Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 5/6/2021 9:16:17 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for May 6, 2021

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More limits possible on TSCA new chemicals review exemptions for PFASs

Julia John, Chemical Watch
https://chemicalwatch.com/259727/more-limits-possible-on-tsca-new-chemicals-review-exemptions-for-pfass

There is a "good chance" the US EPA will further limit TSCA new chemicals programme exemptions for approving per- and polyfluoroalkyl substances (PFASs), an attorney with a leading environmental law firm has said.

NGOs say closing these "loopholes" would ensure the agency thoroughly assesses the potential harms linked to the persistent compounds before they enter US commerce. But some industry stakeholders do not agree that current reviews are insufficient.

The EPA announced last week that TSCA low volume exemptions (LVEs) for PFASs would probably be denied. NGO petitioners spearheaded by Earthjustice, however, want the agency to completely close the door on permitting new PFASs via the LVE or other exemptions from the full pre-manufacture notice (PMN) review process.

The byproducts exemption, for example, enables manufacturers to list non-commercial compounds resulting from the production, processing, use or disposal of a commercial substance on the latter's PMN application, allowing byproducts to avoid separate evaluation. PMN submitters need only provide a byproduct's name, class, or range of structures, according to the agency's instructions for reporting under the new chemicals review programme.

"EPA does not even gather information about PFAS byproducts," noted Suzanne Novak, a staff attorney at Earthjustice. "They go through no safety review. And we have no idea how widespread they are."

The LVE authorises more PFASs than the PMN process itself, she added, so the agency's recent declaration could make the limited release and exposure (LoREX) exemption "the new attractive option for high-toxicity substances to evade PMN review".

The EPA "should immediately make clear it will not be considering LVE and LoREX applications for PFASs and start a rulemaking process to codify that", Ms Novak said. Companies should "seek PMN review for all new PFASs and any PFASs currently used or produced that have not [already] gone through [this]".

According to the agency, it has granted 660 PFAS LVEs and received no PFAS LoREX exemption requests. It told Chemical Watch that it "is in the process of reviewing the policies and procedures related to the agency's review of new chemicals under TSCA".

There is some optimism among the environmental community that the agency could take further action.

"There is a good chance that the EPA will eliminate all of the exemptions related to PFASs" to gain more time to thoroughly evaluate and approve them, said John Gardella, a shareholder at CMBG3 Law. "This approach would be in line with the current EPA's and the Biden administration's more centrist approach to regulatory change, ensuring that the science supports regulatory decisions," he told Chemical Watch.

Dissenting view

Removing exemptions for PFASs has downsides, according to Robert Helminiak, the Society of Chemical Manufacturers and Affiliates (Socma)'s vice president of legal and government relations. He said the EPA accepts an exemption request only if "able 'to affirmatively find' that granting the application 'will not present an unreasonable risk.'"

Mr Helminiak told Chemical Watch that by restricting exemptions for an entire group of compounds, the agency "will no longer be considering the safety profile of individual chemicals and making appropriate risk-based determination on each unique case". A class-based strategy "is not justified by science and would ultimately inhibit commercial innovation", he added.

Tom Berger, a partner at Keller & Heckman, disagreed with Earthjustice's view that the agency's announcement on LVEs could open the floodgates for LoREX exemptions.

"A substance deemed by EPA to be ineligible for an LVE likely would meet the same fate under the LoREX rule" due to the agency's veto authority over these exemptions, he said.

Also, "byproducts associated with a PMN substance are fair game for EPA review as part of the agency's overall PMN review," Mr Berger added. "For perfluoro-substances, where...

Global project aims to advance green alternatives to POPs, mercury, microplastics
Leigh Stringer, Chemical Watch
NA

US research university Yale has set up an international project to create and scale up 'green' alternatives to three persistent organic pollutants (POPs), mercury and microplastics.

Yale and partners of the project, called the Global Green Chem Innovation and Network Programme (GGNIP), have chosen to focus on the specific POPs hexabromocyclododecane (HBCD), short-chained chlorinated paraffins (SCCPs) and perfluorooctanesulfonic acid (PFOS) because of their prevalence in some developing nations.

HBCD is a brominated flame retardant used primarily in extruded and expanded polystyrene foam. SCCPs are used as flame retardants and plasticisers in paints, adhesives and sealants. PFOS is a member of the broader class of per- and polyfluoroalkyl substances (PFASs) and used in products for its water and stain resistance.

All three are banned under international treaty the Stockholm Convention on persistent organic pollutants (POPs).

According to Professor Karolina Mellor, programme administrator at Yale's Center for Green Chemistry and Green Engineering, the Stockholm Convention bans many other POPs without exemptions, while there are still some country-specific derogations in place for HBCD, SCCPs, PFOS and mercury.

Professor Mellor said microplastics are an ongoing problem worldwide and mostly produced unintentionally, making them a good target for reduction. The project will aim to develop solutions through the "conscious design of inherently nonhazardous alternatives using green chemistry principles", for example, by replacing them in textile microfibres with alternatives.

The work will initially focus on Indonesia, Jordan, Peru, Serbia, Uganda and Ukraine. This is because industries in the countries are still using these POPs and mercury. But it has also identified the potential to replace them with green chemistry alternatives. For example, Serbia has established green chemistry in university curriculums, has an extensive network of such experts and carried out awareness raising activities and research.

The others have either set up similar activities and/or are part of the United Nations Industrial Development Organization's (Unido) programmes, such as the Global Green Chemistry Initiative. This was formed in 2017 to increase global awareness and to deploy green chemistry approaches and technologies. The GGINP aims to build on the work of this programme.

Yale is partnering with the ministries and National Cleaner Production Centres of the six countries. Professor Mellor said they all have a strong relationship with academia, NGOs and industry and can strengthen

connections between these stakeholders, which historically have not had the opportunity to work together.

But more importantly, she added, they intend to have a global representation and include countries from Asia, Europe, Africa and South America, which can become regional hubs for green chemistry innovation.

Global network
While addressing the target substances, the project aims to establish a global network of chemists practising the 12 Principles of Green Chemistry. These were developed in 1998 by Yale's director of the Center for Green Chemistry and Green Engineering, Paul Anastas and co-founder of the Warner-Babcock Institute for Green Chemistry, John Warner.

This will "create an environment that supports green chemistry innovation and entrepreneurship", particularly in developing nations.

Professor Mellor said small, national green chemistry networks are dispersed and uncoordinated even though the majority strive to achieve the same goal of progress through research, innovation and education.

The GGINP "offers a unique opportunity to create a network of networks and to unify these efforts under the umbrella of innovation and entrepreneurship," she added.

Network members from around the world will benefit from training, guidelines, webinars and other resources that inform novel green chemistry trends in academic and industry research...

ATSDR Maintains Strict Draft PFAS Risk Levels In Final Toxicity Report
Diana DiGangi, Inside EPA
https://insideepa.com/daily-news/atsdr-maintains-strict-draft-pfas-risk-levels-final-toxicity-report?utm_source=dlvr.it&utm_medium=twitter

The Agency for Toxic Substances and Disease Registry (ATSDR) has released its final toxicological profile for per- and polyfluoroalkyl substances (PFAS), preserving without changes the minimal risk levels (MRLs) it proposed in 2018 -- all at levels more conservative than those EPA has used to craft its own exposure limits.

ATSDR, a federal agency within the Department of Health and Human Services, quietly posted the long-awaited final PFAS profile on its website May 5, with no accompanying Federal Register notice or other announcement that accompanied past drafts.

The document, which reviews a host of studies of human health impacts from PFAS, follows several drafts released since 2009 and has been closely watched for how it would use the findings from those studies to set MRLs -- chemical-specific estimate of the level of a chemical a person can be exposed to each day without a detectable non-cancer health risk.

And the final version appears to maintain unchanged 2018 draft MRLs for four of the most widely studied PFAS, including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) -- both of which set off a scramble by the Trump administration to reconcile the gulf between ATSDR's numbers and the less-conservative values EPA used as health advisory levels for PFAS in drinking water.

For instance, ATSDR itself downplayed the idea that exposures above its limits would necessarily lead to health hazards, telling the public not to interpret the MRLs as cleanup or health standards.

"If someone is exposed to an amount above the MRLs, it does not mean that health problems will happen,"

ATSDR stated in a supplemental document released along with the draft. "When health assessors find exposures higher than the MRLs, it means that they may want to look more closely at a site. ATSDR works closely with [EPA] at both a national and regional level at sites where exposures are estimated to exceed health-based values such as MRLs."

The Trump EPA and Defense Department (DOD) originally sought to block the release of the 2018 draft over concerns that the proposed MRLs were stricter than EPA's advisory levels, with internal emails referring to a "potential public relations nightmare" if ATSDR released its tougher limits.

Even after the draft's release, officials continued to take a cautious approach to finalizing it, with agency director Patrick Breysse saying as recently as October 2020 at an interagency workshop on PFAS that ATSDR planned to hold back the profile for a while longer.

"We're looking at the literature as it evolves, and when new information is available, we will reconsider our toxicological profile, the numbers that we have in this draft document, and whether there's a need for additional numbers," Breysse said.

However, the final release of the document states that the toxicological profile has not been updated since March 2020, indicating that ATSDR saw no need to add new data.

Final MRLs

The MRL for PFOS is the same in the final profile as it was in the 2017 and 2018 draft versions, at 2x10^-6 milligrams/kilograms/day (mg/kg/day) -- a level 10 times more stringent than EPA's reference dose (RfD) of 2x10^-5 mg/kg/day, which the agency used in its 2016 health advisory for lifetime chronic exposure.

The final profile also keeps the intermediate oral MRL for PFOA from the 2017 and 2018 drafts, setting it at 3x10^-6 mg/kg/day, a level that is approximately seven times stricter than the RfD of 2x10^-5 mg/kg/day that EPA used in its 2016 health advisory.

ATSDR also set limits for perfluorohexane sulfonic acid (PFHxS) and perfluorononanoic acid (PFNA), neither of which has a corresponding EPA reference dose. The final profile retains the 2018 draft risk level of 2x10^-5 mg/kg/day for PFHxS, and 3x10^-6 mg/kg/day for PFNA.

It did not derive MRLs for the other PFAS it studied: perfluorodecanoic acid (PFDA), perfluoroundecanoic acid (PFUnA), perfluoroheptanoic acid (PFHpA), perfluorobutane sulfonic...

IRIS Eyes 'Modular' Methylmercury Study To Speed Developmental Findings
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/iris-eyes-modular-methylmercury-study-speed-developmental-findings

An EPA researcher says the Integrated Risk Information System (IRIS) office is adopting a "modular" approach to its update of the 2001 toxicity assessment of methylmercury (meHg) in order to more quickly complete key findings on developmental risks that could inform new policies on fish consumption -- the primary vector for meHg exposure.

Deborah Segal, EPA's co-chemical manager for the pending update to the meHg assessment, laid out a roadmap for the project at a May 4 workshop hosted by the Society for Birth Defects Research and Prevention and the Developmental Neurotoxicity Society, including scientists' efforts to complete their developmental neurotoxicity (DNT) analysis as quickly as possible.

She said that in an effort to better aid EPA's Superfund office, which first requested the assessment, IRIS staff have "decided to use a modular approach" to the assessment "instead of addressing every health endpoint, we are addressing developmental neurotoxicity first, in a separate module."

She said, "[d]evelopmental neurotoxicity has been the basis of the previous two IRIS reference doses for [meHg] and likely will be again." A reference dose (RfD) represents the maximum dose of a toxicant EPA estimates can be ingested daily over a lifetime without experiencing related adverse effects. Such a risk estimate can be used in cleanup decisions, regulations and other policy decisions.

While traditionally IRIS assessments focused on analyzing hazard and effects before undertaking dose-response analysis, Segal said that for the well-understood meHg, "we don't need to do that so we are going straight to dose-response" analysis.

But she said even the accelerated process is not expected to result in a public draft of the dose-response module until fiscal year 2023 -- which is consistent with IRIS' latest program outlook, released in March. That deadline falls some four years after EPA first released its meHg assessment plan for public comment in 2019, which was followed in May 2020 by a systematic review protocol.

And Segal continued that the office is planning a separate, second module, to be completed on a later schedule, that will evaluate meHg's cardiovascular effects.

"The reason for this, is because at lower levels than were seen in the three cohorts used to derive the RfD in 2001, we have seen some studies that indicate there are cardiovascular effects at these levels. There are also studies that show that there are not [cardiovascular effects]. We're going to investigate further. We think this is very important, that the public understands that meHg is not just detrimental to pregnant women and their children but that it could have negative health effects for the general population," she said.

The office is also wrestling with how to reconcile different mercury biomarker measurements and the need to develop additional assessment tools, Segal added.

Fish Consumption Advisories

Whatever results the IRIS process produces will be key to future guidance from EPA and the Food and Drug Administration (FDA) on fish consumption, especially to women of childbearing age and families with children.

The agencies have issued several joint fish-consumption advisories that seek to balance calls for pregnant women and children to eat more fish because they contain beneficial fats and oils that aid development, with concerns that American-caught fish are often contaminated with meHG, to the point where seafood is the primary exposure pathway for Americans.

Segal noted that some recent studies show that rice, produce and wine can also contain meHg, but seafood remains the primary exposure route.

The most recent update to the agencies' advisory was in 2019, and relied on the 2001 IRIS assessment for its toxicity data.

That dynamic -- where eating fish leads to both benefits and harms to development in fetuses and young children, has driven calls for EPA to conduct not a traditional IRIS risk analysis, but a net effects analysis that...

Groups Clash On Whether NTP Report Justifies PFOA Prop. 65 Cancer Listing
Curt Barry, Inside TSCA
https://insidecepa.com/tsca-news/groups-clash-whether-ntp-report-justifies-pfoa-prop-65-cancer-listing

Chemical industry representatives are clashing with environmental and health groups over whether a National Toxicology Program (NTP) report on the carcinogenicity of perfluorooctanoic acid (PFOA) provides adequate evidence for California to list the chemical as a cancer-causer under the state's Proposition 65 toxic warning law.

"[T]he findings of the NTP report are not supported by the available epidemiology studies, including occupational and large community populations," opines the American Chemistry Council (ACC) in May 3 written comments to California's Office of Environmental Health Hazard Assessment (OEHHA).

In contrast, a coalition of environmental and health groups, which include Environmental Working Group (EWG), Center for Environmental Health, Natural Resources Defense Council and Clean Water Action, argues the NTP study found that "PFOA causes cancer in male rats" and provided "'clear evidence of carcinogenic activity,'" thus supporting OEHHA's proposed listing, according to its May 3 comment letter.

Stakeholders are commenting on OEHHA's March 19 proposal to list PFOA as a carcinogen under Prop. 65 pursuant to the law's "authoritative bodies" mechanism. NTP is one of several organizations that OEHHA recognizes as an authoritative body under Prop. 65 "for the identification of chemicals as causing cancer."

NTP's May 2020 "Technical Report on the Toxicology and Carcinogenesis Studies of Perfluorooctanoic Acid Administered in Feed to Sprague Dawley Rats" found that PFOA "causes increased incidences of combined malignant and benign tumors at two sites (liver and pancreas) and increased the incidences of rare malignant tumors (hepatocellular carcinoma and pancreatic acinar cell adenocarcinoma) in male rats," the OEHHA notice says.

While PFOA and other per- and polyfluoroalkyl substances (PFAS) have long raised concerns over their potential immuno-toxic effects, NTP's technical report showed exposure to the chemical caused increased incidence of certain cancers, providing some of the strongest evidence so far of the chemical's carcinogenic potential.

In comparison, the International Agency for Research on Cancer (IARC) concluded in 2017 that PFOA is possibly carcinogenic to humans, while EPA concluded in 2016 that there was suggestive evidence of the carcinogenic potential of PFOA and PFOS, a similar long-chain PFAS, in humans, according to a draft toxicological profile of PFOA and other PFAS released by the Agency for Toxic Substances & Disease Registry (ATSDR) in 2018.

While PFOA was phased out of domestic production in 2002 and U.S. manufacturers eliminated PFOA emissions and product content at the end of 2015, the substance is still ubiquitous in the environment and in human blood, as well as in imported products.

Animal Data

ACC argues in its comment letter that much of the data on PFOA do not support NTP's findings.

For example, the group says that while a significant amount of genotoxicity and mechanistic data are available to evaluate results of the epidemiology and animal bioassay results, they do not support claims that the chemical is mutagenic in humans.

"Multiple in vivo and in vitro assays provide clear evidence that PFOA is not mutagenic and may only cause

genotoxicity at toxic concentrations. Consequently, it is generally agreed that PFOA causes tumors in laboratory animals via a non-genotoxic or epigenetic mechanism."

In addition, the group says that findings in laboratory animals are consistent with a mode of action known as peroxisome proliferator-activated receptor a (PPAR a) activation, which "is of uncertain relevance to humans. Consequently, there is not sufficient evidence to conclude that PFOA exposure presents a cancer risk to humans to justify its listing under Proposition 65."

Further, "This inconsistent evidence has led other authoritative bodies, including [IARC], the European Food Authority (EFSA) and [ATSDR], to conclude that the evidence for PFOA carcinogenicity remains...

Vermont Legislature Backs PFAS Ban For Many Consumer Products
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/vermont-legislature-backs-pfas-ban-many-consumer-products

Vermont's state legislature is unanimously supporting a bill that would ban per- and polyfluoroalkyl substances (PFAS) in a host of products, setting up what could be the first attempt by a state to implement broad, class-based limits on perfluorinated chemicals that environmentalists have sought for years under TSCA and state law.

The bill known as S. 20 has already cleared Vermont's state Senate on a unanimous vote and on May 4 won universal support in the state House of Representatives in a procedural vote, setting the stage for lawmakers to send the bill to Gov. Phil Scott (R), though there is no public timetable for its final passage.

S. 20 would restrict the "use, manufacture, sale and distribution" of several types of products made with PFAS, including firefighting foam, food packaging, rugs, carpets, ski wax, and aftermarket stain and water resistance treatments.

And the bill does not distinguish between individual PFAS, instead limiting the chemicals as a class and generally banning their use entirely rather than setting thresholds for their use.

For instance, its provision on packaging materials says, "A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added in any amount."

That makes Vermont potentially the first state to back the push for class-based PFAS policy -- a move that some state officials and interstate groups as well as many environmentalists have said is necessary to address the thousands of known perfluorinated chemicals, but which industry says is an unwarranted and unworkable approach that would limit many chemicals not proven to be toxic.

It also adds PFAS to the state's list of chemicals of high concern to children, and separately imposes limits on products that include phthalates and bisphenols -- which several environmental and interstate groups have also sought to ban at the class level.

"I was extremely happy to see the overwhelming support for this bill," Kyla Bennett, New England director of the whistleblower group Public Employees for Environmental Responsibility (PEER), tells Inside TSCA. "Kudos to Vermont."

And she praised the bill for adopting a "broad definition of PFAS," calling that a "critical" element of the restrictions. S. 20 defines PFAS as a "class of fluorinated organic chemicals containing at least one fully

fluorinated carbon atom."

But other stakeholders have warned that if states set their own definitions of PFAS, rather than applying a unified, nationwide meaning for the term, it could create a patchwork of inconsistent or contradictory requirements for "PFAS-free" products that industry would struggle to satisfy.

For instance, members of EPA's State FIFRA Issues Research and Evaluation Group (SFIREG), which advises the agency on implementing the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), recently called for federal officials to craft a unified PFAS definition that would apply equally to the Toxic Substances Control Act (TSCA), other federal programs and state limits.

The lack of a federal definition "will cause discrepancy from state to state and make it difficult for registrants whose active ingredients or inert chemical formulae may fall into the definition of PFAS in one state but not another," Carrie Leach, who co-chairs SFIREG's Joint Working Committee (JWC), told Inside TSCA.

'An Excellent First Step'

Yet Bennett said she still sees the Vermont bill as too lenient in some areas, both because it applies only to certain products and because some of the restrictions fall short of a full ban. In particular, she noted that it only requires manufacturers of firefighting gear to notify purchasers that the products contain PFAS, calling that mandate "not enough."

"This is an excellent first step, but it is only a first step. We need to ban all non-essential uses of PFAS, which would extend this list...

EPA Announces Expanded Chemical Reporting Requirements
John Dixon and Pamela Goodwin, JD Supra (Saul Ewig Arnstein & Lehr)
https://www.jdsupra.com/legalnews/epa-announces-expanded-chemical-1349550/

Late last week, the United States Environmental Protection Agency (EPA) announced its latest environmental justice initiative aimed at expanding Toxic Release Inventory (TRI) reporting requirements to include additional types of chemicals and facilities. Environmental Justice is intended to ensure fair treatment and involvement of people regardless of race, color, origin or income in environmental regulation and enforcement. The TRI is a publicly available database that includes information on toxic chemical releases and waste management activities. The EPA announced its proposal to expand the list of chemicals covered by TRI reporting requirements, as well as public access to the database, in order to "advance Environmental Justice, improve transparency, and increase access to environmental information."

Expanded TRI Reporting Requirements

There are four key components of the EPA's announcement:

- Natural Gas Processing Facilities – The EPA is finalizing a proposed rulemaking that would include natural gas processing facilities on the list of industry sectors covered under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Natural gas processing facilities, which separate impurities from natural gas to create "pipeline quality" dry natural gas, would be required to follow TRI reporting requirements. This will increase the publicly available information on chemical releases and other waste management activities at natural gas facilities.
- Polyfluoroalkyl Substances (PFAS) - The EPA will continue to add new PFAS chemicals (also known as "forever chemicals") to the TRI reporting requirements. The EPA's authority to add PFAS chemicals to the TRI

comes from the 2020 National Defense Authorization Act, which added certain PFAS to the TRI automatically.
- Ethylene Oxide (EtO) - EtO is used to make industrial chemicals and sterilize medical devices. Contract sterilization facilities that utilize EtO have not historically been required to report EtO releases. Now, they will be required to do so because "[m]any of these facilities are located near areas with Environmental Justice Concerns."
- Toxic Substances Control Act (TSCA) Workplans - The EPA plans to propose adding to the TRI the chemicals included in the TSCA Workplan and other substances designated as high-priority substances under the TSCA.
What's Next?

There is immense public interest in environmental justice matters. In addition to the expanded TRI reporting requirements, the EPA has committed to enhancing its online search tools in an effort to make TRI information more accessible to the public. The EPA's announcement may result in new and increased public interest in certain facilities and chemicals that previously did not have to be reported to the TRI. While the reporting requirements described in the EPA's announcement will not take effect immediately, industry stakeholders should monitor agency rulemakings pertaining to TRI reporting requirements, including the EPA's proposed rulemaking that would add natural gas processing facilities to the TRI.

'Canary in a coal mine': Scientists test alligators for PFAS chemical compounds
Kristen Johnson, The Fayetteville Observer
https://www.fayobserver.com/story/news/2021/05/06/north-carolina-alligators-found-have-autoimmune-response-pfas-chemicals/4945275001/

In new studies on wildlife, researchers have found evidence that exposure to per- and polyfluoroalkyl substances, or PFAS, could harm an animal's immune system.

Alligators in the lower Cape Fear River had changes in their immune system that could indicate the development of autoimmune-like diseases in response to exposure to high-levels of the contaminants, according to information presented at a forum Tuesday related to the PFAS compound.

The PFAS family of chemicals has been used in products for decades. The compounds have been used to make cookware, food packaging, stain repellents and other products.

The PFAS group of chemicals includes GenX, which is manufactured by the Chemours company at its Bladen County plant. GenX has been connected to cancer and other diseases in animal studies, but it isn't known if the effect is the same on humans.

At the event hosted by the NC Policy Collaborative and the NC PFAS Testing Network, researchers presented new information about PFAS chemicals in animals and soil.

'Canary in a coal mine'
The GenX PPA is produced in this plant at the Chemours Fayetteville Works plant south of Fayetteville, N.C., Wednesday, May 30, 2018.
Last year, in a report released by N.C. State University, researchers found elevated levels of PFAS chemicals in the blood of Cape Fear River striped bass. The chemicals had an adverse affect on the immune and liver functions in the fish.

Scott Belcher, a research professor in toxicology at N.C. State, spearheaded the research to study PFAS exposure and what affect the chemicals had in fish and alligators in the Cape Fear watershed in 2018.

He presented new findings related to alligators at the forum Tuesday.

"Our study goals were then just to use these guys as kind of that proverbial 'canary in a coal mine,' to really look and see what kind of predictive affects we might be able to see in these animals that have had these chronic exposures," Belcher said.

More: Have we been eating potentially dangerous compounds in our food for years?

In testing of one population of alligators in the watershed, the health impacts were alarming, Belcher said. The team of researchers compared the animals living on the golf courses in proximity to the Cape Fear to the ones living in the river.

The alligators that were tested were in Lake Waccamaw and in the Cape Fear.

The researchers found markers of lupus-like immunity in the reptiles, as well as skin lesions and slow healing wounds.

Belcher said this was very rare in reptiles from other sites.

"Alligators are known to heal very, very quickly. Typically we've seen multiple alligators that have lost a leg to another alligator and those can heal up in a matter of weeks," Belcher said. "But we saw these very atypical lesion wounds."

Belcher said with this evidence, the team is building a case highlighting the immune differences in the animals that result in auto-immune diseases.

"The alligators, they're actually a really nice species for these types of exposures because they typically don't move very far," Belcher said. "We were looking at exposures trying to define how many different PFAS we could see in their blood and then looking at this question of bioaccumulation and bioconcentration, and impacts on their health."

More research will be conducted from these findings on the alligators to determine the extent of the chemicals' affects.

"We're now doing annual monitoring of alligators and fish," Belcher said.

More research is needed
Owen Duckworth, a soil and environmental biogeochemistry professor at NC State, presented updates at the forum on testing of chemicals in soil that produces crops people eat. He said researchers are trying to determine if contamination in soil can be transported into the edible parts of plants.

"We know that people are drinking water that has PFAS in it, or have been in the past...

INSPECTOR GENERAL REBUKES EPA FOR FAILING TO PROTECT COMMUNITIES FROM CARCINOGENIC AIR POLLUTION
Sharon Lerner, The Intercept
https://theintercept.com/2021/05/06/epa-ethylene-oxide-chloroprene-inspector-general/?utm_source=twitter&utm_campaign=theintercept&utm_medium=social

THE ENVIRONMENTAL PROTECTION AGENCY'S Office of Inspector General issued a report today taking the agency to task for its failure to protect communities from chloroprene and ethylene oxide. Both chemicals are carcinogenic air pollutants and pose particular risks to people living near plants that emit them.

"There are potentially unacceptable risks from chloroprene and ethylene oxide emissions in some areas of the country," according to the report, which notes that over 464,000 people living in more than 100 census tracts have a risk of cancer from air pollution greater than 100 in 1 million due to chloroprene and ethylene oxide. The Intercept tallied these toxic hotspots in a 2019 investigation and in 2017 began calling attention to chloroprene pollution in St. John the Baptist Parish, Louisiana, which has the highest risk of cancer from air pollution in the U.S., according to the most recent National Air Toxics Assessment.

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The report from the agency's watchdog pointed to the EPA's failure to update its technology reviews for four different categories of facilities that release these carcinogens, including commercial sterilizers and synthetic organic chemical manufacturing plants, which were both due to be reviewed by 2014.

As The Intercept reported in March, one of these synthetic organic chemical manufacturing plants, in Port Neches, Texas, emits so much ethylene oxide that it has increased the cancer risk in an area that stretches for more than 1,000 square miles. While the EPA did the modeling that showed the elevated cancer risk, it did not alert the people living there to the dangers they faced.

Related
Trump's EPA Helped Erase Records of Almost 270,000 Pounds of Carcinogenic Pollution
In April, the EPA inspector general issued another report tracing some of the agency's failures to protect communities from ethylene oxide pollution to a Trump appointee named Bill Wehrum, a former lobbyist for chemical and oil companies who ran the agency's Office of Air and Radiation until 2019.

Today's report also criticizes the EPA for failing to incorporate the agency's own science into its risk and technology reviews. A division of the EPA known as IRIS evaluated chloroprene in 2010 and ethylene oxide in 2016, finding both chemicals to be far more dangerous than previously thought. But the EPA did not update the regulations that would stop industrial facilities from emitting dangerous levels of the pollutants.

"Despite indications of elevated cancer risks from chloroprene and ethylene oxide emissions, the EPA has not incorporated new or revised [unit risk estimates] for chloroprene and ethylene oxide into the [Residual Risk and Technology Review] process for many source categories that emit these pollutants," the report stated. The inspector general called on the agency to conduct overdue technology and risk reviews and develop a process to do timely reviews in the future "when new or updated risk information becomes available."

"The kids go out at recess and deeply inhale the chemical into their lungs."
St. John the Baptist, an African American community where chloroprene is released by a plant that makes the synthetic rubber chloroprene, has been waiting years for the EPA to incorporate its science on the carcinogen into enforceable regulations. Recent air monitoring has shown that the levels of chloroprene still far exceed the EPA safety threshold for the chemical set in 2010. In September 2020, chloroprene levels were measured at 80 times the safe level that was set by the EPA, according to Wilma Subra, an environmental consultant who works with the residents of St. John the Baptist. Levels of the carcinogen remain extremely elevated near the Fifth Ward Elementary School, according to Subra. "The kids go out at recess and deeply inhale the chemical into their lungs," she said.

Robert Taylor, a founder of the group Concerned Citizens...

Court Ruling Starts Clock Ticking for Chlorpyrifos
Eric Sfiligoj, Crop Life
https://www.croplife.com/editorial/court-ruling-starts-clock-ticking-for-chlorpyrifos/

In mid-2020, a decision by the Ninth U.S. Circuit Court of Appeals regarding dicamba's registration sent the agricultural industry scrambling for clarity. Now, almost one year later, another active ingredient has been sentenced by the court.

On April 29, Ninth U.S. Circuit Court of Appeals, in a 2-1 decision, ordered the EPA to quickly determine whether the insecticide chlorpyrifos can remain on the market or must be banned because of some studies linking its use to brain damage in children. The agency has 60 days from the ruling to make this determination.

"The EPA has spent more than a decade assembling a record of chlorpyrifos' ill effects, U.S. District Judge Jed S. Rakoff wrote in the court's majority decision. "Yet, rather than ban the pesticide or reduce the tolerances to levels that the EPA can find are reasonably certain to cause no harm, the EPA has sought to evade, through one delaying tactic after another, its plain statutory duties.

In truth, chlorpyrifos was already on shaky grounds in many respects. California banned sales of the active ingredient in 2020, and other states such as New York have also moved to ban it. Furthermore, Corteva Agriscience, which had been the world's largest manufacturer of chlorpyrifos, stopped producing it last year.

Before this back during the Barack Obama Administration, there was an effort to ban the use of chlorpyrifos. However, this was rescinded during the Donald Trump Administration. Recently, current President Joe Biden signed an executive order this year to review the Trump EPA's decision to keep chlorpyrifos on the market.

Within the agricultural industry, some are questioning the process through which a potential chlorpyrifos ban might come to pass. In fact, this is the position of the Agricultural Retailers Association (ARA). "ARA opposes the court ruling because it will set a bad precedent for EPA's registration review process for all agricultural chemicals by allowing petitioners and the federal courts to impose their decision-making process in reviewing the science over EPA's long-standing regulatory authority as established by Congress," it said in a statement.

For right now, however, the industry and chlorpyrifos will have to wait and see what EPA ultimately decides between now and the end of June regarding the active ingredient's future.

Environmentalists Press EPA To Ban Chlorpyrifos After 9th Circuit Ruling
Curt Barry, Inside EPA
https://insideepa.com/daily-news/environmentalists-press-epa-ban-chlorpyrifos-after-9th-circuit-ruling?utm_source=dlvr.it&utm_medium=twitter

Environmentalists are strongly urging EPA to finally ban uses of chlorpyrifos, the widely used insecticide, after a federal appellate court panel ordered the agency to either ban the chemical or undertake a process for determining safe exposure levels that will protect children.

Patti Goldman, an Earthjustice attorney representing a coalition of civil rights, environmental and labor groups, tells Inside EPA that she is hopeful the Biden administration will ban chlorpyrifos from being used on food crops in the wake of the split ruling from a three-judge panel of the U.S. Court of Appeals for the 9th Circuit in League of United Latin American Citizens (LULAC), et al. v. Michael S. Regan.

"In terms of what is next, the [court] decision requires EPA to revoke or modify chlorpyrifos tolerances within 60 days of the end of the case, which will be in mid-June unless EPA seeks further judicial review by the full 9th Circuit or the Supreme Court," she explains.

"Given that the 9th Circuit rejected every reason EPA offered for not protecting children, and the Biden administration's pledge to act based on science and to protect the most vulnerable, we will urge EPA to do the right thing and ban chlorpyrifos from our food."

Her comments come in the wake of the 9th Circuit panel's 2-1 April 29 decision where the majority held that EPA violated provisions of the Federal Food, Drug and Cosmetic Act (FFDCA) when it allowed continued uses of the chemical.

"The panel held that the EPA spent more than a decade assembling a record of chlorpyrifos's ill effects and repeatedly determined, based on that record, that it could not conclude, to the statutorily required standard of reasonable certainty, that the present tolerances caused no harm," the ruling says.

But rather than "ban the pesticide or reduce the tolerances to levels that the EPA could find were reasonably certain to cause no harm, the EPA sought to evade through delay tactics its plain statutory duty," the ruling adds. "Because the FFDCA permitted no further delays, the panel ordered the EPA within 60 days after issuance of the mandate either to modify chlorpyrifos's tolerances and concomitantly publish a finding that the modified tolerances are safe, including for infants and children -- or to revoke all chlorpyrifos tolerances."

The panel also ordered EPA to "correspondingly modify or cancel related Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] regulations for food use in a timely fashion consistent with the requirements of" law.

An EPA spokesman says the agency is "reviewing the decision as it considers its options. As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to ensuring the safety of pesticides and other chemicals. The agency is committed to helping support and protect farmworkers and their families while ensuring pesticides are used safely among the nation's agriculture. EPA will continue to use sound science in the decision-making process under" FIFRA.

The largest maker of chlorpyrifos, Corteva Agriscience, has already agreed to phase out the chemical, and former EPA officials expect the agency may pursue a voluntary agreement with industry to cancel the pesticide's registration, something that could happen faster than a formal cancellation, which can take two to three years.

But environmental groups find voluntary cancellations problematic because manufacturers can later seek to reregister pesticides, as occurred with aldicarb, which was voluntarily canceled in 2010 and phased out but then re-registered by the Trump administration Jan. 12 for use on up to 100,000 acres of Florida citrus crops.

Environmentalists' Petition

The panel ruling comes more than nine months after oral arguments before the three-judge panel, which reviewed whether EPA in 2019 illegally preserved the remaining allowed uses of chlorpyrifos after denying the environmental groups' 2017 petition seeking...

Senate Committee Will Hold Hearing on Nominee for EPA Assistant Administrator for Chemical Safety and Pollution Prevention
Lynn L. Bergeson and Carla N. Hutton, Bergeson & Campbell Blogs

http://www.tscablog.com/entry/senate-committee-will-hold-hearing-on-nominee-for-epa-assistant-administrat

The Senate Committee on Environment and Public Works will hold a hearing on May 12, 2021, on several nominations, including that of Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the U.S. Environmental Protection Agency (EPA). As reported in our January 22, 2021, blog item, Freedhoff was onboarded in January 2021 as Principal Deputy Assistant Administrator for Chemical Safety and Pollution Prevention. On April 14, 2021, President Joseph Biden nominated Freedhoff for Assistant Administrator for Chemical Safety and Pollution Prevention. According to Biden's announcement, Freedhoff has more than 20 years of government experience, most recently as the Minority Director of Oversight for the Senate Environment and Public Works Committee. She began her Congressional service in 1996 in then-Representative Ed Markey's (D-MA) office as a Congressional Science and Engineering fellow after receiving a Ph.D. in physical chemistry at the University of Rochester. Freedhoff also served on the staffs of the House Science Committee, the House Select Committee on Energy Independence and Global Warming, the House Energy and Commerce Committee, and the House Natural Resources Committee. The announcement states that Freedhoff's legislative work includes the 2016 re-authorization of the Toxic Substances Control Act (TSCA), 2019 legislation to address per- and polyfluoroalkyl substances (PFAS) contamination, the fuel economy provisions in the 2007 Energy Independence and Security Act, and a law requiring the creation of an online database of potential consumer product safety defects.

The Committee will also consider several other nominations, including that of Radhika Fox to be EPA Assistant Administrator for Water. Like Freedhoff, she was onboarded at EPA in January 2021. More information on Fox is available in President Biden's April 14, 2021, announcement.

Former US EPA staff call on the agency to reactivate endocrine screening
N/A, Chemical Watch
https://chemicalwatch.com/260104/former-us-epa-staff-call-on-the-agency-to-reactivate-endocrine-screening

Former US EPA workers have called on the agency to reactivate testing for its Endocrine Disruptor Screening Programme (EDSP), which was paused in 2015 due to a lack of resources.

In their 30 April letter, members of the Environmental Protection Network (EPN) suggested to Michal Freedhoff, acting assistant administrator at the EPA's Office of Chemical Safety and Pollution Prevention, that "this could be the time to begin a more efficient process for screening chemicals for endocrine disrupting effects". While the EDSP was unable to continue tests under the Trump administration, the EPN points out that greater resources are currently available.

The EPA published the first results for tier 1 screening assays for the first 52 chemicals in the programme in 2015. Tier 1 screening was designed to determine if a chemical has the potential to interact with the endocrine system and therefore require further testing. Of the 52 chemicals evaluated, 18 showed potential interaction with thyroid, androgen or oestrogen pathways. The chemicals were recommended for additional testing but no "data call-in" (DCI) was issued for this, says the EPN.

Animal welfare NGOs and government watchdogs strongly criticised the EDSP for its slow pace of identifying endocrine disrupting chemicals.

According to the EPN, which comprises over 550 EPA alumni, the agency recognised that the Tier 1 testing was both resource-intensive and time-consuming, and that it would take more than 100 years to screen all industrial chemicals if work continued at the same rate.

It will not be feasible for the EPA to perform the testing needed to generate data for quantitative risk assessment

of all substances displaying activity in screening, the EPN said in its letter.

Because the full Tier 2 battery of tests are very expensive and time-consuming, the network recommends "imposing" data requirements on industry.

The letter concludes by suggesting that the EPA should "expeditiously initiate" the initial round of screening for oestrogenic, anti-oestrogenic, androgenic and anti-androgenic effects by issuing DCIs to registrants for active ingredients in pesticides and by prioritising other industrial chemicals.

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