Message

From: Dunn, Alexandra [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=426D0177EAAB4001A5C85F051565997E-DUNN, ALEXA]
Sent: 5/2/2019 10:41:32 AM
To: Mack, Sara [mack.sara@epa.gov]
CC: Strauss, Linda [Strauss.Linda@epa.gov]
Subject: RE: OPPT/OPP/OCSPP Daily Clips 5/1

Sara,
These clips are great. Nicely done!

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From: Mack, Sara
Sent: Wednesday, May 1, 2019 4:41 PM
To: OPP AD Managers <OPP_AD_Managers@epa.gov>; OPP BEAD Managers <OPP_BEAD_Managers@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP EFED Managers <OPP_EFED_Managers@epa.gov>; OPP FEAD <OPP_FEAD@epa.gov>; OPP HED Managers <OPP_HED_Managers@epa.gov>; OPP IO <OPP_IO@epa.gov>; OPP PRD Managers <OPP_PRD_Managers@epa.gov>; OPP RD Managers <OPP_RD_Managers@epa.gov>; Rust, Mary <Rust.Mary@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; OPPT IO Managers <OPPT_IO_Managers@epa.gov>; OPPT CCD Managers <OPPT_CCD_Managers@epa.gov>; OPPT CESSD Managers <OPPT_CESSD_Managers@epa.gov>; OPPT EAD Managers <OPPT_EAD_Managers@epa.gov>; OPPT IMD Managers <OPPT_IMD_Managers@epa.gov>; OPPT NPCD Managers <OPPT_NPCD_Managers@epa.gov>; OPPT RAD Managers <OPPT_RAD_Managers@epa.gov>; OPPT TRI Managers <OPPT_TRI_MANAGERS@epa.gov>; OSCP Managers <OSCP_Managers@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: OPPT/OPP/OCSPP Daily Clips 5/1

OPPT/OPP/OCSPp
Daily Clips May 1, 2019

Asbestos
Bloomberg Environment: EPA Nixes Request by Attorneys General to Gather Asbestos Data
E&E News: EPA rejects another petition to beef up asbestos reporting

Glyphosate
Ag Daily: EPA reaffirms glyphosate does not cause cancer
EcoWatch: EPA Says Glyphosate Does Not Cause Cancer. Other Public Health Groups Disagree
EHSToday: EPA Rules Glyphosate Presents No Risk to Public Health
Environmental Health News: Pesticides are all over the St. Lawrence River – many at levels that hurt fish and invertebrates
Fortune: The U.S. EPA Just Gave Bayer a Gift in Its Battle Against Weed Killer Cancer Claims
The Hill: EPA says weed-killing chemical does not cause cancer, contradicting juries

InsideEPA: EPA reiterates its view that glyphosate is not carcinogenic
The Lewiston Tribune: EPA says weed killer is safe to use
Reuters: U.S. environment agency says glyphosate weed killer is not a carcinogen

Pesticides
Altoona Mirror: Burndown, cover crop termination tips
Bloomberg Environment: New York Approves Ban on Chlorpyrifos Pesticide

PFAS
Detroit Free Press: Michigan health officials warn: Don't touch PFAS foam
E&E News: Legislation would set PFAS drinking water limit
InsideEPA: Bipartisan Group Seeks PFAS Rule As Data Shows Contamination Expanding
Spectrum Local News: Child Safe Products Act Passes in State Legislature

Toxic Chemicals
Bloomberg Environment: Burning Fluorinated Chemicals May Move Water Problem Into Air
Chemical Watch: BASF cautions EPA against releasing REACH studies under TSCA
Chemical Watch: New York lawmakers move to restrict toxins in children's products
Chemical Watch: Studies identified that support TSCA prioritization candidate selections
E&E News: EPA to retain 2003 standards for asphalt roofing companies
InsideEPA: IG to review toxics office's implementation of TSCA reform

Asbestos
Bloomberg Environment
EPA Nixes Request by Attorneys General to Gather Asbestos Data
https://news.bloombergenvironment.com/environment-and-energy/epa-nixes-request-by-attorneys-general-to-gather-asbestos-data
Pat Rizzuto
Posted: 6:40pm, April 30, 2019

- EPA denies AGs' petition to require asbestos import, use data reporting
- Agency says it has all the information it needs to evaluate risks of deadly fibers

The EPA won't require companies importing asbestos or asbestos-containing products to report that information, the agency told a group of attorneys general April 30.

The Environmental Protection Agency has all the information it needs to decide whether ongoing uses of the mineral and products made with it pose an unreasonable risk to public health or the environment, the agency said in a notice detailing its reasons for denying a rulemaking request 15 attorneys general submitted Jan. 31.

A risk assessment the EPA is conducting of asbestos should be finished by mid-2020, and any decision about whether regulatory controls are needed would follow.

The agency also issued a final significant new use rule April 17 that expanded its oversight of products that no longer contain asbestos, but could, the EPA said.

"I am deeply disappointed, but not at all surprised, by the EPA denial of the AG's petition," said Linda Reinstein, president of the Asbestos Disease Awareness Organization. "For now, litigation and legislation are our only courses of action."

Fifteen AGs' Petition

Attorneys general representing California, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia had petitioned the EPA to issue a data-collection rule to collect information about the imports of asbestos and products made with it.

That information is needed so the EPA and states can protect health, the AGs said.

It would also help the public avoid potentially dangerous exposures to asbestos-containing products, they said.

The California and Massachusetts attorney general's offices couldn't immediately be reached for comment.

Asbestos Imports

The U.S. Geological Survey estimated a specific type of chemical manufacturer—which uses asbestos to make chlorine and caustic soda—imported 750 tons of the mineral in 2018.

Three companies—Occidental Chemical Corp., Olin Corp., and Westlake Chemical Corp.—are known to import asbestos into the U.S., according to information the EPA has released as it evaluates some of its health risks.

"In addition to asbestos minerals, an unknown quantity of asbestos was imported within manufactured products, including asbestos-containing brake materials, rubber sheets for gaskets, tile, wallpaper, and potentially asbestos-cement pipe and knitted fabrics," the Geological Survey said.

Asbestos exposure is the sole known cause of mesothelioma, a rare and deadly cancer of the chest or abdominal lining caused by exposure to asbestos fibers.

Better information about asbestos imports and use could offer insight into the 16,420 people who were newly diagnosed with mesothelioma between 2011 and 2015, the attorneys general told the EPA in their petition.

Of those people, 12,837 died, they said, citing information from the Centers for Disease Control and Prevention.

Lawmakers frequently cited asbestos—specifically the EPA's inability to ban it under the original 1976 Toxic Substances Control Act—as a reason for overhauling the law in 2016.

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To contact the editors responsible for this story: Gregory Henderson at ghenderson@bloombergenvironment.com; Steven Gibb at sgibb@bloombergenvironment.com

E&E News
EPA rejects another petition to beef up asbestos reporting
https://www.eenews.net/greenwire/stories/1060253021/search?keyword=EPA
Ariana Figureroa
Posted: May 1, 2019

EPA for the second time has denied a petition that aimed to increase asbestos reporting requirements, this time from more than a dozen attorneys general.

The **petition** requested that EPA keep a record of manufacturers that import products made from asbestos or containing the mineral.

"Without a new rule requiring adequate reporting regarding the manufacture and use of asbestos, EPA will be unable to comply with its statutory mandate to prevent unreasonable risks to health and the environment presented by this highly hazardous chemical that unfortunately continues to be in widespread use in the United States and poses ongoing dangers to the residents of our states," the 15 Democratic attorneys general wrote to EPA Administrator Andrew Wheeler.

Alexandra Dunn, EPA's assistant administrator for chemical safety, yesterday **denied** the petition and said the agency would not initiate rulemaking on asbestos reporting.
Dunn **said** that EPA already has the information the attorneys general requested and that it would publish its full reasoning for denying the request in the *Federal Register*.

"EPA believes that the agency is aware of all ongoing used of asbestos and already has the essential information that EPA would receive if EPA were to grant the petition," she wrote.

California Attorney General Xavier Becerra (D), who signed on to the petition, said he was not surprised EPA denied the request.

"The EPA has once again failed to do its job," Becerra said in a statement. "Asbestos is among the most dangerous chemicals known to humankind."

Asbestos was once widely used in building materials in the United States because of its strength and resistance to fire. But EPA in 1989 banned its use in new materials because of its public health threat. As they break down, thin asbestos fibers can get stuck deep in people's lungs, where they can cause scarring, inflammation and lung cancer.

The attorneys general have 60 days to respond if they plan to challenge EPA's decision in court.

The other attorneys general who signed off on the Jan. 31 petition represent Massachusetts, Connecticut, Hawaii, Maine, Maryland, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

EPA late last year denied a nearly identical petition from health advocates (***Greenwire***, Feb. 12). One of those groups, the Asbestos Disease Awareness Organization, is moving forward with litigation.

"This is what we've come to expect from Trump's EPA," Linda Reinstein, the group's president, said of EPA's denial of the latest petition.

Glyphosate
Ag Daily
EPA reaffirms glyphosate does not cause cancer
https://www.agdaily.com/news/epa-glyphosate-no-risk-public-health/
Staff
Posted: May 1, 2019

The U.S. Environmental Protection Agency is taking an important step in the agency's review of glyphosate. As part of this action, the EPA continues to find that there are no risks to public health when glyphosate is used in accordance with its current label and that glyphosate is not a carcinogen. The agency's scientific findings on

human health risk are consistent with the conclusions of science reviews by many other countries and other federal agencies .

While the agency did not identify public health risks in the 2017 human health risk assessment, the 2017 ecological assessment did identify ecological risks. To address these risks, EPA is proposing management measures to help farmers target pesticide sprays on the intended pest, protect pollinators, and reduce the problem of weeds becoming resistant to glyphosate.

"EPA has found no risks to public health from the current registered uses of glyphosate," said EPA Administrator Andrew Wheeler. "Today's proposed action includes new management measures that will help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections. We look forward to input from farmers and other stakeholders to ensure that the draft management measures are workable, realistic, and effective."

U.S. Secretary of Agriculture Sonny Perdue said, "USDA applauds EPA's proposed registration decision as it is science-based and consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans."

Glyphosate is the most widely used herbicide in U.S. agriculture and has been studied for decades. It is used on more than 100 food crops, including glyphosate-resistant corn, soybean, cotton, canola and sugar beet. Non-agricultural uses include residential areas, aquatic areas, forests, rights of way, ornamentals, and turf.

Once the Federal Register notice publishes, the public will be able to submit comments on EPA's proposed decision at **www.regulations.gov** in docket # EPA-HQ-OPP-2009-0361. Public comments will be due 60 days after the date of publication in Federal Register. EPA's responses to the comments received on the draft ecological and human health risk assessments and the benefits assessment will be in the docket.

For more information about glyphosate, including today's proposed interim decision and supporting documents, click **here**.

The glyphosate draft risk assessments and supporting documents can be found **here**. **Contact the EPA** to ask a question, provide feedback, or report a problem.

EcoWatch
EPA Says Glyphosate Does Not Cause Cancer. Other Public Health Groups Disagree
https://www.ecowatch.com/epa-glyphosate-cancer-2635997133.html
Olivia Rosane
Posted: 6:367am, May 1, 2019

The U.S. Environmental Protection Agency (EPA) announced Tuesday that glyphosate, the active ingredient in Monsanto's Roundup weedkiller, does not cause cancer, reaffirming its 2017 finding and contradicting juries who ruled the opposite in two high profile trials, Reuters reported.

In August 2018, a California jury awarded $289 million to a Bay Area groundskeeper who said that repeated Roundup use caused his non-Hodgkin lymphoma, though that amount was later reduced to $78 million. A U.S. jury awarded a second California man more than $80 million in March over a similar claim. But the EPA has not changed its position.

"EPA has found no risks to public health from the current registered uses of glyphosate," EPA Administrator Andrew Wheeler said in a statement.

Environmental groups have cast doubt on the agency's findings, saying they dismiss the conclusions of other public health experts. Just a few weeks ago, the U.S. Department of Health and Human Service's Agency for

Toxic Substances and Disease Registry released a toxicology report for glyphosate that acknowledged its health risks, the Natural Resources Defense Council (NRDC) pointed out.

"The EPA's pesticide office is out on a limb here — with Monsanto and Bayer and virtually nobody else," NRDC senior scientist Jennifer Sass said.

The Environmental Working Group (EWG) agreed, pointing to the 2015 conclusion of the World Health Organization's International Agency for Research on Cancer, which ruled it was "probably carcinogenic to humans." EWG also cited a January report published in Environmental Sciences Europe that found the EPA had disregarded independent, peer-reviewed research that showed a link between glyphosate and cancer in favor of Monsanto-funded studies saying it was safe.

"Today's decision by Administrator Wheeler, like virtually every one he and the Trump administration make, completely ignores science in favor of polluters like Bayer," EWG President Ken Cook said. "This move by EPA should not come as a surprise. Under the control of Trump and Wheeler, the agency is virtually incapable of taking steps to protect people from dangerous chemicals like glyphosate."

The @EPA said today the active ingredient in @Bayer-Monsanto's carcinogenic weedkiller, Roundup, is safe. Why are they ignoring a growing body of independent research showing a strong connection between glyphosate and cancer in humans? Learn more here: https://bit.ly/2WeSqUj

The EPA's announcement comes at a difficult time for Bayer, which acquired Monsanto last year. The company has lost $39 billion in market value since the takeover, mostly due to the Roundup trials. At a meeting Friday, more than 55 percent of shareholders voted not to absolve CEO Werner Baumann and other top officials of their responsibility for the handling of the merger, The Star reported.

There are currently 13,400 Roundup lawsuits pending in U.S. courts. Glyphosate was developed by Monsanto for Roundup, but the patent has since expired and other weedkillers can now use the chemical, according to Reuters. Glyphosate is currently the most-used herbicide in the U.S. and is routinely used on more than 100 crops, the EPA said.

EHSToday
EPA Rules Glyphosate Presents No Risk to Public Health
https://www.ehstoday.com/industrial-hygiene/epa-rules-glyphosate-presents-no-risk-public-health
Stefanie Valentic
Posted: May 1, 2019

The U.S. Environmental Protection Agency (EPA) is the latest governmental agency to reaffirm its stance on glyphosate, the most widely-used herbicide in U.S. agriculture.

In an April 30 announcement, the EPA stated it continues to see no human health risk with use, discounting claims that glyphosate causes cancer.

"EPA has found no risks to public health from the current registered uses of glyphosate," EPA Administrator Andrew Wheeler said to the public. "Today's proposed action includes new management measures that will

help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections. We look forward to input from farmers and other stakeholders to ensure that the draft management measures are workable, realistic, and effective."

Environmental groups and regulatory agencies across the globe have long debated on the potential health impact of the broad-spectrum herbicide. Multinational agrichemical and biotech company Monsanto discovered the weed killer in 1970.

Bayer acquired Monsanto in a $63 billion purchase in 2018.

"Bayer firmly believes that the science supports the safety of glyphosate-based herbicides," the company responded in light of the recent announcement.

A March 2015 study from the World Health Organization's International Agency for Research on Cancer (IARC) unanimously concluded that Roundup is a "probable" human carcinogen.

Multiple class-action lawsuits have been filed throughout the years on behalf of farmers and consumers who claim that the use of glyphosate allegedly leads to health issues.

U.S. juries have awarded two California farmers millions of dollars after the men claimed they had cancer as a result of using the weed killer on their crops. The first man reportedly will receive $78 million if Bayer's appeals are denied. In March 2019, a jury ruled the second man should receive $80 million.

In 2017, communications between Monsanto employees were released as evidence in a class-action lawsuit filed by California farm workers who alleged that glyphosate, the active ingredient in Monsanto's Roundup, caused them to develop cancer.

Previously-sealed documents showed Jess Rowland, a now-retired EPA official, allegedly colluded with Monsanto experts to allow sales of Roundup. Court documents comprised of internal emails showed that some research previously relied upon actually had been conducted by the company's employees.

"Consumers are told to rely on the EPA to determine the safety of chemicals like glyphosate, and products like Roundup," Ronnie Cummins, international director of the Organic Consumers Association, previously said in a statement. "When credible sources indicate that EPA officials have deliberately compromised the safety of the

public, consumers have a right to know. Monsanto should not be allowed to continue to profit from sales of a product that some EPA scientists, and scientists at World Health Organization, have determined is likely to cause cancer."

Monsanto responded, saying the messages were taken "out of context."

Charla Lord, Monsanto corporate engagement representative, previously responded to *EHS Today* about the allegations:

"We empathize with anyone facing cancer. We can also confidently say that glyphosate is not the cause. No regulatory agency in the world considers glyphosate a carcinogen.

Still, plaintiffs' attorneys in the United States have been soliciting plaintiffs for potential lawsuits since an ad hoc working group called IARC incorrectly classified glyphosate. These attorneys are attempting to tie the IARC classification to individual cases of cancer, and they have been running advertisements to recruit plaintiffs. These lawsuits have no merit."

Monsanto's full response is available here.

According to the EPA, the weed killer is used on 100 food crops, including glyphosate-resistant corn, soybean, cotton, canola and sugar beet. Non-agricultural uses include residential areas, aquatic areas, forests, rights of way, ornamentals and turf.

While the agency did not identify public health risks a recent human health risk assessment, the 2017 ecological assessment did identify ecological risks. To address these risks, EPA is proposing management measures to help farmers target pesticide sprays on the intended pest, protect pollinators and reduce the problem of weeds becoming resistant to glyphosate.

"If we are going to feed 10 billion people by 2050, we are going to need all the tools at our disposal, which includes the use the glyphosate," U.S. Secretary of Agriculture Sonny Perdue said. "USDA applauds EPA's proposed registration decision as it is science-based and consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans."

Once the Federal Register notice about the EPA's finding is published, the public will be able to submit feedback about the agency's proposed decision at www.regulations.gov in docket # EPA-HQ-OPP-2009-0361.

Environmental Health News
Pesticides are all over the St. Lawrence River – many at levels that hurt fish and invertebrates
https://www.ehn.org/pesticides-are-all-over-the-st-lawrence-river-many-at-levels-that-hurt-fish-and-invertebrates-2635826209.html
Brian Bien
Posted: May 1, 2019

Scientists tested the river system and found nearly one-third of the samples had neonicotinoid pesticides at levels higher than the threshold to protect aquatic creatures. Glyphosate and atrazine were in more than 80% of samples.

Harmful pesticides such as glyphosate, atrazine and neonicotinoids were found in nearly all samples of water from the St. Lawrence River and its tributaries, with many samples containing levels higher than the guideline to protect aquatic life, according to new research.

The St. Lawrence River is one of North America's major water systems—draining a 500,000 square mile watershed that contains the Great Lakes.

"The freshwater inputs of the St. Lawrence provide a source of drinking water production for more than half of the population of the province of Quebec," the authors wrote.

The study, published in *Environmental Pollution*, found that 99 percent of 68 water samples collected from the large water system contained at least one of the 10 pesticides researchers tested for and 31 percent of the samples contained neonicotinoids at levels higher than Canada allows.

"I wasn't that surprised to find that [the pesticides] are ubiquitous, it's difficult to find water not covered with them," Sébastien Sauvé, senior author of the study, researcher and Vice Dean at the Faculty of Arts and Science at the Université de Montréal, told EHN. "What did surprise me was the number of times the environmental guidelines were exceeded."

Neonicotinoids—insecticides made from nicotine widely used on corn, cotton, sorghum, soybeans and on some other fruits and vegetables—are thought to be at least partially behind bee declines in recent years and also have been linked to widespread impacts on aquatic insects and invertebrates.

Scientists in 2016 concluded "the decline of many populations of invertebrates, due mostly to the widespread presence of waterborne residues and the extreme chronic toxicity of neonicotinoids, is affecting the structure and function of aquatic ecosystems."

The chemicals are "really taxing the biodiversity in those rivers and waterways," Sauvé said.

Fortune
The U.S. EPA Just Gave Bayer a Gift in Its Battle Against Weed Killer Cancer Claims
http://fortune.com/2019/05/01/bayer-monsanto-weed-killer-cancer-glyphosate/
David Meyer
Posted: 9:39am, May 1, 2019

The embattled management at Bayer just got a handy boost from the U.S. Environmental Protection Agency (EPA)—a draft report that says glyphosate, the active ingredient in its Roundup weedkiller, does not cause cancer.

This is no change of stance on the EPA's part, but the timing of the new report should prove beneficial to Bayer, which bought Roundup-maker Monsanto last year and is facing 13,400 claims from people who claim the substance is carcinogenic.

Two juries have already decided that Roundup did cause plaintiffs' cancer, leading to damages—which Bayer is appealing—totaling $159 million. Amid the verdicts, Bayer's value has plummeted some 40%. More trials will take place this year, and now Bayer's lawyers get to point to the EPA's opinion as backing up their central argument that glyphosate is not carcinogenic.

Glyphosate and cancer

This is no isolated finding. As Secretary of Agriculture Sonny Perdue said in a Tuesday statement, the EPA's proposed interim decision on the substance's safety is "consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans."

However, not all studies have agreed on that point. Notably, the World Health Organization's International Agency for Research on Cancer (IARC) said in a 2015 report that glyphosate was "probably carcinogenic to humans." Unlike regulatory agencies, the IARC looked only at studies that were in the public domain and available for independent scientific review—that meant ignoring industry data that could not be independently verified.

In its proposed decision, the EPA defended its use of industry-funded studies by saying it has "rigorous guidelines for how studies should be conducted" and "independently evaluates required studies for scientific acceptability."

"EPA's cancer evaluation is more robust than IARC's evaluation," the agency claimed, adding that its evaluation was "also more transparent" as its work was open for public comment. By contrast, the IARC's meetings are closed, it does not allow public comment, and its reports are "final without an external peer review," according to the EPA

As it happens, the EPA is not the only U.S. agency currently seeking public comment on a glyphosate-related report. The Agency for Toxic Substances and Disease Registry also put out a draft report last month noting that, while most studies found no glyphosate-cancer link, "a possible association between exposure to glyphosate and risk of non-Hodgkin's lymphoma could not be ruled out, based on conflicting results."

Interestingly, the EPA draft notes that Bayer and an "unidentified organization" organized separate mass-mail campaigns, including comments from farmers and consumers, urging the agency to "keep glyphosate accessible." On the other hand, environmental groups organized seven mass-mail campaigns, calling on the EPA to restrict glyphosate's use, reconsider its view on the cancer link, and protect the monarch butterfly—an insect whose population may be threatened by glyphosate use. One of those organizations was unidentified, too.

Shareholder rebuke

Bayer has consistently maintained that glyphosate is safe to use, but its shareholders are freaking out about the massive liabilities it seems to face in the U.S.

On Friday a majority of investors refused to ratify management's actions over the last year, on the basis that they had not properly assessed the financial risk of the $63 billion Monsanto acquisition. This was unprecedented for a German corporation, where shareholders almost always back management in such votes by more than 90%.

As a result, Bayer's board of management, led by CEO Werner Baumann, is in a precarious position, saved only by two factors: the backing of Bayer's supervisory board, which is led by Baumann mentor Werner Wenning, and the fact that investors are for now loath to introduce more chaos into the equation by bringing in new management.

On Wednesday, Reuters reported that Bayer's supervisory board would in the next few weeks hold an extraordinary meeting to "discuss a crisis of confidence in its leadership."

The Hill
EPA says weed-killing chemical does not cause cancer, contradicting juries
https://thehill.com/policy/energy-environment/441535-epa-says-weed-killing-chemical-does-not-cause-cancer-despite-jury

Zack Budryk
Posted: 9:09am, May 1, 2019

The Environmental Protection Agency (EPA) said on Tuesday that a chemical commonly found in weed killers does not cause cancer, contradicting several juries in the U.S.

"EPA has found no risks to public health from the current registered uses of glyphosate," EPA Administrator Andrew Wheeler said in a statement.

"Today's proposed action includes new management measures that will help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections," he added. "We look forward to input from farmers and other stakeholders to ensure that the draft management measures are workable, realistic, and effective."

Glysophate is the most commonly used herbicide among farmers and is the key ingredient in Bayer's Roundup weed killer.

In its decision, the EPA reaffirmed earlier pronouncements about the chemical's safety, even as Bayer faces thousands of lawsuits from plaintiffs who attribute their cancer to Roundup.

As recently as late March, a federal jury in San Francisco awarded a man $80 million after determining Roundup, which he had used for more than two decades, contributed to his developing non-Hodgkin's lymphoma. More than 50 U.S. cities and counties have banned the chemical, and the World Health Organization classified it as a "probable human carcinogen" in 2015.

"Bayer firmly believes that the science supports the safety of glyphosate-based herbicides, which are some of the most thoroughly studied products of their kind, and is pleased that the regulators tasked with assessing this extensive body of science continue to reach favorable conclusions," Bayer said in a statement after the EPA's ruling.

InsideEPA
EPA reiterates its view that glyphosate is not carcinogenic
https://insideepa.com/daily-feed/epa-reiterates-its-view-glyphosate-not-carcinogenic
Staff
Posted: May 1, 2019

The Trump EPA is reiterating its view that glyphosate, the widely used herbicide, is not carcinogenic, underscoring a long-running dispute with environmentalists and some states, like California, which view the chemical as a carcinogen and potentially bolstering its manufacturer, which is facing billions of dollars in tort claims.
EPA announced April 30 that it is releasing its proposed interim registration review decision for glyphosate, and will take public comment upon it for 60 days once the announcement is published in the *Federal Register*.
"EPA has found no risks to public health from the current registered uses of glyphosate," Administrator Andrew Wheeler says in an April 30 statement. "Today's proposed action includes new management measures that will help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections."
The latest document reiterates EPA's conclusions in its draft human health risk assessment, as well as conclusions in its draft ecological risk assessment that the pesticide poses some risk to birds, mammals and plants. EPA released both assessments for public comment in December 2017.

"If we are going to feed 10 billion people by 2050, we are going to need all the tools at our disposal, which includes the use [of] glyphosate," Agriculture Secretary Sonny Perdue says in EPA's April 30 statement. The Agriculture Department "applauds EPA's proposed registration decision as it is science-based and consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans," he said.

Those draft findings were at odds with California's listing of glyphosate as a carcinogen under its Proposition 65 warning-label law, a finding that California's Supreme Court upheld in its August 2018 rejection of Monsanto Co.'s appeal of the listing. EPA's cancer finding is also contrary to the World Health Organization's International Agency for Research on Cancer (IARC) 2015 monograph that concluded glyphosate probably causes cancer.

"EPA's Pesticide office is out on a limb here--with Monsanto and Bayer and virtually nobody else," Jennifer Sass, Natural Resources Defense Council senior scientist, said in an April 30 statement.

Her comments underscore arguments that the chemical's manufacturer -- Bayer, the successor to Monsanto -- is facing billions of dollars in tort claims from plaintiffs who charge their exposure puts them at risk of cancer. So far, two U.S. juries have sided with plaintiffs against the company is expecting additional suits from as many as 13,400 plaintiffs in the United States, as well as additional suits in other countries.

As part of the ecological assessment, EPA conducted an evaluation of risk to pollinators and milkweed. "Available data (laboratory and field-based) indicate no risk to pollinators," a pre-publication copy of the *Federal Register* notice states.

Still, EPA says it "is proposing spray drift management measures (e.g., release height, droplet size, and wind speed restrictions) to reduce off-site exposure to nontarget wildlife. EPA is also proposing weed resistance management labeling (e.g., information on mode of action, scouting instructions, and reporting instructions for weed resistance) to preserve glyphosate as a valuable tool for growers."

EPA is required by 1996 amendments to the Federal Insecticide, Fungicide and Rodenticide Act to complete registration review of every registered pesticide every 15 years. For glyphosate and 700 other pesticides, that deadline falls on Oct. 1, 2022.

EPA describes glyphosate as "a broad-spectrum systemic herbicide" with registered agriculutral uses including "glyphosate-resistant (transgenic) crops such as canola, corn, cotton, soybean, and sugar beet. Non-agricultural use sites include residential areas, turf, rights of ways, and aquatic areas."

The Lewiston Tribune
EPA says weed killer is safe to use
https://imtribune.com/editors_pick/epa-says-weed-killer-is-safe-to-use/article_3bcd428b-4bfc-5dd1-8397-71fc4d65c9fc.html
Ellen Knickmeyer (Associated Press)
Posted: May 1, 2019

WASHINGTON — The Environmental Protection Agency reaffirmed Tuesday that a popular weed killer is safe for people, as legal claims mount from Americans who blame the herbicide for their cancer.

The EPA's draft conclusion Tuesday came in a periodic review of glyphosate, the active ingredient in Roundup. The agency found that it posed "no risks of concern" for people exposed to it by any means — on farms, in yards and along roadsides, or as residue left on food crops.

The EPA's draft findings reaffirmed that glyphosate "is not likely to be carcinogenic to humans."

Two recent U.S. court verdicts have awarded multimillion-dollar claims to men who blame glyphosate for their lymphoma. Bayer, which acquired Roundup-maker Monsanto last year, advised investors in mid-April that it faced U.S. lawsuits from 13,400 people over alleged exposure to the weed killer.

Bayer spokesmen did not immediately respond Tuesday to an email seeking comment.

Nathan Donley, a scientist at the Center for Biological Diversity environmental group, said the agency is relying on industry-backed studies and ignoring research that points to higher risks of cancer.

In 2015, the International Agency for Research on Cancer, part of the World Health Organization, classified glyphosate as "probably carcinogenic to humans." The agency said it relied on "limited" evidence of cancer in people and "sufficient" evidence of cancer in study animals.

The EPA draft review says the agency found potential risk to mammals and birds that feed on leaves treated with glyphosate, and risk to plants. The agency is proposing adding restrictions to cut down on unintended drift of the weed killer, including not authorizing spraying it by air when winds are higher than 15 mph.

Reuters
U.S. environment agency says glyphosate weed killer is not a carcinogen
https://www.reuters.com/article/us-usa-epa-glyphosate/u-s-environment-agency-says-glyphosate-weed-killer-is-not-a-carcinogen-idUSKCN1S62SU
Tom Polansek
Posted: 6:23pm, April 30, 2019

CHICAGO (Reuters) - The U.S. Environmental Protection Agency (EPA) said on Tuesday that glyphosate, a chemical in many popular weed killers, is not a carcinogen, contradicting decisions by U.S. juries that found it caused cancer in people.

The EPA's announcement reaffirms its earlier findings about the safety of glyphosate, the key ingredient in Bayer's Roundup. The company faces thousands of lawsuits from Roundup users who allege it caused their cancer.

"EPA continues to find that there are no risks to public health when glyphosate is used in accordance with its current label and that glyphosate is not a carcinogen," the agency said in a statement.

Farmers spray glyphosate, the most widely used herbicide in U.S. agriculture, on fields of soybeans and other crops. Roundup is also used on lawns, golf courses and elsewhere.

The EPA did previously find ecological risks from the chemical and has proposed new measures to protect the environment from glyphosate use by farmers and to reduce the problem of weeds becoming resistant to it.

Bayer said it was pleased the EPA and other regulators who have assessed the science on glyphosate for more than 40 years continue to conclude it is not carcinogenic. "Bayer firmly believes that the science supports the safety of glyphosate-based herbicides," it said in a statement. The company has repeatedly denied allegations that glyphosate and Roundup cause cancer.

But critics of the chemical disputed the EPA's assurances.

"Unfortunately American consumers cannot trust the EPA assessment of glyphosate's safety," said Nathan Donley, a senior scientist at the environmental group Center for Biological Diversity.

Monsanto developed Roundup as the first glyphosate-based weed killer, but it is no longer patent-protected and many other versions are available. Bayer bought Monsanto last year for $63 billion.

The debate over glyphosate's safety has put a spotlight on regulatory agencies around the world in recent years and, more recently, on U.S. courtrooms.

In 2015, the World Health Organization's cancer arm classified glyphosate as "probably carcinogenic to humans." But the EPA in 2017 said a decades-long assessment of glyphosate risks found the chemical was not likely carcinogenic to humans.

In February, analysts at Brazilian health agency Anvisa also determined the weed killer does not cause cancer while recommending limits on exposure.

In the first U.S. Roundup trial, a California man was awarded $289 million in August 2018 after a state court jury found the weed killer caused his cancer. That award was later reduced to $78 million and is being appealed by Bayer.

A U.S. jury in March awarded $80 million to another California man who claimed his use of Roundup caused his cancer.

Pesticides
Altoona Mirror
Burndown, cover crop termination tips
http://www.altoonamirror.com/news/local-news/2019/05/burndown-cover-crop-termination-tips/
Zachary Larson
Posted: May 1, 2019

With cool weather in our rear-view mirror it's time to focus on corn and soybean planting, as well as burndown and cover crop termination.
While burndown applications seem relatively simple, there are some things you can do to make them more effective. In general, annual weeds should be less than 6 inches tall and still in the vegetative growth stage. Flowering winter annuals may require higher herbicide rates or a different combination of products. Also, with the prevalence of glyphosate-resistant marestail, it is increasingly important to tank-mix herbicides of multiple modes of action to increase the spectrum of activity and ensure successful weed control.
Daytime temperatures above 55 degrees and nights above 32 degrees with sunny days will improve herbicide activity and cool cloudy days will reduce it. If applying after a cold spell, it is best to wait until after a few days of warm, sunny

weather, and it may be necessary to increase herbicide rates if weeds are larger or stressed by cold conditions. Finally, scout fields prior to spraying to ensure you're using the correct herbicide program for the problem.
For burndown, glyphosate is generally applied at 0.75 to 1.13 lb. active ingredient (ai) per acre. Use the 1.13 lb. rate or higher if tank-mixing with residual herbicides and nitrogen carriers. Add 2-4 lb./ac. ammonium sulfate for improved performance and apply in 10 to 20 gallons of liquid carrier per acre. Glyphosate may be applied in clear liquid nitrogen or complete fertilizers, but this mixture may be less effective on certain weeds. Do not use with suspension type liquid fertilizers such as UAN or high-rates (> 0.25 lb. ai) of clay-based herbicides (WDG, WG, DF, DG, F) like atrazine, simazine and metribuzin.
Paraquat (Gramoxone) is the main alternative to glyphosate for burndown and should be applied at 2-4 pt./ac. for control of emerged weeds. Apply in at least 20 gallons of liquid carrier with the appropriate nonionic surfactant and use flat fan tips for best results. Using UAN as a partial carrier or adding a triazine herbicide such as atrazine or metribuzin will also increase paraquat activity.
When mixed with glyphosate, 2,4-D and dicamba will help control several winter annuals including marestail. For corn, apply 2,4-D at 1 pint per acre, 7 to 14 days before planting or 3-5 days after planting. Use the ester formulation instead of the amine as it is usually more effective under cool conditions and better on perennial weeds. Esters penetrate waxy leaf surfaces better than amines as well. Dicamba is a good choice for alfalfa or clover burndown and it can be applied at up to 1 pint per acre on medium and fine textured soils with at least 2.5% organic matter. Applications should be 7 to 14 days before planting corn or delayed until it is emerging. With both herbicides, plant corn at least 1.5 inches deep. Dicamba and 2,4-D have some additional restrictions in soybeans, so read the product labels to understand their pre-plant restrictions if you plan to use them.

Bloomberg Environment
New York Approves Ban on Chlorpyrifos Pesticide
https://news.bloombergenvironment.com/environment-and-energy/new-york-approves-ban-on-chlorpyrifos-pesticide
Keshia Clukey
Posted: 7:13pm, April 30, 2019

- Bill would phase out the use of the pesticide by the end of 2021
- Farm groups say there are few alternatives, ban would put crops at risk

New York State would phase out and then entirely ban the use of chlorpyrifos by the end of 2021, according to legislation passed April 30.

The bill (A.2477/S.5343), passed by the state Senate and Assembly as part of a larger environmental package now heads to Gov. Andrew Cuomo's (D) desk for final approval.

Chlorpyrifos has been linked to neurological damage in children and has been banned for home use nationally since 2001. It is one of the most common bug killers and is used on a wide array of crops such as corn, apples, and almonds.

The pesticide is primarily produced by Corteva Agriscience, DowDupont Inc.'s agriculture division. Corteva Agriscience did not immediately respond to a request for comment April 30.

A Cuomo spokesman said the governor's office is reviewing the measure and pointed to his "aggressive environmental agenda."

New York is the second state to pass a ban after Hawaii, which approved a similar measure in June 2018. Other states, including Connecticut and Oregon, have proposed bans, and California has passed a suite of measures taking the pesticide off store shelves in 2015 and only allowing for permitted and licensed applications.

California further restricted commercial use in 2018 and said it can only be used on crops where there are few alternatives.

New York's legislation comes after a federal court of appeals April 19 gave the U.S. Environmental Protection Agency 90 days to decide whether to ban the use of chlorpyrifos on food. Under the Obama administration, the EPA proposed ending all agricultural uses of the pesticide, but didn't make a final decision on the issue. Under the Trump administration, the agency has called for further evaluation of the neurodevelopmental effects of chlorpyrifos.

Farm Groups Concerned

"I think it's important that we make sure that our farm workers, that the food that we eat, and the others who come in contact with chlorpyrifos are no longer poisoned by that chemical," state Sen. Todd Kaminsky (D), chairman of the Senate Environmental Conservation Committee and the bill's Senate sponsor, said in an interview.

Agriculture groups are concerned about the ban's potential impact on New York's large farming industry, particularly on onions and cabbage crops—two of the largest vegetable commodities in the state.

"There aren't many alternatives, if any. It definitely puts the plants more at risk of loss and disease," New York Farm Bureau spokesman Steve Ammerman said in an interview.

The Farm Bureau is also concerned the bill disregards the current pesticide registration process, which requires a review by the EPA and the state Department of Environmental Conservation.

"We are concerned that the legislation is taking this from the scientific realm and putting decisions on crop tools into the political realm," Ammerman said.

Phaseout Planned

The bill provides a phaseout, which gives time for farmers to try different products and for corporations to develop alternatives, Kaminsky said.

It would prohibit the aerial application of the pesticide starting in 2020, and would ban all use of chlorpyrifos except on apple tree trunks by 2021. The chemical would be completely banned by Dec. 1, 2021.

Environmental advocacy groups praised the measure.

"It's another strong standard that will prevent New Yorkers from being exposed to a chemical that we know as dangerous," Environmental Advocates Executive Director Peter Iwanowicz said in an interview.

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PFAS
Detroit Free Press

Michigan health officials warn: Don't touch PFAS foam
https://www.freep.com/story/news/local/michigan/2019/05/01/michigan-pfas-foam/3634026002/
Ann Zaniewski
Posted: 11:18am, May 1, 2019

State health officials have warned against swallowing lake and river foam polluted with toxic PFAS chemicals.

Now, they're saying that people shouldn't even touch the foam.

The updated guidance comes amid growing concerns about PFAS contamination and its effects on the environment and people's health.

"We've always said not to swallow the foam and if you touched it to wash off. Now we're simply saying don't touch and if you do, wash," Lynn Sutfin, spokeswoman for the Michigan Department of Health and Human Services, told the Free Press.

PFAS stands for per- and polyfluoroalkyl substances, which have been used for years in firefighting foams, stain repellents, nonstick cookware and other products. They can get into drinking water when products containing the chemicals are spilled on the ground or in lakes or rivers.

The chemicals don't break down easily in the environment and have been linked to cancer.

Officials said the new messaging about not touching the foam was prompted mainly by concerns about inadvertent ingestion, especially after the federal Agency for Toxic Substances and Disease Registry updated its toxicity values for PFAS last year.

Deb MacKenzie-Taylor, toxicology and response section manager for Michigan DHHS, said the updated values were "more stringent and more protective" than what the state used previously.

MacKenzie-Taylor said the levels of PFAS in foam can vary, but the chemicals are often much more highly concentrated in foam than in surface water.

"It's not an issue of moving through the skin," Sutfin said in an email. "It's more of an issue of touching the foam, particularly with your hands, and then transferring PFAS into your mouth while eating. This is particularly an issue with children."

State health officials discussed the new messaging last week during a meeting with an advisory board at Wurtsmith Air Force Base in Oscoda, where PFAS has contaminated ground and surface water.

PFAS-contaminated foam was first discovered in 2017 on the shore of Van Etten Lake near the former Wurtsmith base. Unlike naturally occurring foam on bodies of water, which is often off-white or brown, PFAS foam can look bright white and feel sticky.

The Michigan Department of Environment, Great Lakes, and Energy (formerly the Department of Environmental Quality) has since found the foam in several other places, including on Cedar Lake in Oscoda (also near the former base); on Lake Margrethe in Grayling near Camp Grayling; on the Thunder Bay River in Alpena; on the Rogue River in Rockford; on the Thornapple River in Grand Rapids, and on several locations on the Huron River.

The state health department has issued do not eat advisories for fish from more than a dozen bodies of water because of concerns over PFAS contamination. Two more bodies of water were added to the list in late March: the Beaver Dam Pond and Helmer Creek in Calhoun County.

E&E News
Legislation would set PFAS drinking water limit
https://www.eenews.net/eenewspm/stories/1060247803/search?keyword=EPA
Ariana Figueroa, George Cahlink
Posted: April 30, 2019

A group of lawmakers is pushing bipartisan legislation to require EPA to set enforceable standards for toxic chemicals in drinking water.

Those chemicals are per- and polyfluoroalkyl substances, known as PFAS, which are found in nonstick household products, shoes and military firefighting foam.

The bill, H.R. 2377, sponsored by Rep. Brendan Boyle (D-Pa.), follows a slew of legislation seeking to address PFAS — from funding research to providing medical resources for people exposed.

Co-sponsor Dan Kildee (D-Mich.), who has been deeply active on the issue, said he and House Speaker Nancy Pelosi (D-Calif.) have talked about possibly including the bill in a spending package.

"I don't discount the possibility of being able to move this and some other PFAS legislation," Kildee said, adding that he's "talked to the speaker about it and she's very open to it."

Kildee said he's hoping to get some type of PFAS legislation passed this year, but for now he's focusing on increasing the amount of money allocated for cleaning up areas where PFAS is found in drinking water.

"President Trump's Environmental Protection Agency is entrusted with keeping our drinking water safe but has delayed protecting our families from toxic PFAS chemicals in drinking water," Kildee said in a statement. "We know that PFAS chemicals are harmful to human health and families deserve safe water from their taps."

Other co-sponsors include Rep. Frank Pallone (D-N.J.), who chairs the Energy and Commerce Committee; Rep. Paul Tonko (D-N.Y.), who chairs the Environment Subcommittee; and Rep. Brian Fitzpatrick (R-Pa.).

People in Fitzpatrick's district are having to "take drastic action" to reduce their exposure to two of the best-known PFAS — PFOA and PFOS — the lawmaker said in a statement today.

"PFAS chemical contamination is a public health crisis and the EPA must act with an urgency that matches the scale of the problem," Fitzpatrick said. "If the EPA won't act, then Congress must take action to protect American communities from these dangerous chemicals."

Other PFAS legislation includes designating the chemical as a hazardous substance and establishing a registry for people exposed to PFAS because of their proximity to a military base.

A Government Accountability Office report found the Defense Department "identified 401 active or closed military installations with known or suspected releases of PFOS or PFOA."

The only PFAS bill without bipartisan support — S. 1023 and its companion H.R. 2102 — would provide hospital care and medical services to veterans and their dependents who were stationed at a military base where they were exposed to PFAS.

InsideEPA

Bipartisan Group Seeks PFAS Rule As Data Shows Contamination Expanding

https://insideepa.com/daily-news/bipartisan-group-seeks-pfas-rule-data-shows-contamination-expanding

Suzanne Yohannan

Posted: April 30, 2019

As environmentalists prepare to release new data showing growing contamination from per- and polyfluoroalkyl substances (PFAS) in drinking water, a bipartisan group of House lawmakers has introduced legislation setting a two-year deadline for EPA to regulate the substance, though the bill leaves open key issues the agency would have to address.

The Environmental Working Group (EWG), which has long called for a strict drinking water standard for PFAS, says that the group and Northeastern University researchers will release an updated report next week showing that the number of locations with PFAS-contaminated tap water "has soared," far past the 172 locations they identified in 40 states last year.

The data release will come as the House Energy & Commerce Committee -- a key panel with oversight over drinking water and other environmental laws -- is expected in the coming weeks to hold a hearing on PFAS legislation, including a just-introduced bipartisan bill, which is co-sponsored by committee Chairman Frank Pallone, Jr. (D-NJ).

The bill, H.R. 2377, would amend the Safe Drinking Water Act by requiring EPA to publish a maximum contaminant level goal and set a drinking water regulation for "total" PFAS within two years of the bill's passage.

H.R. 2377, along with other related legislation to respond to PFAS contamination, will be considered by the Energy & Commerce Committee in the coming month, Rep. Brendan Boyle (D-PA), a co-sponsor of the bill, says in an April 29 press release.

At press time, Boyle's spokesman did not yet have a schedule for the hearing, and a committee spokesman did not respond to a press query.

But the bill could prompt questions at the hearing as it does not specify which of the thousands of PFAS would be included in the "total" PFAS number, though Boyle's spokesman says the chemicals designated under this term could potentially be specified in the legislation as it moves forward.

It is also not clear what kind of "regulation" the agency would be required to issue as the legislation requires the EPA to craft a "primary drinking water regulation," a term that includes both a health-based maximum contaminant level (MCL) that environmentalists and states have sought and a technology-based treatment standard that environmentalists and others have pursued as an interim step before regulators craft an MCL.

Regardless of the questions the bill may face, key officials have publicly raised doubts that lawmakers will be able to advance PFAS legislation anytime soon rather than leaving it to EPA.

PFAS are a class of over 4,000 chemicals that are widely used for their nonstick properties. But they have been linked to adverse health effects including certain cancers, ulcerative colitis and other conditions, sparking concern among communities as their discovery in community drinking water supplies has grown.

But many believe EPA has been slow to address the concern. As such, the just-unveiled bill would force EPA's hand after officials in February released a PFAS action plan in which the agency deferred a decision until the end of the year on whether it should write an MCL for two of the thousands of PFAS.

EPA's deferral meant the agency was not committing definitively to issuing such regulation despite heavy pressure from lawmakers, communities around the country and environmentalists to do so.

'Binding Standard'

Pallone, who chairs the committee, calls PFAS contamination "one of the greatest public health crises of our time," and says the legislation "directs EPA to at long last take that crisis seriously, and set a strong, binding nationwide drinking water standard." Along with Pallone and Boyle, the bill's other co-sponsors are Reps. Paul Tonko (D-NY) -- chairman of the environment subcommittee -- Dan Kildee (D-MI) and Brian Fitzpatrick (R-PA).

EWG, in an April 30 press release, applauds the legislation, contending Congress must "force" EPA to act as millions of Americans are being exposed to the chemicals.

An analysis conducted by EWG of federal and state data concluded that more than 1,500 drinking water systems that serve up to 110 million people may be contaminated with the two most common PFAS -- perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).
EWG, as well as a coalition of community groups from sites around the country and others, contend that EPA should address the chemicals as a class. "A legal limit covering the entire class of chemicals is needed because some have been linked to similar health effects and the vast majority have not been studied for safety," EWG says in its release.
But industry discounts a one-size-fits-all approach, pointing to scientific issues. The American Chemistry Council's Vice President Robert Simon in replying to questions from *Inside EPA* earlier this month noted here are "vast differences within the PFAS family of chemistry." While some chemicals in the family sound similar, he said, PFAS have different characteristics, formulations, intended uses and environmental and health profiles. "So blanket, one-size-fits-all approaches to regulate all PFAS as a class are not only misleading for the public, they are scientifically-inaccurate," he said. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

Spectrum Local News
Child Safe Products Act Passes in State Legislature
https://spectrumlocalnews.com/nys/capital-region/news/2019/04/30/child-safe-products-act-passes-in-both-houses
Evan Sery
Posted: 5:24pm, April 30, 2019
The Child Safe Products Act has passed in both houses of the New York state legislature. It's a law requiring manufacturers to disclose information on harmful chemicals possibly in children's toys.

"It's really legal and common practice to use toxic chemicals in children's products, and they don't have to tell you," said Kathy Curtis, Executive Director of Clean and Healthy New York.

Tuesday afternoon, before the law passed, advocates like Curtis called for the passage of the Child Safe Products Act.

"This policy will address both the parents' right to know about what's in products that they're using to take care of their children every day, and also will use strong science to get rid of the worst of the worst," said Curtis.

The worst of the worst, or chemicals of high concern, include flame retardants and PFAS possibly found in children's products.

"PFAS, if it's concentrated can cause cancer, hormonal changes, even learning disabilities," said New York State Senator Brad Hoylman.

But are these concerns valid? The Business Council of New York State says no.

"It's only a hazard if there's a realistic actual risk of being exposed to it. You're ingesting it, you're inhaling it," said Ken Pokalsky, vice president of the Business Council of New York State.

Pokalsky says these advocates are focusing on the wrong things.

"Lead in paint in public housing, lead in plumbing in public schools ... that, we think, are far more direct concern for children's health," said Pokalsky.

Pokalsky also added certain stores would pay the price.

"Retailers, one, will have their choice of product limited, and two, they may be selling products unbeknownst to them or maybe even known to them, they're not allowed to sell in New York State, raising the potential for legal action against the retailer as well," said Pokalsky.

Toxic Chemicals

Bloomberg Environment
Burning Fluorinated Chemicals May Move Water Problem Into Air
https://news.bloombergenvironment.com/environment-and-energy/burning-fluorinated-chemicals-may-move-water-problem-into-air
Sylvia Carignan
Posted: 6:01am, May 1, 2019

- Some states, companies opt to incinerate PFAS waste
- EPA considering risks associated with air emissions

Almost three years after the EPA warned the public about two ubiquitous fluorinated chemicals present in drinking water nationwide, regulators are still grappling with how to dispose of the substances before they end up in wells and waterways.

One option is incineration, which 3M Co., the state of Vermont, and the Pentagon have used. But no one knows for sure if it is safe to burn poly- and perfluoroalkyl substances, a family of thousands of heat- and water-resistant chemicals known as PFAS.

"I worry about the life cycle," David Ross, the assistant administrator for water at the Environmental Protection Agency, told the Senate Environment and Public Works Committee at a March 28 hearing. "You take them out of the water supply; are we just transferring the media?"

The chemicals are present in a vast array of consumer and industrial products, including nonstick and stain-resistant coatings in clothing, fast-food wrappers, and carpets. They are also part of some firefighting foams made to put out jet fuel fires because the chemicals are resistant to heat.

The EPA since 2016 has been warning about the health risks to drinking water associated with two of the most well-known and prevalent PFAS compounds, PFOA and PFOS. While states have started to regulate the chemicals, federal regulators have just started to study the broader health effects from the entire class of PFAS chemicals.

Now, regulators are worried about moving the risks associated with these chemicals from water to air.

'All Options Are on the Table'

Tests have found PFOS, PFOA, and other fluorinated chemicals in water supplies and soil samples across the nation.

The question is what to do about them once they are removed from drinking water—absorbed in activated carbon, for instance, or captured in high-pressure membranes—or how to dispose of firefighting foam.

Many state and federal regulators agree incinerating the waste might be the most viable option, but the Conservation Law Foundation has protested the practice.

Map of Water Contamination
--Bloomberg News, EWG

"All options are on the table," said Becky Keogh, president of the Environmental Council of the States and director of Arkansas Department of Environmental Quality. "I believe the question is, 'Can we safely incinerate PFAS compounds?'"

PFAS isn't yet regulated as hazardous waste, and there aren't any air quality standards for regulating PFAS waste incineration and the waste itself, state officials and engineers say.

Current practices incorporate an incinerator permitted to capture acidic hydrogen fluoride, one of the byproducts of incinerating PFAS, said Gale Hoffnagle, senior vice president and technical director for the TRC Environmental Corp., an engineering and environmental consultant for industry. The incinerators don't have to be permitted to just burn hazardous materials, he said.

Incinerating these chemicals takes a considerable amount of energy, from around 300 degrees to more than 1,000 degrees Celsius (about 572 to 1,832 F), according to the Interstate Technology & Regulatory Council, a state-led coalition that works to reduce barriers to the use of innovative technologies for cleaning up air, water, and waste.

Burning for Decades

PFAS chemicals "can be combusted and destroyed, but they have to be burned under fairly strict conditions," said Dan Costa, former national program director in the EPA's Air, Climate, and Energy Research Program.

Some states, the military and at least one company, 3M Co., have chosen to burn waste with at least three of these fluorinated chemicals.

3M, which developed, manufactured, and sold PFOA and PFOS, has been incinerating PFAS-containing waste at its Cottage Grove, Minn., facility since the 1970s, said Laura Opsahl, a spokeswoman for the company.

The military has chosen to dispose of PFAS through incineration at permitted hazardous waste disposal facilities, where air emissions are "strictly controlled," a spokeswoman for the Department of Defense said in an emailed statement. The department defers to the EPA on the risks of incineration, she said.

State Efforts

States, including Massachusetts and Vermont, have gathered firefighting foam and opted to incinerate it. A year ago, Vermont decided to send PFAS-containing foam collected from local fire departments to an incinerator in Ohio for disposal.

When seeking a place that could handle 2,500 gallons of foam, Vermont's Department of Environmental Conservation sought facilities that scrubbed air emissions of resulting harmful chemicals, said Richard Spiese, who heads the department's Waste Management and Prevention Division.

Lab tests indicate that the PFAS should break down in the incineration process, but in the real world it's difficult to tell, Spiese said.

"It's really hard to even sample for," he said.

The Conservation Law Foundation's Vermont chapter questioned the state's decision to incinerate the foam.

"There do not appear to be any studies that show burning PFAS in a hazardous waste incinerator is safe and effective at commercial scales, as opposed to laboratory bench-scale testing," Jen Duggan, director of the organization's Vermont operations, wrote to the state. "No burning of PFAS should occur until incineration technologies are proven safe at a commercial scale."

The foundation also had questions about the Ohio incinerator's qualifications for burning the waste. In the end, Vermont sent the gallons of foam to a Albany, N.Y., incinerator for disposal because the company that owns the Ohio facility was cited for Clean Air Act violations.

'We Certainly Need More Science'

The EPA, mindful of the health risks posed by air pollution, is also considering how to monitor incinerators' stack emissions, or the chemicals released into the air from burning waste.

"Holistically, we certainly need more science across the entire realm of the PFAS world," Ross said.

But the agency doesn't explicitly mention such a risk in its action plan for dealing with the compounds.

"It is all a balance of risk," said Costa, the former EPA air official. "If you have this stuff and want to get rid of it, how do you want to get rid of it?"

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Chemical Watch
BASF cautions EPA against releasing REACH studies under TSCA
https://chemicalwatch.com/77000/basf-cautions-epa-against-releasing-reach-studies-under-tsca
Kelly Franklin
Posted: May 1, 2019

A European affiliate of BASF has cautioned the US EPA that it risks jeopardising voluntary submission of REACH data to support its TSCA activities if that information cannot be withheld as confidential.

The comments from BASF Colors & Effects GmbH came in a 5 February letter to the EPA, in response to an agency request for the company to substantiate confidentiality claims for 24 studies submitted in support of the ongoing TSCA risk evaluation of pigment violet 29 (see box).
The letter has been publicly released as part of an NGO coalition's Freedom of Information Act (Foia) request, filed last year over concerns that health and safety data underpinning the PV29 evaluation had been withheld as confidential.
But in its letter, not only did BASF defend the confidentiality of this data, it also told the EPA that the agency has "a strong policy interest under TSCA in not disclosing the confidential aspects of the studies", or else it risks losing future access to such information.

BASF pointed out that the EPA received full copies of the PV29 studies voluntarily rather than under its TSCA authorities, because the owners of the studies are European companies not subject to the law.

And in many cases, "the only realistic hope" that the agency has of obtaining full copies of studies is through such voluntary submissions.

European study owners, however, will "be very unlikely" to make additional voluntary submissions if the EPA releases the full PV29 studies notwithstanding the confidentiality claims made over them, it said.

"Study owners invest heavily in studies, which have commercial value based in part on their remaining confidential," the company said. Their public disclosure would "destroy part of that commercial value".

"Future voluntary disclosures to EPA of confidential studies, without an assurance that the studies would remain confidential, would mean that European study owners would have a substantial disincentive from submitting additional confidential studies to EPA," it added.

Health and safety data confidentiality

In response to a request for additional comment, a spokesperson for BASF told Chemical Watch the company is "concerned with protecting the kind of trade secret and other confidential information that is important to all research-based companies and [it] made that position known to EPA".

The correspondence, however, has also added a new layer to the ongoing debate about whether the EPA is authorised to withhold as confidential health and safety data under the 2016 reforms to TSCA.

That discussion has thus far largely centred around section 14(b) of TSCA, a provision that environmental advocates have argued blocks the agency from protecting such information.
But in its letter, BASF said that European companies are not subject to TSCA; therefore, this provision does not apply. Instead, it argued for confidentiality protections under traditional Foia law.

In a 14 March response, the EPA told BASF it agreed that the information it claimed as confidential could be exempted from release under Foia. And the following week, it released nine studies that had been sanitised by BASF and 15 others for which the company had dropped its confidentiality claims.
NGOs, however, have protested against the redactions.

PV29 timeline

According to a timeline of events outlined in BASF's letter, the US EPA contacted Dutch company Sun Chemical Group Coöperatief UA in September 2017, requesting its cooperation in providing REACH studies to support its work on pigment violet 29. It did so because an affiliate of that company (Sun Chemical Corporation) manufactures the substance in the US.

After receiving the request, Sun Chemical Group approached BASF Colors & Effects GmbH, a German company that owns the PV29 data (BASF does not produce PV29 in the US or import it in TSCA-reportable quantities). The two companies entered into a data-sharing agreement allowing Sun Chemical Group to disclose the studies to the EPA.

The agreement, for which Sun Chemical Group compensated BASF €84,000 (roughly $95,600), stipulated that it "make all reasonable efforts to ensure that disclosure of [the studies] … shall only take place in a form (for example, short summaries where possible) reflecting the minimum information required to be disclosed."

Sun Chemical Group subsequently submitted "complete copies" of the studies to the EPA, and claimed all of the information as confidential business information (CBI).

However, in December 2018, a group of NGOs submitted a Foia request, seeking access to unsanitised copies of the studies. This prompted the EPA to request substantiation from BASF on the CBI claims.

Chemical Watch
New York lawmakers move to restrict toxins in children's products
https://chemicalwatch.com/77043/new-york-lawmakers-move-to-restrict-toxins-in-childrens-products
Lisa Jenkins
Posted: May 1, 2019

New York state's legislature has passed a measure to ban the sale of children's products containing organohalogen flame retardants and other substances of concern, and to require the disclosure of dozens of others.

If signed into law by Governor Andrew Cuomo, the Child Safe Products Act will take effect from 1 March 2020.

The legislation addresses a broad range of products intended for children, including toys, baby products, car seats, personal care products, jewellery, apparel, bedding and furniture, and school supplies.

It calls for a sales prohibition from 1 January 2023 on any that contain certain "dangerous chemicals", including:

- organohalogen flame retardants;
- tris(1,3-dichloro-2-propyl)phosphate (TDCPP);
- benzene;
- formaldehyde (other than in textiles); and
- asbestos.

The legislation also lays out processes for modifying this list of substances, with a sales prohibition to take effect within three years of a chemical's addition. Enclosed electronic components and batteries are exempted, as are scenarios where the state's regulation is preempted by federal laws.

Meanwhile, the bill sets out a list of nearly 100 "chemicals of concern" for which manufacturers must report certain product information to the New York Department of Environmental Conservation (DEC).

At a minimum, this notification would include the product, which concerning substance(s) it contains and their intended use. But the bill gives latitude to the DEC to also require reporting on the amount of chemical in the product and possible exposure details.

The DEC, in turn, would be required to notify consumers about children's products containing chemicals of concern and dangerous chemicals, and to periodically review its lists of substances.

In a justification statement, the legislation says that the bill is modelled on comprehensive chemical policies that have been passed in states like Washington, California and Maine to "prevent the use of dangerous chemicals and ensure the use of safer chemical alternatives in children's products."
New York's current process of identifying and prohibiting chemicals one-by-one "is especially problematic for children's products, since children are often more vulnerable to smaller amounts of chemicals," it adds.

A long time coming

On 30 April, both chambers of the New York legislature passed identical companion bills (S 501/A 6296) by wide margins: 53-9 in the Senate and 100-23 in the Assembly. This coincided with an 'Environmental Health and Justice Advocacy Day', organised by the JustGreen Partnership, a collaboration of 50 environmental and consumer advocacy groups that have lobbied extensively for the legislation.

The move represents New York's latest of several attempts to pass the Child Safe Products Act. Similar measures previously came close to passage in 2014 and 2015, but both times died in the Senate despite winning bipartisan support in the Assembly.
In the meantime, several New York counties adopted 'toxic toys' laws, though these were largely guttedafter industry filed lawsuits challenging that they were in conflict with existing federal laws.
The November 2018 election, however, shifted control at the state level, allowing Democrats – who have long championed the legislation – to consolidate control in both the Assembly and Senate.
Governor Cuomo is also a Democrat, and he included passage of the Child Safe Products Act in his 2015 and 2016 Opportunity Agendas. He will have ten days (excluding Sundays) to sign or veto the legislation, or it becomes law without his signature.

Chemical Watch
Studies identified that support TSCA prioritization candidate selections
https://chemicalwatch.com/77023/studies-identified-that-support-tsca-prioritisation-candidate-selections?q=EPA
Staff
Posted: May 1, 2019

The US EPA has published a list of risk assessments, conducted by other federal agencies or countries, that it says supported its selection of 20 candidate substances for designation as high priorities under TSCA.

Formally released on 21 March, the TSCA prioritisation candidates list covers chemicals that the agency has proposed to send into the risk evaluation process at the end of the year. If those designations are finalised, the agency will have three years to complete its reviews, with a possible six month extension.
In its announcement earlier this year, the EPA said it had "surveyed the information and checked quality data elements in a step-wise approach that ensured responsible and timely completion of the process according to TSCA timelines" for the substances.

But Chemical Watch understands that some stakeholders subsequently asked the agency to provide a list of assessments it has for each of the chemicals, so they can better understand and help address potential data gaps.

In a document dated 9 April but posted in the public docket on 25 April, the EPA indicated that it has:

- studies from the US Agency for Toxic Substances and Disease Registry (ATSDR) for 11 of the 20 substances;
- Canadian priority substances list assessment reports and/or state of science reports for seven substances;
- Canadian phthalate substance grouping screening assessments from October 2017, covering five chemicals;
- human health data for eight substances from Australia's National Industrial Chemicals Notification and Assessment Scheme (Nicnas); and
- Echa risk assessment reports for seven substances.

The EPA is accepting comments on its slate of prioritisation candidates until 19 June. The agency has said it "intends to update and refine its initial review, based on data sources identified by the public during the comment period."

E&E News
EPA to retain 2003 standards for asphalt roofing companies
https://www.eenews.net/greenwire/stories/1060252973/search?keyword=EPA
Sean Reilly
Posted: May 1, 2019

EPA has proposed making no change in hazardous emission limits for companies that manufacture and process asphalt roofing materials.

Under existing 2003 standards, the public health risks are acceptable, the agency said in a **draft rule** scheduled for publication in tomorrow's *Federal Register*.

The proposal follows a legally required "residual risk and technology review." It applies to plants that manufacture asphalt roofing shingles and related products, and qualify as major sources of toxic emissions.

As of last August, eight facilities fell in that category, which requires adoption of maximum achievable control technology to curb toxic emissions, according to EPA.

Their main emissions include hydrogen chloride, methylene chloride and formaldehyde.

For a hypothetical "most exposed" individual, the review found the cancer risk fell below the one-in-1-million benchmark for both allowable and actual releases.

Under the reviews, required by the Clean Air Act, EPA is supposed to explore advances in pollution control technologies to further cut emissions, as well as whether the original limits present any residual risk to public health.

EPA classifies formaldehyde as a probable human carcinogen. While the review found ways to virtually eliminate releases of formaldehyde from asphalt storage tanks, agency officials concluded the cost was too high to warrant further cutting emission levels.

The review is one in a series of industrial source categories that EPA is carrying out under a court-supervised timetable after failing to meet a Clean Air Act deadline to conduct them within eight years after setting the initial standards.

As E&E News reported earlier this year, other EPA reviews have similarly found no need for changes to long-standing air toxics limits for more than a half-dozen other sources (*Greenwire*, Jan. 21).

Like them, however, the proposed rule would strike regulatory exemptions for excess emissions from plant startups, shutdowns and malfunctions in keeping with a 2008 court decision. It would also require electronic reporting of test results and add an industry-favored option for monitoring requirements for particulate matter controls.

Under the schedule set in response to a 2017 order by U.S. District Judge Tanya Chutkan of the District of Columbia, EPA intends to complete the review by next March. Once the proposal is published, EPA is allowing 45 days for public comments.

InsideEPA
IG to review toxics office's implementation of TSCA reform
https://insideepa.com/daily-feed/ig-review-toxics-offices-implementation-tsca-reform
Staff
Posted: May 1, 2019

EPA's Office of the Inspector General (OIG) announced May 1 that it is kicking off a new review into the agency's implementation of the 2016 reforms to the Toxic Substances Control Act (TSCA) and whether EPA's toxics office has the resources needed to perform its new responsibilities -- an area that has been of question since the law's passage.
"The OIG's objective is to determine whether the EPA has met Lautenberg Act deadlines, and whether the EPA has the staff, resources and management controls in place to meet future statutory deadlines," OIG's May 1 memo states. "The anticipated benefits of this project include determining whether the EPA has the financial capacity and staff necessary to meet all the new statutory deadlines mandated by the Lautenberg Act."
The memo, addressed to Alexandra Dunn, EPA's toxics chief, says the review was OIG self-initiated.
President Donald Trump has proposed increases to the toxics office's budget in each of his budget proposals -- rare bump ups for an EPA program in the Trump administration which has generally sought to slash EPA funding -- in recognition of the resources needed for EPA undertake the many new responsibilities the bipartisan, revised statute requires. It's successful implementation remains a top priority of the chemical industry.
Meanwhile, OPPT officials have been working for more than a year to reorganize the office to better position it to implement TSCA reform. The most recent plan required hiring new scientific and technical staff to fill a new risk assessment branch. In the meantime, EPA has sought to address its manpower problem by pulling staff from other parts of OPPT, the research office and elsewhere within the agency.