July 12, 2019

Toxicology Division
Texas Commission on Environmental Quality
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Austin, Texas

Attention Toxicology Division:

The following organizations, Environmental Integrity Project, Community In-Power & Development Association, Sierra Club's Lone Star Chapter, Environment Texas, Air Alliance Houston, Environment Texas, and Texas Campaign for the Environment are requesting a 45-day extension on comments due August 12, 2019 on the *proposed Ethylene Oxide rulemaking on the Carcinogenic Dose-Response Assessment Proposed Development Support Document* (DSD) that was announced by email on June 28, 2019. To date, we are unaware of any meaningful public notice or publication of this proposed assessment that would ensure people exposed to this chemical have information and time needed to evaluate the Division's proposal.

Ethylene oxide is a known human carcinogen, mutagen, and neurotoxicant, and is especially dangerous to children.[1] After a robust, scientific, peer-reviewed process, EPA established a cancer risk factor for ethylene oxide in 2016.[2] In 2018, EPA found that communities nationwide, including in Texas, are facing extraordinarily high cancer risk due to this exposure.[3] Just this year, EPA's National Environmental Justice Advisory Council recommended strengthening protections from ethylene oxide due to the health impacts and disproportionate exposure for communities of color and low-income communities.[4]

Yet, instead of following the science and advice of these national environmental justice experts, suddenly TCEQ is attacking and proposing to ignore EPA scientists' evaluation of the health information. TCEQ seeks to use a different number that is three orders of magnitude, or 1000 times, less protective of public health than EPA's scientific assessment. The best available science shows Texans, and especially Texas's children, need stronger, not weaker, safeguards from this chemical.

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[1] EPA, IRIS, Ethylene Oxide (last updated July 28, 2017), https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=1025.
[2] Id.
[3] National Air Toxics Assessment data, https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results.
[4] National Environmental Justice Advisory Council letter, (May 3, 2019), https://comingcleaninc.org/assets/media/documents/NEJAC-Letter-Ethylene%20Oxide-May-3-2019-Final.pdf.

Under TCEQ Guidelines,[5] the public is entitled to a meaningful opportunity to review and comment on proposed DSDs—90-days, and additional time is allowed for data-rich or controversial substances. The current deadline of August 12, 2019 is only 45 days.

TCEQ's complex and lengthy proposed Carcinogenic Dose-Response Assessment requires in-depth analysis and adequate time to prepare comments. We and affected members of the public who may not yet even know about Texas's unusual proposal need more time to meaningfully participate in this process. We also need more time to talk with local elected officials in the affected communities to understand and share their concerns with the Division and TCEQ's Commissioners.

Moreover, our request is further justified because the agency's proposed ethylene oxide carcinogenic risk theory undermines health protection in the permitting and regulatory process for at least sixty major industrial plants.

Potential increases in ethylene oxide air pollution would result in an unknown level of airborne exposures and potential health impacts for tens of thousands of people living in twenty-six Texas communities where the sixty federally permitted Texas chemical and petrochemical plants are located.

In addition, considering the rapidly expanding industrial base in Texas, more Texas chemical and petrochemical plants may seek permit modifications to expand ethylene oxide production or construct new ethylene oxide units.

These Texas communities include the cities of Houston, Pasadena, La Porte, Baytown, Deer Park, Channelview, Alvin, Freeport, Old Ocean, Texas City, Mont Belvieu, Conroe, Bay City, Beaumont, Orange, Longview, Lufkin, Irving, Odessa, Brownwood, Borger, Bishop, Point Comfort, Port Lavaca, Seadrift, and Victoria—communities already overburdened with unacceptable cancer risk from chemicals including ethylene oxide.[6] Nearly a quarter of all communities with cancer risk that EPA deems presumptively unacceptable nationwide are in Texas, and in one community outside of Houston, the risk of cancer is more than three times higher than EPA's upper limit of acceptable risk (which itself is already too high, particularly for children).[7]

It is especially important that these overburdened communities receive a meaningful opportunity to review and comment on TCEQ's lengthy and complex proposed DSD. For the above reasons, we respectfully request a 45-day extension.

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[5] TCEQ Guidelines to Develop Toxicity Factors, pg 24 (Sept. 2015), https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-442.pdf; About TCEQ Development Support Documents (DSDs) for Effects Screening Levels (ESLs) and Air Monitoring Comparison Values (AMCVs), https://www.tceq.texas.gov/toxicology/dsd.

[6] National Air Toxics Assessment data, https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results.

[7] National Air Toxics Assessment data, https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results; see also Sharon Lerner, A Tale of Two Toxic Cities (Feb. 24, 2019), https://theintercept.com/2019/02/24/epa-response-air-pollution-crisis-toxic-racial-divide/.

Sincerely yours,

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