Message

From: Schwartz, Jerry [Jerry_Schwartz@afandpa.org]
Sent: 10/31/2017 4:00:38 PM
To: Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]
Subject: Information on RSCs
Attachments: WA DOE Comments on EPA HHWQC Proposal 12-21-15.pdf; WA TSD for HHWQC proposal.pdf; Section 3-RSC with References.pdf; Attachment C-RSC.PDF

Flag: Follow up

David,

Here is a lot of information on RSCs. There are two levels of arguments, each described below:

1. The first is that there shouldn't be an RSC at all (or the RSC should be 1, which results in the same outcome). For certain non-carcinogens, an RSC is intended to account for the fact that there are sources other than those regulated by HHWQC that provide pollutants to which people are exposed (e.g., air deposition or exposure from food). If there are many other non- HHWQC-regulated sources, then the amount allocated to water and/or fish (the sources regulated by the HHWQC) is very small. This means the RSC will be something like .2, which ironically makes the HHWQC very stringent. WA DOE is making this argument in their comment letter that WDOE provided to EPA regarding the proposed EPA federal HHWQC for the state (see comment #7 beginning on pdf page 6 of 12). The second is the Technical Support Document (TSD) on the Washington Rule. The rationale for choosing an RSC of 1.0 for most substances is provided beginning on pdf page 33 of 91.

2. If there is an RSC, EPA guidance uses a Decision Tree approach that includes two choices—the subtraction approach or the percentage approach. EPA, as a POLICY CHOICE, recommends the percentage approach, but does not provide a basis for that choice, and there are a number of problems with the percentage approach. The attached "Section 3-RSC" (a document provided to states for their consideration as they develop their own HHWQC) discusses some of those problems in Section 3.3. "Attachment C-RSC" discusses the two approaches in detail.

Please let me know if you have any questions. Jerry

From: Schwartz, Jerry [mailto:Jerry_Schwartz@afandpa.org]
Sent: Monday, October 30, 2017 12:59 PM
To: Wiegand, Paul <PWiegand@NCASI.org>
Subject: FW: Information on RSCs

Thanks Paul,

One quick question. What did WA do in its final rule on RSCs? Am I right, that they just rejected the RSC concept all together and used 1 throughout? If so, that is harder to explain.

From: Wiegand, Paul [mailto:PWiegand@NCASI.org]
Sent: Monday, October 30, 2017 11:31 AM
To: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>
Subject: Information on RSCs

Jerry,

Following up on our call this morning find attached the two excerpts dealing with RSCs extracted from our larger comment document. Let me know if you think we need to send something else. While I didn't' mention it on the phone, recall that Florida DEP did a substance-specific assessment of RSCs using the subtraction method and this is also included in the comment document. It is a rather large attachment but will be part of the coming litigation in Florida as, ultimately, Florida chose to abandon those values because EPA said they wouldn't approve them. EPA's logic was that sufficient information didn't exist for using the subtraction method and that the other path on the decision tree led to the percentage approach and ultimately the default RSC of 20%. In their TSD, Florida said, essentially, "we did that because EPA told us we had to."

Paul