Message

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Subject: Inside EPA - Formaldehyde

EPA Touts Prospect Of Rules As It Shifts Formaldehyde From IRIS To TSCA

March 20, 2019

EPA is defending its decision to shift its long-running Integrated Risk Information System (IRIS) assessment of formaldehyde to the Toxic Substances Control Act (TSCA) program's list of existing chemicals slated for high-priority evaluation, just weeks after telling lawmakers it was dropping the IRIS assessment because it was not a priority.

In a statement announcing its decision to list formaldehyde and 19 other existing chemicals for prioritization for assessment under TSCA as high-priority candidates, EPA's toxics chief said an evaluation under TSCA opens the door to risk management actions that could limit future harms.

"By using our TSCA authority EPA will be able to take regulatory steps; IRIS does not have this authority," EPA's recently confirmed toxics chief Alexandra Dunn says in a March 20 statement.

But EPA's argument appears to be doing little to satisfy Democrats and environmentalists, who have long pressed EPA to release the draft IRIS assessment, which Democrats say shows that exposure to the substance causes leukemia and other cancers.

"Taking regulatory action against formaldehyde under TSCA is critical, but it should not replace the EPA's effort to finalize and publicize its near-complete scientific review of the chemical under IRIS," Sen. Ed Markey (D-MA) said in a March 20 statement.

"This study has been promised publicly and suppressed privately for years, and the American people have waited far too long for a better understanding about formaldehyde's exposure risks and links to dangerous health effects. It's time for the Trump administration to stop the political gamesmanship and do its job to protect the public from chemicals we know are hazardous to our health."

Democrats' concerns have been heightened in recent weeks after the Government Accountability Office (GAO) suggested political interference in EPA's priority-setting process that led it to drop formaldehyde from IRIS' agenda. In response, Democrats are seeking an ethics investigation into the top Trump research appointee's role in the IRIS prioritization process.

Environmentalists largely echoed Markey's call for EPA to release the IRIS assessment. "What is absolutely essential is that the IRIS program be able to complete its assessment of formaldehyde, which has been suppressed for the last year and a half by conflicted EPA political appointees," says Richard Denison, lead senior scientist at the Environmental Defense Fund. "Then EPA's TSCA office, just like every other EPA office, can and should rely on it to make regulatory decisions. It's time that political interference in the agency's science stop."

Dunn sought to address concerns that IRIS staff's years of work on the draft assessment would be wasted. "Moving forward evaluating formaldehyde under the TSCA program does not mean that the formaldehyde work done under IRIS will be lost," she said in the statement. "In fact, the work done for IRIS will inform the TSCA process."

Denison, however, was not assuaged. "Such consideration is already required by law," he notes in his statement.

The agency's decision to drop the IRIS assessment is likely to gain additional attention next week as the House science committee has scheduled a March 27 hearing on the IRIS program titled "Reviewing its Progress and Roadblocks Ahead." Witnesses have yet to be announced.

Risk Finding

While Democrats and environmentalists are disappointed, EPA's decision is a win for the chemical industry, which welcomed the agency's action even as it sought to downplay potential concerns that the new list does not signal any identification of risk. "Prioritization of chemicals for risk evaluations is a new feature of the updated law. Therefore, it is also important to note that neither this announcement nor any final high priority designation represents a finding of risk by EPA," the American Chemistry Council (ACC) said in a statement. "Rather, that is the role of a TSCA risk evaluation."

ACC has anticipated that EPA would drop the IRIS assessment and instead assess the chemical's risks under the TSCA program, an action that would likely ensure that its former lobbyist, Nancy Beck, who is now deputy chief of the toxics office, oversees the assessment.

In addition, any assessment under TSCA is likely to be narrower than the shelved IRIS assessment. While IRIS assessments provide risk estimates that can be plugged into risk assessments for various exposure types, the TSCA program is intended to produce risk assessments based on the intended uses of the chemical. The Trump EPA has also determined the assessments will be scoped to generally exclude legacy uses or those uses addressed by other agencies or environmental statutes other than TSCA. Future TSCA actions would preempt regulation of those uses by states.

ACC held a February meeting for producers and users of formaldehyde to prepare for this possibility that the TSCA program would assess formaldehyde -- though a spokeswoman told *Inside EPA* last month that the group had no information that formaldehyde would be on the list, nor had it requested that EPA add it.

ACC was "just being prepared for any scenario that may move forward," she said.

Democrats have been calling for the release of the draft IRIS evaluation of formaldehyde for nearly a year, arguing in a letter written last May to former Administrator Scott Pruitt that the draft assessment had been completed for a year at that point, but that political appointees were blocking its release for public comment and peer review because it concluded that formaldehyde exposure could lead to leukemia. Such a finding led to staunch opposition from ACC and other critics when it first appeared in a 2010 draft IRIS assessment.

Andrew Wheeler, EPA's current administrator, told Markey during his confirmation that the IRIS assessment was no longer a priority.

"Because IRIS assessments are major investments in both time and resources, in an August 10, 2018 Memorandum to Agency program offices I requested an update of top priorities for IRIS assessments. Formaldehyde was not identified as a top priority," he wrote.

As a result, formaldehyde was one of as many as nine pending assessments dropped from IRIS' agenda of chemicals that had been identified by agency staff as priorities for the IRIS program to undertake to support decision-making in various program and regional offices.

Despite Wheeler's statements, EPA's TSCA program has now identified formaldehyde among the second group of chemicals to enter the prioritization process to determine whether a TSCA risk evaluation should be conducted.

It is among 20 chemicals EPA has deemed "high priority candidates" because it anticipates that it will be confirmed a high priority in the process -- triggering the commencement of a three-year risk evaluation by the new TSCA program. The list also includes a group of phthalates and several flame retardant chemicals. -- *Maria Hegstad* (mhegstad@iwpnews.com)