Message

From: Williamson, Tracy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1B1209CC553B4CBE9A59F3E47DC0A312-TRWILLIA]
Sent: 2/26/2021 8:36:48 PM
To: Le, Madison [Le.Madison@epa.gov]
Subject: FW: 3 PFAS adds to CFR

FYI. I'm still digesting this but probably need to respond.

From: Turk, David <Turk.David@epa.gov>
Sent: Friday, February 26, 2021 3:13 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>
Cc: Williamson, Tracy <Williamson.Tracy@epa.gov>; Ruedy, Daniel <Ruedy.Daniel@epa.gov>
Subject: RE: 3 PFAS adds to CFR

Tala,

I haven't caught up on everything, but here's some info that I think will be useful. Ahead of my sending this email, Tyler and I did have a chance to talk briefly, and, along with my feedback, I'm including some feedback he provided below. I'll be unavailable after I hit send; in case further TRI-related Qs arise, I added Daniel who is also familiar with the TRI PFAS addition.

TRI:
Short Answer: The long-chain SNUR triggered the addition of three PFAS to TRI. We have not yet incorporated the TRI portion of the CFR to include these three PFAS. The SNUR specifically included Perfluorooctyl iodide, which is why it is being added to TRI. It does not fit the historic SNUR definition but the recent SNUR specifically added it via a table.
Longer Anser (same info as above but wordier):

> Based on the conversations we had with ICB and ECB following the initial enactment of the NDAA, it was determined that this chemical did not meet the formulas provided by the .10536. IT was one of the PFAS that we specifically did not add for this reason. **HOWEVER,** the 2020 final SNUR added a "Table 1" and "Table 2" for .10536 that specifically lists and thus incorporates certain PFAS. Not all of the PFAS in this table fit the formulas in .10536. For example, Perfluorooctyl iodide is listed in Table 1 and thus is part of the SNUR. It does not meet the formula thus it was not part of the initial 172 TRI PFAS but is now on the TRI list due to its inclusion in the SNUR via Table 1 being incorporated into 10536. Potassium perfluorooctanoate (2395-00-8) and Silver(I) perfluorooctanoate (335-93-3) are listed in Table 2.

PFAS 8(a)(7) Definition: This is the definition that we've been using in the 8(a)(7) PFAS data reporting proposal: For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen.

This is from Tyler re: the marked-up document:

Ex. 5 Deliberative Process (DP)

Additionally, the LCPFC SNUR modified both 721.9582 and 721.10536. The PFAS added to TRI were specifically included under 721.10536

-Dave (and Tyler)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, February 26, 2021 1:21 PM
To: Turk, David <Turk.David@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>
Cc: Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: RE: 3 PFAS adds to CFR
Importance: High

In some TA that OCIR is revisiting it says:

(5) PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE.—The term "perfluoroalkyl or polyfluoroalkyl substance" means a perfluoroalkyl substance or a polyfluoroalkyl substance that is—
(A) manmade; and
(B) has at least 1 fully fluorinated carbon atom.

And OPPT previously commented:
Note: (B) is consistent with sec. 7321(b)(1)(E) and (C)(1)(a)(i) from the TRI provisions in the FY 2020 NDAA

I thought the OPPT "working definition" was that had to have at least TWO fully fluorinated carbons???

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From: Henry, Tala
Sent: Friday, February 26, 2021 1:17 PM
To: Dave Turk (Turk.David@epa.gov) <Turk.David@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>
Subject: 3 PFAS adds to CFR

As result of the LCPFC SNUR...are they added to 721.9582 or 721.10536 or some to each/both?

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