatory frameworks based on prospective  
51 RA highlights the relevance of bioavailability.<sup>10, 11</sup> The European Centre for Ecotoxicology and  
52 Toxicology of Chemicals (ECETOC) has recently proposed chemical-residue extraction  
53 approaches for use in soil/sediment degradation studies that fractionate the total residue on the  
54 basis of biological relevance rather than on the basis of extraction efficiency alone. These  
55 approaches are designed to differentiate the concentrations of the residue that is bioavailable  
56 and hence relevant from that which is non-bioavailable and hence not relevant in the RA.<sup>12</sup>

57 As the knowledge base of bioavailability science continues to grow, new possibilities  
58 and refinements may be identified, expanding the potential for implementation. To facilitate the  
59 inclusion of bioavailability within RA frameworks, agreement between scientists, regulators  
60 and industry is required regarding the incorporation of bioavailability knowledge into existing  
61 structures, to obtain a more realistic estimation of risk. One major question remains: are we  
62 ready for this? In a brief but unconstrained presentation of the most established scientific  
63 knowledge on bioavailability, this article aims to bridge the gap between the scientific and  
64 regulatory community.

65

## 66 **THE STATE-OF-THE-ART IN BIOAVAILABILITY SCIENCE**

67

68 For bioavailability to be accepted by environmental regulators and incorporated into RA  
69 frameworks, two questions must be addressed: (1) what is meant by “bioavailability”, and (2)  
70 how should it be measured? Over the last 30 years, numerous publications have discussed the  
71 concepts and definitions of bioavailability. These are illustrated in Figure 1. However, the  
72 discussions have not always considered how these definitions might be used to provide relevant  
73 and measurable data to support RA and remediation. This uncertainty has fuelled the reluctance  
74 of the regulatory/RA community to include "bioavailability" within RA and management  
75 procedures. For example, a survey conducted in the UK on the applicability of bioavailability  
76 in risk-based regulation contacted 375 local authorities, with the results revealing that 70% of  
77 the respondents thought bioavailability would be useful in supporting decision making.<sup>13</sup>  
78 However, 78% expressed concern that the lack of statutory guidelines was hampering the  
79 application of bioavailability to the RA and management of contaminated land.

80         Depending on the scientific approach, different definitions of bioavailability have been  
81 developed. Figure 1 shows several of the definitions accepted by scientists. The main schools  
82 of thought consider bioavailability (focusing on the aqueous or dissolved contaminant),  
83 bioaccessibility (incorporating the rapidly desorbing contaminant in the exposure), and  
84 chemical activity (determining the potential of the dissolved contaminant for biological  
85 effects).<sup>14-16</sup> Ehlers and Luthy (2003) summarized the findings, for retrospective situations, of  
86 the NRC Committee on Bioavailability of Contaminants in Soil and Sediments, in which  
87 “bioavailability” was not defined; rather, the merits of “bioavailability processes” in assessing  
88 contaminated soils and sediments were discussed.<sup>14</sup> The concept of bioavailability was further  
89 discussed by Semple et al.,<sup>15, 17</sup> who identified and defined the "bioaccessible" and  
90 "bioavailable" fractions: after a certain exposure time, bioaccessibility extends beyond

91 bioavailability, encapsulating what is bioavailable, as well as potentially bioavailable (rapidly  
92 desorbing contaminant), which may be determined using chemical methods.<sup>17</sup> With the  
93 development of passive samplers, Reichenberg and Mayer applied the concepts of chemical  
94 activity and bioaccessibility to the description of bioavailability.<sup>16</sup> Similarly, the International  
95 Organization for Standardization (ISO) perceived bioavailability as a relevant issue by  
96 highlighting that exposure time is important, particularly with regard to the choice of method.<sup>18</sup>

97 For prospective situations, the regulatory approval of chemicals, particularly pesticides,  
98 has involved the use of <sup>14</sup>C-labelled chemicals in well-defined systems.<sup>19-21</sup> For most  
99 chemicals, persistent, residual <sup>14</sup>C-activity often remains in the soil, even after the most  
100 aggressive solvent extractions have been performed. This residual <sup>14</sup>C-activity is defined as the  
101 non-extractable residue (NER). NERs can usually be quantified only if <sup>14</sup>C-labelled (and also  
102 <sup>13</sup>C-labelled) chemicals are used,<sup>22</sup> and they are not a measurable parameter in retrospectively  
103 contaminated soil or sediments. NERs may be defined as the chemical itself associated with  
104 mineral and/or organic matter fractions. However, if care is not applied, NERs may also  
105 describe the transformation products of <sup>14</sup>C within microbial biomass (biochemical  
106 components), or even <sup>14</sup>C-carbonates, and undefined <sup>14</sup>C-transformation products. These  
107 assimilated residues (known as biogenic NERs) are of no ecotoxicological concern.<sup>22</sup> Thus, in  
108 prospective RA, it is important that the potential for the extensive formation of such residues is  
109 taken into account when considering the significance of NER and bound residues.

110 In this section, four key concepts have been introduced: bioavailability, bioaccessibility,  
111 chemical activity and NERs. Bioaccessibility, chemical activity and NERs are well-known  
112 terms within the research community but are less commonly used or understood in the  
113 public/regulatory domains, compared with bioavailability. Therefore, it is important to be  
114 aware of the differences between scientific and regulatory perception; these differences serve as  
115 key motivation for this paper. In regulatory decision-making scenarios, a greater degree of

116 clarity, predictability and, perhaps, greater simplicity are required than in science. In addition to  
117 characterizing the risks, an estimation of the uncertainties of the methods is required for robust  
118 and pragmatic regulatory decision making. However, other factors may influence the decision  
119 making process. For example, who is responsible, what are the costs, and for what purpose will  
120 the land be used? The complexities of the science of bioavailability should not make decision  
121 making more complex or uncertain. To implement bioavailability within RA and management,  
122 decisions must be clearly articulated and well-justified, so that they can be understood by non-  
123 experts and incorporated into existing frameworks.

124 In our proposal, the concept of bioavailability considers the importance of an  
125 organism's cell membrane (Figure 2). Only the molecules of the chemical that can interact with  
126 or pass across a biological membrane are considered to be bioavailable. Of course, this is  
127 dependent on the morphological and physiological properties of the organisms, the  
128 soil/sediment-contaminant contact time, the physico-chemical characteristics of the chemical(s)  
129 and the properties of the soil or sediment, as well as the properties of other phase materials,  
130 such as tar, oil or black carbon. To have bioavailability included within the RA and  
131 management of contaminated systems, the following should be understood by interested  
132 parties: (1) organic chemicals are sorbed to soil/sediment and sorption becomes stronger with  
133 time (ageing); (2) desorption and remobilization from these sites will take more time and,  
134 therefore, putative toxicity will decline; and (3) only the rapidly desorbing *and* the aqueously  
135 dissolved molecules of the chemical are bioavailable, as illustrated in Figure 2. The  
136 assessments of soil/sediment and the target chemical should be based on two measurable  
137 values: the total extractable concentration measured with a suitable method, and the  
138 bioavailable concentration as measured with a well-defined and explainable chemical method  
139 (desorption extraction, passive sampling or aqueous extraction) or the effect of the bioavailable  
140 concentration on an organism (biological tests). In our model, we consider slowly desorbing



141 chemicals not to be bioavailable. We understand that this is a simplification, in scientific terms.  
142 However, this simplification is powerful because it enables the regulator to discriminate risks.  
143 Maintaining this distinction will facilitate the substitution of our proposed model for the old  
144 model, which is based on total concentrations.

145

## 146 **CHEMICAL METHODS FOR MEASURING BIOAVAILABILITY**

147

148 Figure 2 mentions the chemical and biological approaches that can be used to measure the  
149 bioavailability of organic chemicals. The principles and application of chemical methods have  
150 been reviewed elsewhere.<sup>23, 24</sup> The choice of method depends on the objectives and may differ  
151 for scientific research, as opposed to investigations for regulatory purposes. For regulatory  
152 purposes, methods must be suitable for all soils or sediments and chemicals and, preferably,  
153 should be standardized.<sup>19, 25</sup>

154 The pioneering work on bioavailability originally used mild extractants (e.g., methanol-  
155 water mixtures and butanol) to measure the bioavailable fractions of organic chemicals in  
156 soil.<sup>26</sup> These and other methods have had an important role in demonstrating the environmental  
157 relevance of bioavailability. These methods later evolved into mechanistically based to  
158 determine bioavailability, providing data suitable for use in fate models. During the recent  
159 development of the ISO guideline on bioavailability, it was decided that these methods should  
160 be standardized.<sup>18</sup> For organic chemicals, two possible approaches were identified:<sup>23, 24</sup> (1)  
161 methods based on the desorption of the target chemicals from soil or sediment by an extractant  
162 operating as an infinite sink, and (2) methods that measure the chemical concentration freely  
163 dissolved solely in the aqueous phase.

164 The results of infinite sink methods using Tenax<sup>28-33</sup> and cyclodextrin<sup>34-38</sup> extraction  
165 during approximately 20 hours are currently used to predict toxicity and biodegradation, and

166 are in the process of being standardized.<sup>39</sup> The results of these methods represent and define  
167 what is referred to as the rapidly desorbing fraction. The second complementary approach is the  
168 use of passive sampling to determine the freely dissolved concentration as a measure of the  
169 chemical activity of organic chemicals in soils and sediments.<sup>16</sup> This approach proposes that  
170 chemical activity drives bioavailability (Figure 1). Passive sampling has been performed with  
171 different systems in which chemicals partition between the dissolved phase and a solid or liquid  
172 sampling phase without significantly affecting the soil-water or sediment-water equilibrium.  
173 Different materials have been tested for non-polar chemicals and polymers such as  
174 polyoxymethylene, polydimethyl siloxane and polyethylene, which are routinely used.<sup>40</sup> Polar  
175 organic chemical integrative samplers and solid phase microextraction with materials such as  
176 polyacrylate are used for the passive sampling of polar chemicals.<sup>41, 42</sup> Using these methods,  
177 the measured concentrations of the freely dissolved chemicals are often orders of magnitude  
178 lower than those calculated using the distribution coefficients ( $K_{oc}$ ) of the chemicals, and  
179 therefore, their bioavailability can be considered to be lower than predicted.<sup>43</sup>

180

## 181 **BIOLOGICAL METHODS FOR MEASURING BIOAVAILABILITY**

182

183 Protecting an organism from a toxic chemical means that the bioavailability of the chemical for  
184 that organism should be known. There is only one way to assure that a chemical method is  
185 representative for the actual exposure (and, potentially, the effects) suffered by an organism,  
186 i.e., showing that such chemical measurements are closely linked to the biological process  
187 driven by exposure. As ISO 17402 states, this can be directly accomplished by using that  
188 organism to measure the effect, accumulation or degradation of a given chemical.<sup>18</sup> Several  
189 (mostly standardized by ISO and OECD) ecotoxicological test methods are available to  
190 determine bioavailability in the soil and sediment compartments.<sup>44</sup> These methods were

191 developed in the context of prospective RA, but they are also applicable in retrospective RA.  
192 They focus primarily on invertebrates and, to a lesser degree, on plants or microorganisms (the  
193 latter, only in soil). The bioavailability of a wide range of specific chemicals for these  
194 biological groups is relatively well studied. Examples include polycyclic aromatic  
195 hydrocarbons (PAHs),<sup>45</sup> pentachlorophenol,<sup>46</sup> and pesticides in general.<sup>47</sup> It is obvious that,  
196 because of the high number of organic chemicals (which may end up in soils), the large range  
197 in soil properties (which may influence the availability of these chemicals) and the taxonomic,  
198 physiological and behavioral diversity of soil biota (which may react quite differently to  
199 chemical pollution), there is no single test method that can be used. Therefore, a battery of  
200 tests, which consists of methods that reflect the various combinations of chemicals, soils and  
201 organisms, as well as the different putative exposure pathways, is necessary.<sup>44</sup>

202         The European (prospective) regulation on plant-protection products<sup>48</sup> already uses a  
203 suite of tests, including an earthworm reproduction test,<sup>49</sup> collembolan reproduction test,<sup>50</sup>  
204 predatory mite reproduction test,<sup>51</sup> plant seedling emergence test,<sup>52</sup> and plant vegetative vigor  
205 test.<sup>53</sup> These tests include the two main biotic groups that must be protected in soils  
206 (invertebrates and plants) and consider the different putative exposure pathways, i.e., via pore  
207 water and soil (earthworms and Collembola), via food (mites), and via pore water and air  
208 (plants). Different taxonomic groups (e.g., Arthropoda, Oligochaeta) and morphological /  
209 physiological (i.e., hard- and soft-bodied) groups are also included. Comparable requirements  
210 also exist for pharmaceuticals.<sup>54</sup> Other standardized tests (e.g., Enchytraeidae, Nematoda)  
211 might be needed to establish robust relationships between bioavailable fractions and to conduct  
212 assessments for other groups of chemicals. In some cases, test methods that have not yet been  
213 standardized may be helpful (e.g., with Isopoda).<sup>55</sup>

214         Information on the potential for the biodegradation of chemicals is relevant for both  
215 prospective RA and retrospective RA, and this process may also be affected by bioavailability.

216 The OECD biodegradation guidelines are the most widely used for regulatory purposes and are  
217 the basis for the biodegradation testing demanded in the USA and EU.<sup>4, 56, 57</sup> Methods for  
218 assessing biodegradability in soil (OECD 304) using <sup>14</sup>C-labelled chemicals are suitable for  
219 studying the kinetics of biodegradation and the transformation pathways. As mentioned above,  
220 the results of these biodegradability tests are very comparable with those of the infinite sink  
221 chemical methods; therefore, biodegradability tests are suitable biological methods for  
222 estimating the bioavailability of biodegradable chemicals.<sup>30, 38, 58, 59</sup> If both measurements are  
223 made, the more conservative result (corresponding to the higher amount of the chemical  
224 released, and therefore bioavailable) can be used as the indicator of risk.

225

## 226 **APPLICATIONS OF BIOAVAILABILITY IN RETROSPECTIVE RISK** 227 **ASSESSMENT**

228

229 Retrospective management of contaminated soil has been commonly practiced in the  
230 industrialized world since the 1970s. Measurements of the (total) concentrations of  
231 contaminants, such as metals, PAHs, polychlorinated biphenyls (PCBs) and pesticides, made it  
232 clear that a large number of sites have been contaminated. In many countries, quantifying the  
233 total, maximum allowable and background concentrations of chemicals in soil and sediments  
234 has made it possible to identify contaminated sites. However, the risks tend to be overestimated  
235 when total extractable concentrations have been used, resulting in the remediation of  
236 potentially contaminated sites that did not pose significant risk to receptors. Although  
237 bioavailability is not commonly used, there are a relatively small number of examples in which  
238 such measurements have been considered in the management of contaminated sites. Examples  
239 from two countries, (1) The Netherlands, with a focus on risk-related values, and (2) Australia,  
240 where the focus was on remediation, are presented.

241 In The Netherlands, the list of maximum allowable concentrations addresses specific  
242 land uses, such as natural areas, agriculture, living, playgrounds and industrial sites. The values  
243 are defined for a standard soil having 10% organic matter (OM) and measured values are  
244 required to be corrected by the actual % OM of the soil to accommodate different soil types.  
245 Although this was not the explicit intention when developing the system, the correction factor  
246 in practice turned out to be a first attempt to to apply standard values on the basis of the  
247 bioavailable fractions, and in combination with land use, they are more risk based. Sequestering  
248 and strong specific binding are not accounted for by this correction, and the corrected value  
249 does not always explain the bioavailability and risks. As a step toward the implementation of  
250 bioavailability in this model, a general protocol for considering bioavailability in a higher-tier  
251 risk evaluation was agreed upon by experts in The Netherlands <sup>2</sup> and has been applied to  
252 specific sites with contaminated sediments (including harbors) and a large area (450 ha) of  
253 diffuse contaminated soil using desorption extraction and/or passive sampling methods as  
254 described in this paper. The sites were contaminated mainly with hydrophobic persistent  
255 chemicals like PAHs, PCBs and/or mineral oil. The proposal for the inclusion of  
256 bioavailability in the generic regulation in retrospective RA has not yet been implemented.

257 Australia is an example of pioneering work on the introduction of bioavailability in full-  
258 scale land management given the recent introduction of bioavailability and in particular metal  
259 and metalloid bioavailability in its National Environment Protection Measure (NEPM). While  
260 organic contaminant bioavailability is yet to be incorporated in the Assessment of Site  
261 Contamination (ACS) at the NEPM, it is nevertheless included in contaminated site risk  
262 characterisation.<sup>60, 61</sup> Research towards the development of standard operating procedures is the  
263 focus of Australian studies with a view to inclusion of bioavailability in the next revision of the  
264 ACS-NEPM. Indeed, up to 60% of contaminated sites, with the majority in the urban  
265 environment, are likely to include organic contaminants. Despite an expenditure for

266 remediation exceeding three billion Australian dollars per annum, less than 10% of the sites  
267 have been remediated over the past 20 years, with most of the remediation carried out through  
268 excavation and disposal in landfills. It has also been recognized that some remediated sites  
269 were most likely otherwise safe from an exposure perspective. Therefore, it was necessary to  
270 change the governing policies. One important tool was the explanation of bioavailability to  
271 regulators using the concepts given in this paper, which made it possible to design new  
272 remediation methods. If organic chemicals are immobilized, the flux from the soil to the pore  
273 water is low, usually too low for the contaminant to pose risks. The underlying basis for this  
274 approach is to demonstrate to regulators using appropriate indicators, that the toxic  
275 contaminant, once immobilized, will not be bioavailable over time and hence poses no risk to  
276 receptors.<sup>62</sup> Jurisdiction in Australia now recognizes that the process of ageing can be  
277 accelerated via chemically-induced immobilization, which results in a rapid decline in  
278 bioavailability. An example of successful immobilization-based remediation using a modified  
279 clay sorbent in Australian soils has been documented for pollution by perfluorooctane  
280 sulfonate, a highly recalcitrant contaminant.<sup>63</sup> After treatment, the bioavailable concentration of  
281 the chemical, measured as the concentration in the water phase, remained below the detection  
282 limit, and no toxicity for earthworms was observed. Another example is the successful  
283 immobilization of DDT in soil by a modified clay.<sup>64</sup> Activated carbon has also been used in  
284 Australia, as is the case in the USA and EU,<sup>65, 66</sup> to decrease the bioavailability of PCBs and  
285 PAHs in soils and sediments.<sup>62</sup>

286         The global exchange of experience will be important for future developments.  
287 Guidelines are necessary for further applications of remediation in which modifying  
288 bioavailability has a central role. A good example of such a guideline is the so-called TRIAD  
289 approach (only recently completed as an ISO standard).<sup>67</sup> The tiered approach described in this  
290 standard is also an important part of our proposal.

291

292 **APPLICATIONS OF BIOAVAILABILITY IN PROSPECTIVE RISK**  
293 **ASSESSMENT**

294

295 Legislation addressing the prospective RA of chemicals usually requires companies to provide  
296 data on basic substance properties (e.g., vapor pressure, log  $K_{ow}$  and solubility), basic fate  
297 properties (e.g., hydrolysis, degradation, bioaccumulation) and information on (eco)toxicity and  
298 exposure, which are then used to assess the risks that a chemical may pose for human health or  
299 the environment. For example, under the European REACH regulation companies are  
300 responsible for providing information throughout the supply chain regarding the hazards,  
301 exposure, risks and safe use of chemical substances that they manufacture or import. The  
302 follow-up regulatory action is then the responsibility of public authorities, with obligations and  
303 responsibilities of the companies in some processes. Usually, RA approaches start with  
304 simplified, worst-case assumptions that do not require significant amounts of detailed  
305 information, e.g., the use of total concentrations as a first estimation of exposure. Higher-tier,  
306 more realistic RA might be necessary if there is a clear need.

307 Many of the regulatory frameworks on chemicals allow for weight-of-evidence  
308 approaches or the use of several lines of evidence, which may include the determination of  
309 bioavailability. For example, REACH allows for such substance-specific approaches to be used  
310 by registrants by adapting the standard information requirements to their substance.<sup>4</sup> Similarly,  
311 bioavailability can play a role in other regulatory RA procedures, e.g., in the assessment of  
312 chemicals leading to restrictions. Such adaptations must be scientifically valid, well-  
313 documented and justified, with the uncertainties described and addressed. Furthermore, when a  
314 substance falls under different regulatory regimes because it is used as a pesticide, a biocide or  
315 a veterinary medicine, different exposure scenarios may exist and must be taken into account.

316 The Plant Protection Products Regulation<sup>3</sup> and related guidance documents do not  
317 currently take bioavailability into account in their calculations of potential exposure. An EFSA  
318 scientific opinion on the comparative usefulness of total soil and pore water concentrations  
319 concluded that for soft-bodied soil organisms and plants, pore-water-mediated uptake was  
320 mainly responsible for the effects caused.<sup>10</sup> The opinion also acknowledged the limitation of  
321 the use of total soil concentrations based on publications demonstrating reduced toxicity with  
322 time, even though soil residues remained constant. A software tool (PERSAM) was  
323 subsequently developed to calculate the total soil and pore-water exposure values.<sup>68</sup> This tool  
324 relies on the use of soil/water equilibrium-partitioning values to calculate pore-water  
325 concentrations even after many years of ageing. This is a reasonable first-tier approach, but the  
326 option to use aged sorption values or desorption measurements would be a straightforward way  
327 to improve the realism of the predicted exposure values by introducing elements of  
328 bioavailability. However, extrapolations of approaches from other regulatory frameworks may  
329 not always be possible, or may be complex. For example, the EU sets rules for the sustainable  
330 use of pesticides to reduce the risks and impacts of pesticide use on human and environmental  
331 health.<sup>69</sup> Including bioavailability in the RA of these different regulatory frameworks could add  
332 to the complexity of the RA. Therefore, a clear explanation of the steps to be taken when  
333 including bioavailability in the RA is required.

334

## 335 **THE WAY FORWARD: INTELLIGENT AND PRAGMATIC** 336 **APPROACHES FOR RISK ASSESSMENT**

337

338 For regulatory purposes, it is necessary to use a straightforward approach to assess  
339 contaminated sites, to inform the development of new chemicals, and to determine the risks to  
340 human and environmental health posed by chemicals. The present retrospective risk assessment



341 uses total concentrations and has been the standard for over 30 years, despite being overly  
342 conservative and overly protective, especially when decisions on the remediation of soil and its  
343 re-use are required.

344         Depending on the case, an appropriate selection of the methods and test organisms must  
345 be made for retrospective and prospective risk assessments. The data used for decision-making  
346 must be clearly and understandably connected to the presence of organic chemicals in the soil  
347 or sediment environment (Figure 2). As with chemical methods, there should be a restricted  
348 number of bioassays used, and where possible, these should be validated and preferably  
349 standardized in combination with proper quality assurance and control procedures. In this  
350 context, it is important that transparent criteria, commonly defined beforehand by risk assessors  
351 and stakeholders alike, are used when selecting the most appropriate biological test methods.  
352 These criteria include the possible pathways, site-specific conditions, ease of application,  
353 sensitivity, costs of the tests and interpretation of the results by non-ecotoxicologists.

354         To include the results of tests on bioavailability in decision making a weight-of-  
355 evidence approach should be used. To date, the TRIAD approach, which consists of three lines  
356 of evidence, namely, environmental chemistry, (eco)toxicology and ecology, represents the  
357 most enlightened approach. It has been used extensively and successfully in sediment  
358 ecotoxicology for approximately 30 years<sup>70</sup> and is currently being standardized by the ISO.<sup>67</sup> In  
359 a tiered approach, it is neither practical nor economically feasible to use all of the available  
360 methods. Therefore, a stepwise, tiered, approach, similar to that used for metals,<sup>71</sup> is proposed.  
361 A decision is made after each tier on whether further investigation is necessary (Figure 3).  
362 According to this scheme, bioavailability can be included at a higher tier to provide additional  
363 site-specific data. Under the regime proposed in this paper, bioavailability will be part of a  
364 second-tier of assessment. This new proposal provides an opportunity for the inclusion of a

365 more detailed interrogative assessment procedure in which bioavailability plays a role and that  
366 will potentially lead to more realistic RA.

367       **So, are we ready for this new approach?** Our conclusion is yes. The system we propose  
368 is simple and is limited to measuring the totally extractable chemical, as well as the  
369 bioavailable concentration, which is represented by the freely dissolved concentration and the  
370 fraction that rapidly desorbs and moves into the water phase. Under normal circumstances,  
371 NERs would not be considered within this proposed RA framework because the risk comes  
372 from the extractable fractions in the soils and sediments. Measurement means the application of  
373 validated and preferably standardized chemical and biological methods. In the authors' opinion,  
374 the knowledge already provided by science supports the proposed simplification.

375

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379

### 380 **Notes**

381 <sup>a</sup>(C.A. and B.V.) Disclaimer—The author is a staff member of the European Chemicals  
382 Agency. The views and opinions expressed in this article represent exclusively the personal  
383 ideas of the author and do not represent the official position of the Agency.

384

385 <sup>b</sup>(G.S.) This publication expresses the views of the author and should not be regarded as a  
386 statement of the official position of the European Commission nor of its Directorate General for  
387 Internal Market, Industry, Entrepreneurship and SMEs.

388

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## 1 **FIGURE LEGENDS**

2

3 **Figure 1.** Overview of scientific concepts of the bioavailability of organic chemicals, as  
4 explained by Ehlers and Luthy (2003),<sup>14</sup> Semple et al. (2004),<sup>15</sup> and Reichenberg and Mayer  
5 (2006).<sup>16</sup> Using the same framework, the figure places different schools of thought that have  
6 dissected bioavailability into the different processes that are involved (A to E), the dissimilar  
7 endpoints (bioaccessibility and chemical activity), and the different methodologies  
8 (desorption extraction, passive sampling and biological tests). Each of these processes,  
9 endpoints and methods has been considered differently in a wide variety of bioavailability  
10 scenarios. Depending on the schools and processes investigated, bioavailability can be  
11 examined through chemical activity, the potential of the contaminant for direct transport and  
12 interaction with the cell membrane (processes B, C and D), or bioaccessibility measurements,  
13 which incorporate the time-dependent phase exchange of the contaminant between the  
14 soil/sediment and the water phase (process A). Depending on biological complexity, the  
15 passage of the contaminant molecule across the cell membrane (process D) may represent  
16 multiple stages within a given organism before the site of biological response is reached  
17 (process E).

18

19 **Figure 2.** Measurement of bioavailability: a simplified scheme for use in regulation. The  
20 colour boxes at the left of the cell membrane represent the distribution of pollutant molecules  
21 among four classes (non-extractable, very slowly/slowly desorbing, rapidly desorbing and  
22 water-dissolved) in soils and sediments. In our scheme, the bioavailable chemical is  
23 represented by the rapidly desorbing and dissolved concentrations. The chemical methods  
24 able to measure the pollutant present in each specific fraction are given in the grey boxes. The  
25 green box to the right of the cell membrane represents the processes that occur within the

26 organism exposed to the pollutant. These biological processes can also serve as the basis for  
27 standard methods bioavailability measurements. Modified from Brand et al. (2013).<sup>2</sup>

28

29 **Figure 3.** Proposed tiered framework for including bioavailability in risk assessment (RA).  
30 Initially, the total extractable concentrations of the target chemicals in soils or sediments is  
31 measured (Tier 1). In most countries, the measured concentrations are compared to the  
32 available environmental quality standards to determine whether further action is required.  
33 If standard values are exceeded, then RA progresses to Tier 2. For prospective RA, toxicity  
34 data can be used to estimate safe levels of chemical concentrations. If the first tier fails,  
35 further chemical and biological tests are required to provide additional data on the case,  
36 including bioavailability (Tier 2). If the second tier fails, further action can be used in Tier  
37 3 to define the actions. This can include tests to obtain more detailed case-specific  
38 parameters, including monitoring biodiversity, and site-specific chemical fate modeling  
39 that also incorporates bioavailability. If the risk is deemed unacceptable, then risk  
40 management approaches (e.g., remedial actions) are required, in which bioavailability can  
41 play a role. Adapted from ISO (2014).<sup>67</sup>

42

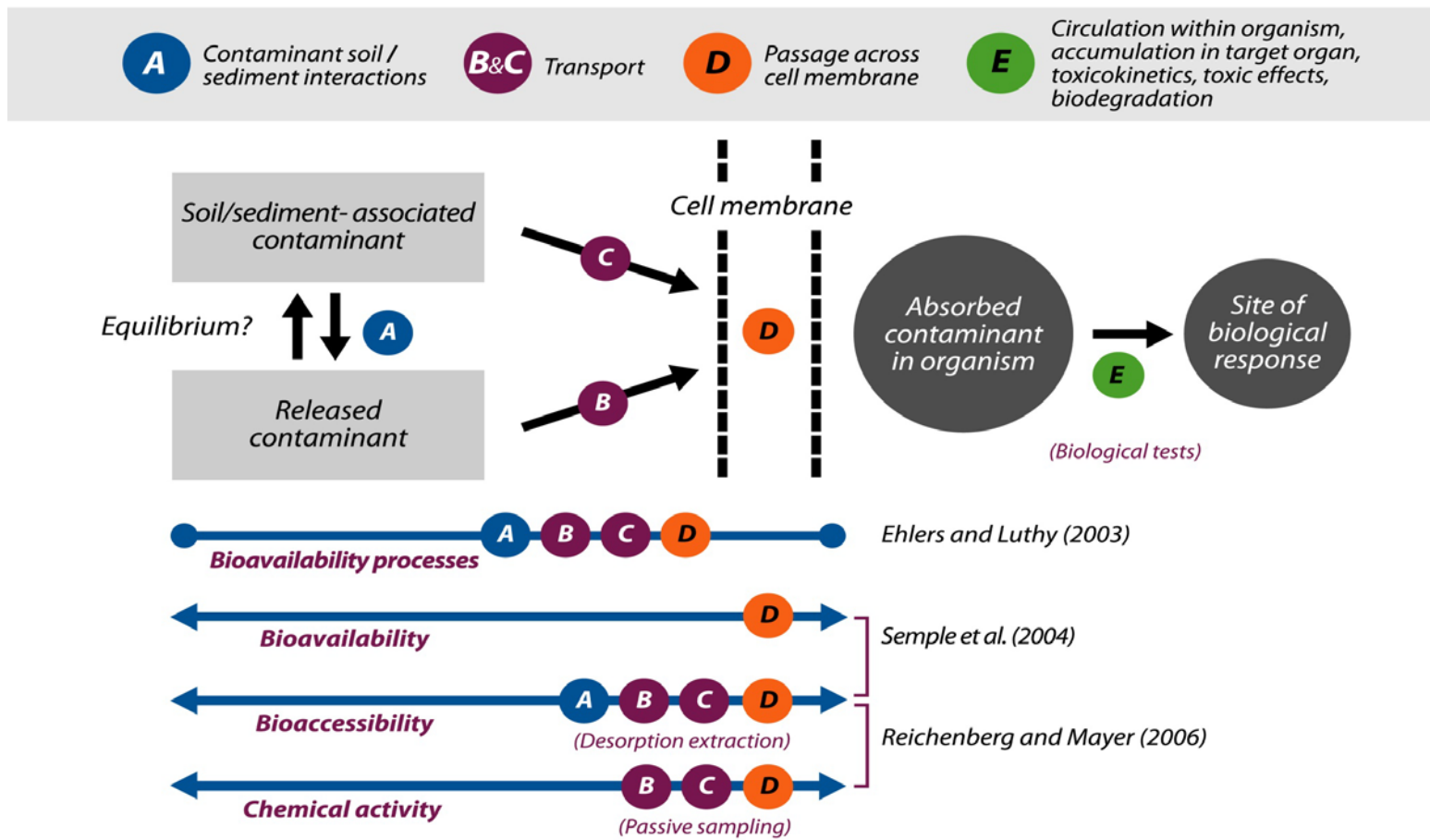


Figure 1



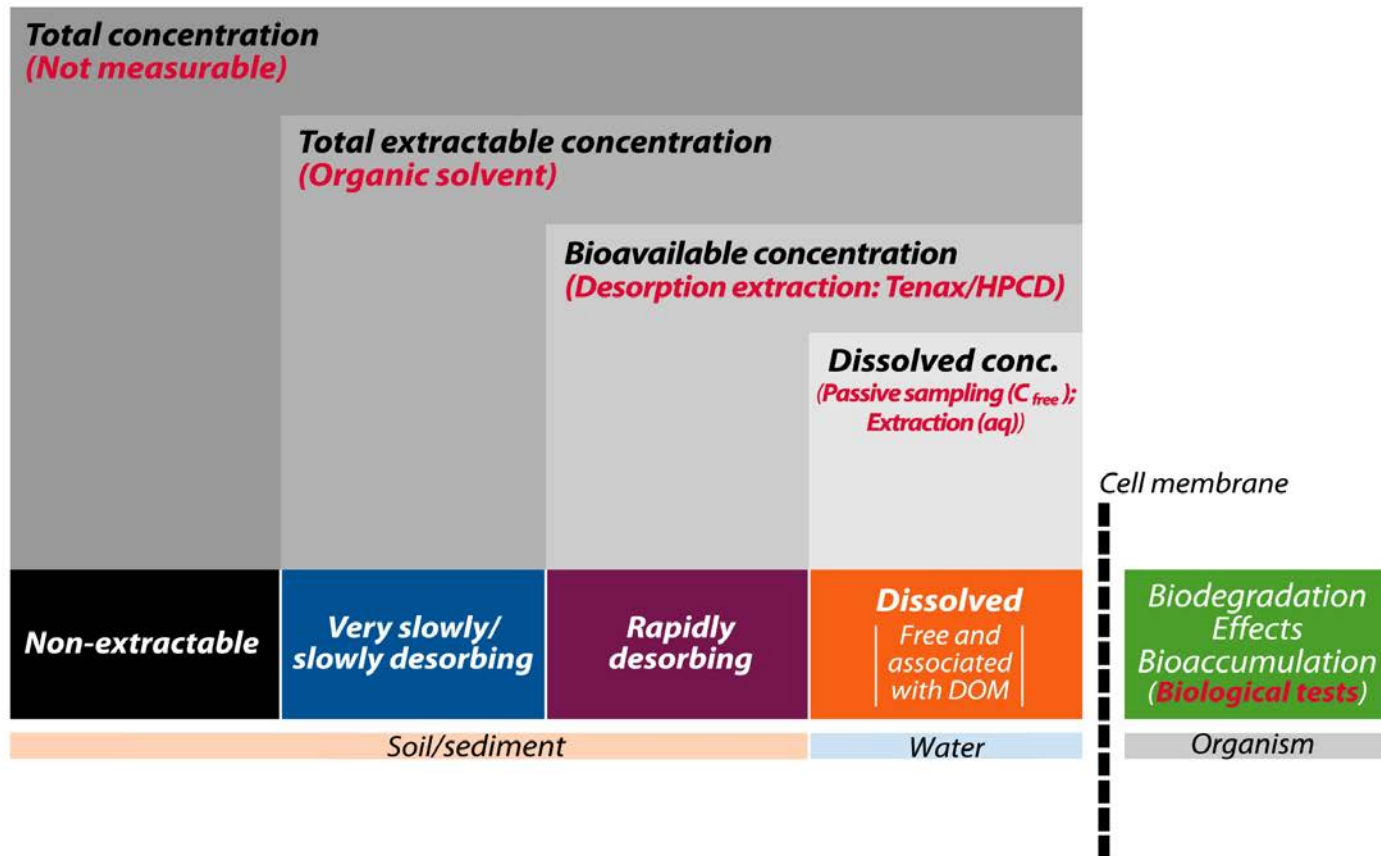


Figure 2

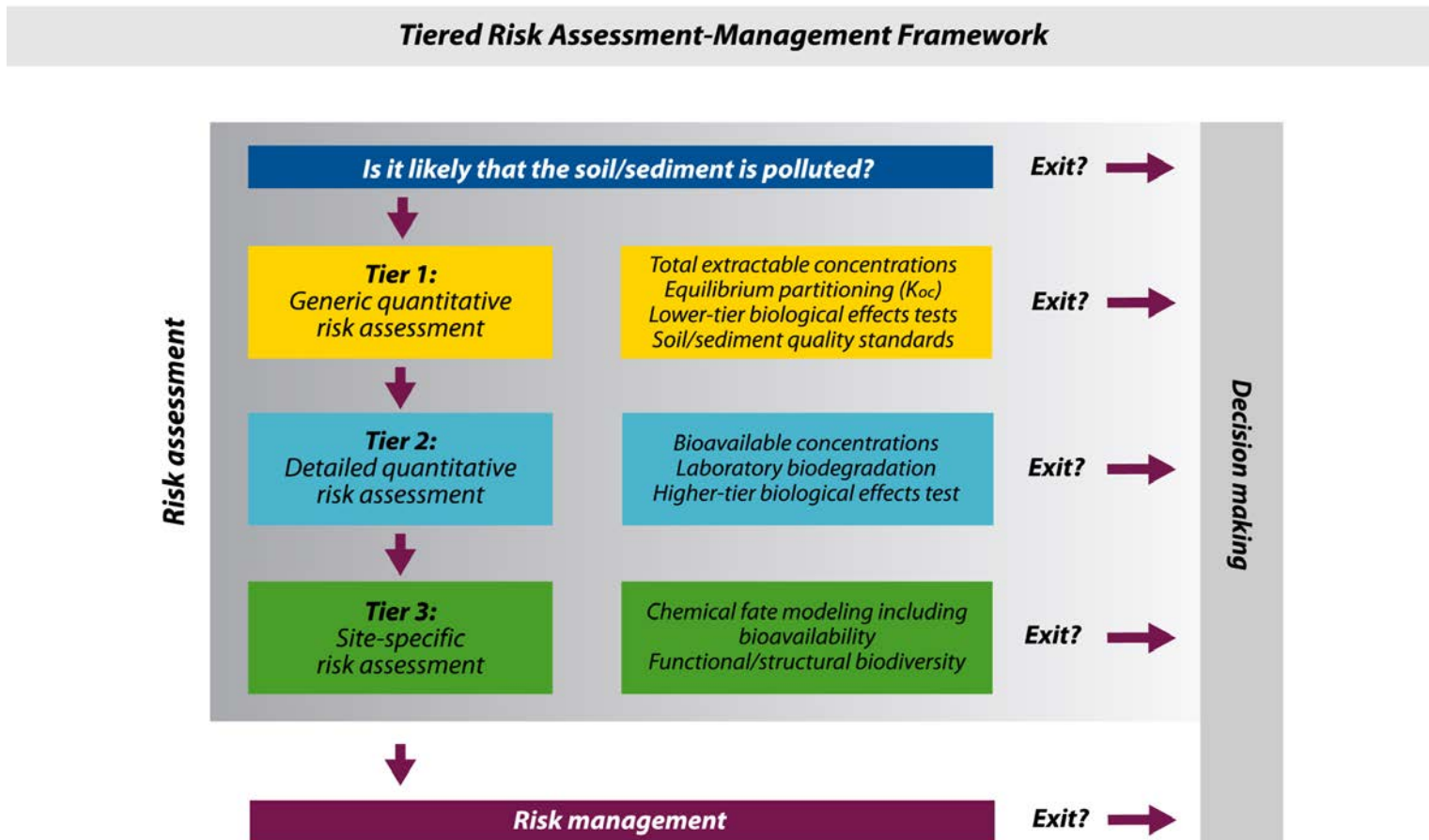


Figure 3