REMARKS
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Office of Chemical Safety and Pollution Prevention
New Hampshire Delegation Meeting
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OPENING

- Thank you.

- I am pleased to be here you to share my priorities and vision for my office, and to talk about our implementation of the Lautenberg Amendments to TSCA and the steps EPA is taking to address PFAS, as well as my offices' PFAS efforts.

- I believe strongly that it is important for all of us to embrace these opportunities to come together, to exchange ideas, listen and learn from each other.

VISION AND OCSPP PRIORITIES

- It is truly an honor and a privilege to be leading and managing the chemicals office at EPA, the Office of Chemical Safety and Pollution Prevention (OCSPP)

- OCSPP has over 250 staff implementing TSCA. We also have over 600 staff who review and manage potential risks of pesticides as we implement the PRIA, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Food Quality Protection Act (FQPA).

- Under my leadership, all of OCSPP will:

    - **Deliver results while meeting statutory requirements** which includes **improving our processes, reinvigorating the rule of law** and, **meeting our deadlines.**

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- **Ensure that our actions are:**
  - **clear and regular** with a focus on communicating complex and scientific decisions in a fashion understandable to all audiences
  - **transparent and collaborative** by working collaboratively and engaging our partners, stakeholders and the public
  - informed by the **best available science, and**
  - **iterative** with an openness to improving our decisions as new information presents itself and our processes as efficiencies are realized.

- **Strive to:**
  - **increase public confidence** the Agency and our Office
  - advance **chemical and pesticide safety**, and
  - further **environmental justice**

- I know that all that I just set forth is a high bar. I am aware that ongoing activities in our Office, in some of your perspectives, do not meet one or more of these criteria. I commit to you that at each meeting, gathering, or decision point we will keep these principles before us and move forward thoughtfully, with consideration, and with our eyes on making the best reasoned and supported decisions we can in a transparent and effective way.

Let me highlight my 2019 priorities for implementating of TSCA.

TSCA Implementation: 2019 Priorities.

- We're completing the **first ten risk evaluations** which we intend to get over the finish line by December 2019.

- We have two upcoming peer review efforts that increase the transparency of our review processes, and ensure that we are fully evaluating the risks to susceptible populations.

- In November, we issued the **first draft risk evaluation for Pigment Violet-29.** Today, and the peer review by the **TSCA Science Advisory Committee on Chemicals (SACC),** will begin in their very first meeting, on June 18 - 21. The public will have an additional opportunity to provide comments during the peer review.

- EPA has committed to, and as soon as we can we will, **our Application of Systematic Review in TSCA Risk Evaluations document** to the National Academy of Sciences.

- We recently **finalized regulations on asbestos**.

    - This action is the first under TSCA in 30 years to protect consumers from asbestos products
    - This rule ensures that discontinued asbestos products cannot be reintroduced into commerce without the Agency evaluating them and putting in place any necessary restrictions or prohibiting use.

- **Another key step EPA is taking to address asbestos is to evaluate the risks** associated with the remaining handful of ongoing asbestos uses or products as one of the first 10 risk evaluations – a step we have to take before the Agency can restrict or ban these products if unreasonable risk is found.

- **We recently selected the next 40 chemicals for prioritization** and opened a docket to receive information for each of these chemicals. The first of two 90-day public comment periods is currently open through June 19.

- By **December of 2019**, EPA must have 20 chemicals designated as high-priority and undergoing risk evaluations and 20 chemicals designated as low-priority.

- **During April we also proposed amendments to the Chemical Data Reporting (CDR) rule.**

- **In February, we updated the TSCA Chemical Substance Inventory** and less than half of the number of chemicals are currently in commerce than on the prior TSCA Inventory.

- Also, within 1 year of this inventory update we will be fulfilling the requirement to issue the **TSCA inventory CBI review plan** rule to review all CBI claims of substances on the confidential portion of the Inventory.

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- In June 2019 we intend to meet the statutory deadline to release a proposed rule addressing **5 Persistent, Bioaccumulative, and Toxic or PBT Chemicals.**
    - The rule will address the risks of injury to health and the environment and to reduce exposures to the extent practicable and must be finalized 18 months later.

- We continue to improve our New **Chemical Review Process**.

- We have completed over 2,000 **new chemical reviews** since enactment (*as of mid-April*). And, we are **committed to reducing the backlog of new chemical submissions by September to under 100 submissions.**

- As part of EPA's efforts to increase transparency, the Agency is, for the first time, providing the public with real-time, electronic access to industry pre-manufacture notices for new chemicals, including health and safety studies and other information relevant to EPA's safety review.
- This step is one of EPA Administrator Wheeler's commitments to enhance transparency to provide the public with information on new chemicals as part of the Agency's implementation of amended TSCA.

- On May 30th, EPA posted six Pre-Manufacture Notices (PMNs) and associated attachments into ChemView, EPA's electronic chemicals database. EPA chose these six cases because they were submitted recently and they will serve as examples of what is to become routine practice. Moving forward, EPA will make all new PMNs received on or after May 30th publicly available in ChemView within 45 days of their receipt.

PFAS

- **Let me turn now to the actions the EPA is taking to provide states, tribes, and communities with the tools they need to effectively address PFAS chemicals, particularly where they pose a risk to human health**. I will also provide a brief summary of the agency's PFAS Action Plan, a comprehensive, multi-media Action Plan designed to address PFAS chemicals more holistically.

EPA's Previous Work on PFAS

- The EPA has taken steps over the past several years using its statutory authorities to understand and address these chemicals in commerce and in the environment.
    - For example, PFOA and certain PFOA-related chemicals are no longer manufactured in the United States as a result of the Office of Pollution Prevention and Toxic's PFOA Stewardship Program in which eight major chemical manufacturers agreed to phase out the use of PFOA and PFOA-related chemicals in their products and as emissions from their facilities. All companies met the PFOA Stewardship Program goals by 2015
    - In support of this effort, through the EPA's work under the Toxic Substances Control Act (TSCA), the agency has also issued various significant new use rules (SNURs) to require EPA review before any "new use" of certain PFAS described in the rule can begin again.

Action Plan Background

- To build on these actions, in May 2018, the EPA convened a two-day National Leadership Summit on PFAS in Washington, D.C. that brought together more than 200 federal, state, and local leaders from across the country to discuss steps to address PFAS chemicals.
- The February 2019 Action Plan was developed based on feedback from the National Summit and a series of events which followed and included more than 1,000 participants. And as you know the first community engagement forum was held in New Hampshire

Action Plan Purpose

- On February 14, 2019, the EPA released its PFAS Action Plan.
- The Action Plan:
    - Represents the first time the EPA has built a national, multi-media, multi-program, research, management, and risk communication plan to address an emerging class of chemicals of concern like PFAS, and
    - identifies both short-term solutions for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to clean up sites and to provide clean and safe drinking water to their residents.

Let me briefly highlight some of the <u>major actions</u> described in the Action Plan….

<u>Highlighted Actions:</u>

***Drinking Water*:**

- The EPA is committed to following the Maximum Contaminant Levels (MCL) rulemaking process as established by the Safe Drinking Water Act—a process that is designed to ensure public participation, transparency, and the use of the best-available science and other technical information.
- As its next step, the EPA will propose a regulatory determination for PFOA and PFOS by the end of this year.
- The Agency is also gathering and evaluating information to determine if regulation under SDWA is appropriate for a broader class of PFAS chemicals.

***Cleanup*:**

- The EPA has initiated the regulatory development process for proposing to designate PFOA and PFOS as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances and is developing interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS.
- This important work will provide the EPA with additional options to help states, tribes, and local communities address existing contamination and can enhance the ability to hold responsible parties accountable.

***Risk Communications*:**

- The EPA will work across the agency—and the federal government—to develop a PFAS risk communication toolbox that includes materials that states, tribes, and local partners can use to effectively communicate with the public.
- It is imperative that all levels of government communicate accurately with the public about what is known and not known about PFAS chemical exposure

and human health impacts.

In Summary:

- In summary, the items identified in the PFAS Action Plan will help the EPA and its partners address PFAS and protect public health.
- To implement the Action Plan, the EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, the regulated community, and the public.
- Updates on the plan's actions will be provided on the Agency's website.

I would like to now touch on some of the PFAS work that my office, OCSPP, has been doing and undertaking with other offices across EPA…

OCSPP PFAS Work

- As required by amended TSCA, EPA recently **updated the TSCA Inventory** giving us more information on the numbers of PFAS chemicals.
  - 1223 PFAS chemicals have been identified as on the TSCA inventory
  - 602 were identified as being ~~active in~~ manufactured (including imported) or processed in the U.S. over a 10 year period ending on June 21, 2016. ~~commerce over the past 10 years~~
  - 621 are inactive in commerce for the 10 year period ending on June 21, 2016. ~~past ten years~~
  - ~~45% of the total (1223) have been reviewed by the new chemicals program~~
  - ~~58% of the active (602) have been reviewed by the new chemicals program~~

- The EPA has the responsibility for reviewing new chemical substances before they enter commerce. The EPA's TSCA New Chemicals program functions as a "gatekeeper" to help manage the potential risk to human health and the environment from chemicals new to the marketplace.

- The majority of the chemicals on the inventory have been reviewed by EPA's new chemicals program.

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- 45% of the total PFAS (1223) have been reviewed by the new chemicals program
- 58% of the active PFAS (602) have been reviewed by the new chemicals program

- In many cases, the EPA has used its authority under TSCA to impose restrictions on these substances—as well as requiring companies to generate data on physical and chemical properties, environmental fate, toxicokinetics, acute toxicity, irritation and sensitization, repeated dose toxicity, genotoxicity, reproductive/developmental toxicity, and cancer—as conditions for allowing the substances on the market.

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- As long chain PFAS such as PFOS and PFOA have been phased out of the market EPA has and will continue to **review alternatives to long-chain PFAS** chemicals in favor of shorter-chain replacements, which are generally less bioaccumulative and potentially less toxic and has imposed restrictions on the majority of these replacement PFAS.
  - Since 2000, EPA has reviewed about 300 PFAS alternatives.
  - EPA has regulated about 200 of these cases through a combination of TSCA 5(e) consent orders and SNURs

- Examples of conditions or limits that may be contained in **Consent Orders** include (any or all):
  - Toxicity testing or environmental fate determinations Hazard communication language
  - Manufacturing, processing, distribution and/or use restrictions
  - Restrictions on release to water, air, and/land
  - Recordkeeping

- Another tool we can use under TSCA is to issue a **Significant New Use Rule or "SNUR"** for a PFAS chemical. These SNURs:
  - Require manufacturers to notify the Agency at least 90 days before starting or resuming new uses of a chemical.
  - EPA is required to review this new use and make an affirmative determination and take any action if necessary on this determination.

- **In 2015 EPA proposed a SNUR** to complement the long-chain PFAS phase out under the PFOA Stewardship Program. EPA is in the process of considering public comments, in light of the new requirements under TSCA, and are

working to issue a supplemental proposed SNUR for the import of certain long-chain PFAS as part of categories of certain articles. *[**NOTE:** The Reg Agenda due out soon indicates September 2019 for the supplemental proposal; Tala also indicated "this year" at the Hill Briefing]*

- The supplemental proposed SNUR would require EPA review before certain PFAS chemicals and uses designated in the rule may begin.

- With the restrictions the EPA has imposed on many of these chemicals, the SNURs in place and under development, together with the data the EPA required to be generated, the TSCA new chemicals program is an important contributor to helping ensure the safe use of PFAS in commerce.

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- The EPA will also consider certain PFAS chemicals for listing in the Emergency Planning and Community Right-to-Know Act (EPCRA)'s Toxics Release Inventory (TRI) to help the agency identify where these chemicals are being released.

- TRI requires annual reporting of chemical releases by industrial and federal facilities. This annual release of information is important to communities, government agencies, companies, and interested stakeholders to support informed decision-making.

- In considering the listing of PFAS chemicals on TRI, EPA must determine whether information is available to fulfill the statutory listing criteria, and the extent and utility of the data that would be gathered. If EPA moves forward with this action it would include notice and comment rulemaking.

CONCLUSION

- It has been my pleasure and honor to speak with you today. I would like to hear from you now.

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