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Subject: OPPT/OPP/OCSPP Clips 4/24

OPPT/OPP/OCSPP Daily Clips
April 24, 2019

Chlorpyrifos
Beyond Pesticides: Federal Court Orders EPA to Justify Use of Chlorpyrifos within 90 Days

Hydrofluoric Acid
E&E News: Safety board wants EPA to act on refinery chemical
PoliticoPro: CSB calls on EPA to study hydrofluoric acid risks after refinery accidents

Pesticides
Bloomberg Environment: Horse Contraception Dispute Will Stay in Federal Court

PFAS
Bloomberg Environment: Insight: Agency Regulation of PFAS Must Balance Costs, Benefits

Toxic Chemicals
ChemicalWatch: Guest Column: What to expect from TSCA implementation in 2019
ChemicalWatch: US EPA faces lawsuit over methylene chloride paint remover ban
Nevada Public Radio: Nevada Tops EPA List of Toxic Chemicals Released
Southern Environmental Law Center: EPA attack on mercury rule is dangerous for the South

Chlorpyrifos
Beyond Pesticides
Federal Court Orders EPA to Justify Use of Chlorpyrifos within 90 Days
https://beyondpesticides.org/dailynewsblog/2019/04/federal-court-orders-epa-to-justify-use-of-chlorpyrifos-within-90-days/
Staff
Posted: April 24, 2019

On April 19, the U.S. Court of Appeals for the 9thCircuit ordered the U.S. Environmental Protection Agency (EPA) to provide a justification for why chlorpyrifos, a neurotoxic insecticide commonly used in agriculture, should remain in the U.S. market. The EPA has 90 days to comply.

Chlorpyrifos has been linked to damaging and often irreversible health outcomes in workers, pregnant women, and children. Low levels of exposure early in life can lead to increased risk of learning disabilities including lowered IQ, developmental delay, and attention deficit/hyperactivity disorder (ADHD). Farmworkers and their children are disproportionately affected by the use of this chemical because they are exposed at work, home, and even at school.
"While we are moving forward, the tragedy is that children are being exposed to chlorpyrifos, a pesticide science has long shown is unsafe," said Earthjustice Attorney Patti Goldman in a statement. "We hope Trump's EPA finally decides to protect the future of countless children and the health of millions of farmworkers."
The battle against chlorpyrifos has been long and drawn out, though there has been significant movement in the last few months. Beyond Pesticides has put together a brief timeline of events:

A Chlorpyrifos Timeline:
2001-2017

- **2001**, EPA negotiates cancellation of chlorpyrifos for residential use.
- **2007**, Pesticide Action Network North America (PANNA) and Natural Resources Defense Council file petition requesting EPA revoke all tolerances for chlorpyrifos.
- **2015**, Obama administration proposes revocation of all tolerances for chlorpyrifos.
- **2016**, EPA's revised human health risk assessment does not change the proposal to ban chlorpyrifos. Donald Trump is elected president.
- **2017**, Scott Pruitt reverses order. A coalition of environmental groups led by Earthjustice promptly sued.

2018

- **June 2018**, Hawaii becomes first state in U.S. to outright ban chlorpyrifos, effective 2022.
- **July 2018**, Scott Pruitt resigns amid over a dozen ethics investigations.
- **August 2018**, Court ordered a ban on chlorpyrifos, stating that EPA violated the law. Trump administration quickly appealed the ruling.
- **December 2018**, Senator Brian Schatz (D-HI) introduced the *Prohibit Chlorpyrifos Poisoning Students Act*.

2019

- **January 2019**, Representative Nydia Velásquez (D-NY) reintroduced *The Ban Toxic Pesticides Act, H.R.230* which bans the insecticide chlorpyrifos from commerce.
- **February 2019,** 9th Circuit Court of Appeals ruled to rehear the case regarding chlorpyrifos.
- **March 2019**
  - Senator Tom Udall (D-NM) reintroduced Protect *Children, Farmers and Farmworkers from Nerve Agent Pesticides Act of 2019.*
  - Oregon Lawmakers consider House Bill 3058 and Senate Bill 853, nearly identical attempts to ban chlorpyrifos.
  - A set of documents obtained by the Center for Biological Diversity revealed that the Trump administration knew and actively concealed the fact that chlorpyrifos jeopardizes the existence of 1,399 endangered species.
- **April 2019**
  - Proposed chlorpyrifos ban in Maryland (HB275, SB270) did not pass for the second year in a row.
  - Senator Kirsten Gillibrand (D-NY) introduced *Safe School Meals for Kids Act* to restrict schools from purchasing or serving any food that contains any amount of detectable chlorpyrifos.

Momentum is growing for better protection from pesticide use. However, beyond single-pesticide bans, the widespread adoption of organic management practices is best for holistic protection of human and environmental health from compounds like chlorpyrifos. Beyond Pesticides has long sought a broad-scale marketplace transition to organic practices, which prohibit the use of *all* toxic synthetic pesticides.
All unattributed positions and opinions in this piece are those of Beyond Pesticides.

Hydrofluoric Acid
E&E News
Safety board wants EPA to act on refinery chemical
https://www.eenews.net/greenwire/2019/04/24/stories/1060212005

Courtney Columbus
Posted: April 24, 2019

The Chemical Safety Board is calling on EPA to address hydrofluoric acid, a toxic chemical used by petroleum refineries.

In a letter to EPA Administrator Andrew Wheeler, CSB Interim Executive Authority Kristen Kulinowski urged EPA to review and update its 1993 study on the substance.

In the letter, Kulinowski calls for EPA to assess refineries' risk management plans and decide whether there are safer, commercially viable alternatives available.

"In the last four years, the CSB has investigated two refinery incidents where an explosion elevated the threat of a release of HF," she said in a statement.

Those incidents occurred at the Superior Energy Co. LLC refinery in Wisconsin in April 2018 and at the former Exxon Mobil Corp. refinery in Torrance, Calif., in February 2015. Safety violations by Exxon led to the 2015 explosion, CSB said in a 2017 report (*E&E News PM*, May 3, 2017).

Advertisement

CSB held a public meeting after each incident. At the meetings, residents raised concerns about the use of hydrofluoric acid.

In the December 2018 gathering following the explosion in Superior, some community members called for the refinery to use a safer alternative, and some called for Wisconsin to ban the use of the substance.

"Refinery workers and surrounding community residents are rightly concerned about the adequacy of the risk management for the use of hazardous chemicals like HF. The EPA should review its 1993 HF study to ensure the health and safety of communities near petroleum refineries utilizing HF," Kulinowski added.

CSB is a federal agency with an annual budget of about $12 million that is tasked with carrying out investigations of industrial chemical accidents. The Trump administration has proposed eliminating the agency in its past three budget requests (*E&E News PM*, March 12).

In the letter to EPA, Kulinowski said CSB doesn't have the authority to ban HF or modified hydrofluoric acid, or to force refineries to use alternative chemicals.

Fred Millar, an independent consultant based in the Washington, D.C., area and former lobbyist for the environmental group Friends of the Earth, welcomed the letter.

"I'm glad that they're trying to focus attention to HF, a particularly dangerous situation," said Millar. "We keep using it anyway, despite the fact that there are alternatives."

But, he added, "having a new study is really a very weak response."

EPA did not immediately respond to a request for comment.

CSB calls on EPA to study hydrofluoric acid risks after refinery accidents
https://subscriber.politicopro.com/article/2019/04/csb-calls-on-epa-to-study-hydrofluoric-acid-risks-after-refinery-accidents-3131222
Alex Guillen
Posted: 10:03am, April 24, 2019

The Chemical Safety Board on Wednesday "strongly encourage[d]" EPA to update a 26-year-old study on the hazards of hydrofluoric acid in the wake of two refinery accidents that elevated the threat of exposure to the surrounding communities.
Hydrofluoric acid, also known as HF, is used at 50 refineries around the U.S. as a catalyst to make blending agents for high-octane gasoline, as well as in other industries, according to CSB. It is "highly toxic" and can kill at concentrations of 30 parts per million.

EPA completed a congressionally mandated report on HF risks in 1993, concluding that existing authorities such as the Risk Management Plan program were sufficient to provide protection against accidental releases.
In a letter to EPA, CSB Interim Executive Kristen Kulinowski wrote that her agency has fielded significant concern from local communities following the 2015 explosion at Exxon Mobil's Torrance refinery and an April 2018 explosion at a Superior Refinery Company facility in Wisconsin. Neither event led to a release of HF, but both incidents easily could have, CSB found.

"As a result of these two investigations, we urge the EPA to initiate a review and update of its 1993 HF study to determine whether these refineries' existing risk management plans are sufficient to prevent catastrophic releases; and, to determine whether there are commercially viable, inherently safer alkylation technologies for use in petroleum refineries," Kulinowski wrote.

Although CSB investigates accidents at industrial facilities, it has no regulatory or enforcement authority, leaving any decision to act up to EPA.

EPA did not immediately return a request for comment.

Pesticides
Bloomberg Environment
Horse Contraception Dispute Will Stay in Federal Court
https://news.bloombergenvironment.com/environment-and-energy/horse-contraception-dispute-will-stay-in-federal-court
Brian Flood
Posted: 12:49pm, April 24, 2019

- EPA declined special review of ZonaStat-H
- Decision subject to judicial oversight

A lawsuit over a contraceptive for wild horses and burros should be allowed to go forward, a federal court ruled April 23.

ZonaStat-H is registered as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act. The Friends of Animals, a nonprofit advocacy group, challenges the Environmental Protection Agency's decision not to undertake a special review to consider new scientific evidence that allegedly demonstrates the need to cancel the registration of ZonaStat-H for population control of wild horses and burros.

Friends of Animals says that new scientific evidence indicates that ZonaStat-H can cause significant harms in non-target animals, including foals and untreated members of the herd.

A magistrate judge was wrong to find that the EPA's decision wasn't subject to judicial review and that the case should be dismissed, the U.S. District Court for the District of Oregon said.

"Although the decision whether to initiate a Special Review is ultimately up to the judgment" of the EPA, Congress gave the agency some guidelines as to what factors should inform that decision, including the risks posed by a registered pesticide to humans and the environment, the court said. This gives courts sufficient grounds "to determine whether the agency may have abused its discretion by, for example, refusing to take into account any risks posed by a registered pesticide."

The court returned the case to the magistrate judge to consider each side's motion for summary judgment.

Friends of Animals is represented by its Wildlife Law Program and Field Jerger LLP.

The case is Friends of Animals v. EPA, D. Or., No. 2:17-cv-1410, 4/23/19.

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PFAS
Bloomberg Environment
Insight: Agency Regulation of PFAS Must Balance Costs, Benefits
https://news.bloombergenvironment.com/environment-and-energy/insight-agency-regulation-of-pfas-must-balance-costs-benefits
Meaghan Boyd
Posted: 5:00am, April 24, 2019

Per- and polyfluoroalkyl substances (PFAS) represent a large group of synthetic chemicals that have been in use since the 1940s in a wide variety of consumer and industrial products. While PFAS can take different forms, their common characteristic is the presence of multiple fluorine atoms. The carbon–fluorine bond is the strongest chemical bond in organic chemistry.

Due to the strength of the carbon–fluorine bond, the PFAS molecules are chemically very stable and are highly resistant to biological degradation. As a result, they persist in the environment. PFAS also repel both water and oil, giving them excellent surfactant capabilities. The chemicals are relatively mobile and can travel quickly through surface and groundwater, too.

With PFAS detections in drinking water supplies becoming more frequent, federal and state agencies are increasingly vocal in responding to public concern over PFAS contamination. There is some risk that these agencies may act before the data are fully in.

Scientific Basis

It is still unclear exactly how PFAS affect human health. As admitted by David Ross, U.S. EPA Assistant Administrator for Water, during a March 28 congressional hearing on PFAS, "the body of science necessary to fully understand and regulate these chemicals is not yet as robust as it needs to be." And the National Center for Environmental Health

continues to report on its website that "[s]tudies in humans and animals are inconsistent and inconclusive but suggest that certain PFAS may affect a variety of possible endpoints. Confirmatory research is needed."

Until the scientific studies are able to provide more consistent information about the extent and manner in which PFAS cause harm, federal and state agencies should take caution in adopting onerous regulatory requirements that provide uncertain health benefits.

Drinking Water

Under the Safe Drinking Water Act (SDWA), the EPA has the authority to set enforceable maximum contaminant levels (MCLs) for specific chemicals and can require monitoring of public water supplies. There are currently no MCLs established for PFAS chemicals, but the EPA has announced that it will evaluate the need for an MCL for two PFAS compounds under the regulatory determination process. In order to adopt an MCL under the SDWA, the EPA must publish a determination that the benefits of the standard justify the inherent costs of imposing additional testing and treatment requirements on thousands of water systems across the country.

Any actual movement toward setting an MCL for PFAS compounds will generate a massive response from federal agencies—among them, the Defense Department, which uses firefighting foams containing PFAS in training exercises at military bases, which are one source of groundwater contamination. These agencies would become liable for considerable cleanup requirements if a low MCL is set.

Sen. Tom Carper (D-Del.) has already complained to the EPA of reported actions by several federal agencies to thwart the EPA's proposed—and in their opinions, too burdensome—groundwater cleanup standards. While reports of "behind the scenes" discussions may be titillating for the media, these agencies are simply raising the undeniable point that the EPA will have to provide technical justification for any regulatory limit that is set. Any justification will necessarily need to take into account the limited and conflicting scientific data available on PFAS.

Superfund

As part of its recent action plan, the EPA also stated that it is moving forward with designating two PFAS compounds—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)—as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund law. This listing could have significant ramifications given the scope of relief CERCLA provides.

Under CERCLA, plaintiffs can recover response costs incurred by contamination from a listed substance. These listed substances include chemicals designated as hazardous substances under either federal or state law. The EPA and private parties can already bring CERCLA suits for PFAS contamination in states where state laws or regulations have designated certain PFAS compounds as hazardous substances. But to date, that is only a small number of states.

Designating PFOA and PFOS as federally listed hazardous substances will dramatically increase the number of sites where CERCLA actions would be available.

Technical Note

The persistence of PFAS compounds and the large number of chemical variations (and precursors) makes the testing and treatment of PFAS technically complicated. And given the prevalence of PFAS in so many ordinary consumer products, testing of PFAS compounds is highly susceptible to cross-contamination, resulting in false positives.

Despite the scientific uncertainty over health impacts from PFAS exposure, agencies have continued to push for further investigation and testing for PFAS in consumer products, industrial and manufacturing sites, and public water systems. Companies and public entities that have received administrative orders should take care to ensure that testing and treatment is done correctly and without unnecessary legal risk.

All told, private enterprise and federal agencies alike should ensure that the EPA and other agencies comply with their obligations to the public to ensure that the costs imposed by further regulation are justified by the corresponding—and sufficiently established—benefits to the public health.

This column does not necessarily reflect the opinion of The Bureau of National Affairs Inc. or its owners.

Toxic Chemicals
ChemicalWatch
Guest Column: What to expect from TSCA implementation in 2019
https://chemicalwatch.com/76748
Alexandra Dunn
Posted: April 24, 2019

Alexandra Dapolito Dunn, US EPA Office of Chemical Safety and Pollution Prevention assistant administrator, discusses what to expect in 2019 including the implementation of section 6 of TSCA.

As Spring moves forward, so the EPA too continues to advance implementation of the 2016 Frank R Lautenberg Chemical Safety for the 21st Century Act amendments to TSCA.

As assistant administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP), I can confidently attest to the talent, dedication and commitment to our mission to protect public health and the environment of the staff in OCSPP's three offices: the Office of Pesticide Programs (OPP), Office of Pollution Prevention and Toxics (OPPT) and Office of Science Coordination and Policy (OSCP). This focus and purpose will ensure that the OCSPP continues to make decisions that yield meaningful outcomes, supported by the highest and best use of science and the utmost transparency.

Our implementation of TSCA receives ongoing review, commentary, and input from all stakeholders. This includes manufacturers submitting new pre-manufacture notices (PMNs) and those waiting on PMN reviews to be completed, environmental organisations seeking information about the status of new and existing chemical reviews, members of Congress, other federal agencies, states, and the greater scientific community. Regular interface with all these groups is helping ensure continued progress.

Achievements to date

Nearly three years since the amendments became law, the EPA has made remarkable progress on TSCA implementation, including having successfully met all statutory deadlines, while at the same time producing high quality regulations and assessments.

'The agency is delivering results and meeting the ambitious requirements and responsibilities of the new law'

With a career team of around 300 staff and an excellent management team in the OPPT, the agency is delivering results and meeting the ambitious requirements and responsibilities of the new law. The OCSPP is continuing to seek input from all stakeholders on critical implementation elements of amended TSCA.

After extensive public engagement and comment, just a portion of our record to date includes:

- issuing the four framework rules addressing the prioritisation and risk evaluation processes, the inventory and fees;

- announcing the first ten chemicals for risk evaluation and issuance of scoping and problem formulation documents for each;
- releasing an updated TSCA Chemical Substance Inventory that designates every substance included as either 'active' or 'inactive' in US commerce;
- publishing the final strategy to reduce vertebrate animal testing;
- finalising the mercury reporting rule;
- issuing three sets of guidance on confidential business information (CBI);
- announcing 20 high and 20 low priority chemicals to enter the prioritisation process;
- proposing reforms to make the chemical data reporting (CDR) rule less burdensome and more transparent;
- proposing the Confidential Business Information Review Plan rule;
- finalising the TSCA fees rule; and
- finalising a ban on manufacturing and retail sales of methylene chloride for consumer paint and coating removal – the first risk management action under section 6 of new TSCA.

As 2019 progresses

Throughout 2019, we will be using the policies and procedural frameworks referenced above to execute our critical task of evaluating chemicals and managing risks. There is a large amount of ongoing work and important milestones this year that we fully expect to meet.

Prioritisation of next 40 chemicals

Having recently identified 40 chemical candidates for prioritisation (84 FR 10491), the EPA is currently seeking public comment. Based on this input, we expect to issue proposed and final priority designations for all 40 chemicals by the end of 2019. This is consistent with our responsibilities under TSCA to have 20 chemicals designated as high-priority and undergoing risk evaluations and 20 chemicals designated as low-priority within 3.5 years of the new law's effective date.

Our approach to identifying candidates for prioritisation was released in September 2018. Building on the agency's promise to work with the public to select the next chemicals for risk evaluation, this reflects public input received at a December 2017 meeting, and through the public docket a second public comment period last autumn.

Existing chemical risk evaluations

'The EPA is at an unprecedented and important stage in our implementation of section 6 of TSCA'

The EPA is at an unprecedented and important stage in our implementation of section 6 of TSCA as we work to complete ten chemical risk evaluations. After issuing the first draft risk evaluation for Pigment Violet-29 (PV-29) in November, we proceeded in 2019 to work with the manufacturers to increase public accessibility to PV-29 studies and to refine our application of our systematic review framework. We anticipate our TSCA Science Advisory Committee on Chemicals (SACC) will meet several times between June and October to complete its work on all ten risk evaluations.

As we work to refine the risk evaluations for the SACC's review, we are undertaking many analytical steps for the first time – most importantly determining whether or not these chemicals present unreasonable risks. Describing clearly this draft determination is important, because of the statutory risk management implications of the final unreasonable risk determinations.

We are also preparing to solicit feedback from the National Academy of Sciences on our systematic review approach to TSCA risk evaluations. Finally, we are honing the process for receiving and evaluating for completeness manufacturer requests for risk evaluations, and already have interest from companies in submitting these requests.

Collection of fees to defray implementation costs

The EPA is now implementing the TSCA fees rule, which allows the EPA to collect fees from chemical manufacturers and importers for certain activities under TSCA sections 4, 5 and 6 to defray implementation costs.

The agency began doing so this year, and estimated an annual average of $20m ($15.5m) in fee revenue to supplement our Congressional appropriations and support the important work we do under TSCA.

Addressing PBT chemicals

The EPA believes that, as a general principle, the release to the environment of toxic chemicals that persist and bioaccumulate can be of greater concern than the release of those that do not behave thus.

In June 2019, we will meet another statutory deadline by proposing a rule addressing certain persistent, bioaccumulative and toxic chemicals identified for expedited action. The proposed rule will reduce exposures to the extent practicable for these five PBT chemicals. TSCA requires that the rule must be finalised 18 months later.

Transparency of chemical information

Ensuring greater public transparency of chemical information is a top priority, and the EPA is actively working to achieve this across all areas of TSCA implementation.

'The EPA will review all claims for confidentiality of a specific chemical name for all chemicals on the active portion of the TSCA Inventory'

Under our recently proposed rule for the TSCA CBI Review Plan, the agency will review all claims for confidentiality of a specific chemical name for all chemicals on the active portion of the TSCA Inventory. EPA is looking forward to comment on our proposal.

Additionally, in the coming months, my office will begin publishing on the internet much more information related to TSCA new chemical submissions than ever before. For example, the EPA is committed to publishing all new pre-manufacture notices (PMNs), their attachments and all relevant supporting documents in ChemView within 45 days of their receipt, following an evaluation of sensitive CBI.

The EPA is also committed to publishing notices about new chemical notifications in the *Federal Register* much faster than in the recent past, as well as publishing as soon as practicable each PMN reviewed subject to a final determination and the underlying documents.

The EPA's commitment to publish also extends to information about how the agency is complying with the TSCA CBI substantiation review requirements of the Frank R Lautenberg Chemical Safety for the 21st Century Act. The agency will also update its New Chemicals Decision-Making Framework and guidance document this year and hold a public meeting on our revision. As we work to fulfill these important commitments, as well as other related actions, my office will push for greater public transparency.

Improving the TSCA new chemical review process

The 2016 amendments required the EPA to make an affirmative finding on new chemicals (or significant new uses of existing chemicals) before those chemicals can enter the market or manufacturing/processing for new uses can begin.

These new review requirements became effective immediately. And the OCSPP has been working tirelessly since, to apply the standards to all reviews ongoing at that time and keep pace with a continuous stream of new submissions.

The EPA typically receives around 1,000 new chemical submissions each year and has approximately 300-350 cases under review at any given time. Given the significant changes in TSCA and review process, it has a larger than average

number of cases ongoing. However, we are firmly committed to reducing this number and ensuring that EPA continues to meet its review obligations under TSCA.

We are confident that we are reviewing new chemical submissions in a manner consistent with the statutory framework, while striving to increase transparency of our decisions and rationale. Completing these reviews in a timely manner remains another top priority for the leadership in OCSPP and the agency. We are continuing to improve processes to meet new requirements in law. We also expect to release an updated version of our working approach to reviewing new chemical submissions in 2019 and will take public comment at that time.

I am proud of the work that the OCSPP has done, and will continue to do, to ensure greater chemical safety for the American people. Our actions in 2019 will continue to focus on:

- i) maintaining consistency with statutory requirements in TSCA;
- ii) increasing transparency in all our actions;
- iii) relying on the best available science; and
- iv) increasing public confidence in chemical safety.

ChemicalWatch
US EPA faces lawsuit over methylene chloride paint remover ban
https://chemicalwatch.com/76773/us-epa-faces-lawsuit-over-methylene-chloride-paint-remover-ban
Nick Hazlewood
Posted: April 24, 2019

The US EPA is being sued over its recent rule banning the use of methylene chloride in consumer paint removal products, on the grounds that commercial uses have been excluded.

Announced on 15 March, the TSCA section 6 rule covers the manufacture, import, processing and distribution of consumer uses of the products.
However, the EPA excluded commercial uses from the rule. Instead, the agency requested comments to inform "a future rulemaking that could establish a training, certification, and limited access programme for methylene chloride for commercial uses".
This deviation from the original proposal was met with criticism from worker advocates and Congressional Democrats.
And on Friday, two petitions were filed in the US Court of Appeals for the Second Circuit in New York, seeking for a court to compel the EPA to protect workers, bystanders and the general public from the substance.

The petitioners are:

- the Natural Resources Defense Council (NRDC);
- Earthjustice;
- the Labor Council for Latin American Advancement (LCLAA);
- Safer Chemicals, Healthy Families (SCHF);
- the Vermont Public Interest Research Group (VPIRG); and
- two mothers whose sons died after using methylene chloride.

In filing the suit, Jonathan Kalmuss-Katz, a staff attorney at Earthjustice, called the exclusion of commercial uses "a craven and illegal giveaway to companies that want to continue to manufacture and sell deadly paint strippers."

"There is no law, science or policy behind the exclusion of workers from EPA's methylene chloride rule," he said.

Liz Hitchcock, director of Safer Chemicals, Healthy Families, added: "It is absolutely unacceptable that EPA has finalised a rule that will not protect the tens of thousands of workers, whose lives and health are in danger as they come in contact with methylene chloride on the job."

Prohibition

The EPA's ban came more than two years after it was initially proposed during the Obama administration. Use of the products, meanwhile, has caused several deaths.
The section 6 rule is based on a 2014 TSCA workplan assessment of methylene chloride that showed it can cause a range of adverse health effects or death in workers and consumers, including harm to the central nervous system, liver and kidney toxicity, and cancer.
Consumer advocacy groups have sued the agency twice previously for its delayed action; while dozens of retailers committed to stop selling the products.
Meanwhile, the EPA named methylene chloride – along with replacement solvent N-methylpyrrolidone (NMP) – among its first ten chemicals subject to risk evaluation under the amended TSCA.
Final risk evaluation on all ten substances are due by the end of this year. If the agency determines that any of these pose an unreasonable risk, it is required to immediately begin a rulemaking process to address the identified concern.

Nevada Public Radio
Nevada Tops EPA List of Toxic Chemicals Released
https://knpr.org/headline/2019-04/nevada-tops-epa-list-toxic-chemicals-released
Staff
Posted: April 24, 2019
Nevada ranked first in the nation for the release of toxic chemicals per square mile in 2017, according to the most recent federal data available.

But state environmental regulators say the EPA's Toxics Release Inventory misleadingly characterizes harmless dirt as toxic material, presenting a distorted picture.

A spokesperson from the Nevada Department of Conservation told The Nevada Current the figures reported from the EPA show the weight of the substances released, but not the impact on human health and the environment.

All five of the top manufacturing facilities on the inventory generating the most toxic releases were mines.

Humboldt County reported more releases than any other county in Nevada, with about 160 million pounds – nearly all of which came from the Newmon's Twin Creeks Mine.