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**Subject:** OCSPP News for March 26, 2021

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## Toxics

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**'Biodegradable' drinking straws contain PFAS**

Katherine Bourzac, Chemical & Energy News

https://cen.acs.org/environment/persistent-pollutants/Biodegradabledrinking-straws-contain-PFAS/99/i11

As consumers turn to alternatives to single-use plastic, drinking straws made of plant-based materials like paper are coming into wider use, and many are marketed as biodegradable or even compostable. But an analysis of drinking straws available in the US detected 21 per- and polyfluoroalkyl substances (PFAS)—called "forever chemicals" for their extreme resistance to environmental breakdown—in 36 out of 38 brands of plant-based straws tested.

University of Florida toxicologist John Bowden was fascinated by the durability of today's paper straws compared with older ones that would break down quickly in a drink, and he wanted to know whether the new straws' water resistance might come from PFAS (Chemosphere 2021, DOI: 10.1016/j.chemosphere.2021.130238). So he and his colleagues tested them, as well as plant-based straws made of materials including poly(lactic acid), rice flour, and reeds. They extracted PFAS from the straws with methanol and measured PFAS levels in the extracts.

In the US, companies have voluntarily phased out two PFAS, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Yet PFOA and PFOS were common in the straws.

This finding "signifies either ongoing use or contamination that continues decades after use has ended," David Andrews of the Environmental Working Group, an advocacy organization, writes in an email. Drinking straws and food packaging, in which Andrews and others have detected the substances, are "textbook examples of nonessential uses" of PFAS, he says.

Bowden's team tested a straw with high levels of the PFAS to determine whether the substances would leach out of the straws into water at temperatures typical of beverages and landfills. About two-thirds of extractable PFAS leached out at all temperatures tested. Bowden says this means that sipping your drink through a plant-based straw is a potential route of PFAS exposure. Small exposures add up: PFAS break down very slowly in the body, he says.

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**Panel grills Pentagon officials over slow PFAS cleanup**

E.A. Crunden, E&E News

https://www.eenews.net/stories/1063728425

Congressional scrutiny over the impacts of "forever chemicals" on service members is heating up amid a wider push to crack down on the toxic substances.

During a House Appropriations subcommittee hearing yesterday, lawmakers probed how exposure to per- and polyfluoroalkyl substances (PFAS) is harming military health.

The Military Construction and Veterans Affairs Subcommittee grilled Department of Defense and Department of Veterans Affairs officials about the issue, in addition to hearing from advocates including Erin Brockovich.

"This contamination has plagued our service members," said Chairwoman Debbie Wasserman Schultz (D-Fla.), adding that issues around PFAS have been bogged down by "deception" as well as "bureaucratic incompetence."

The hearing echoed a similar panel convened last year with a similar focus. Prior to the event, Hill staffers presented the hearing as one largely meant to pin down the Biden administration's approach to PFAS at military sites, as well as to get a sense of how the Department of Defense will approach the issue under the new president.

PFAS contamination is linked to a wide array of severe health effects, including several types of cancer. The nonstick chemicals are common around military sites due to their presence in aqueous film forming foam (AFFF).

Defense officials updated the subcommittee on various PFAS-related efforts, including cleanup and AFFF disposal. They faced significant bipartisan criticism from lawmakers, who pushed back on slow progress and indicated the department should be taking more ownership over the health of military members.

"I think it would be part of your mission not to sicken your active-duty military," said Wasserman Schultz during one exchange.

Terry Rauch, who directs Defense medical research and development work, said, "We can certainly do more, but ... our focus is on trauma, mental health."

Wasserman Schultz also queried Defense officials over why agencies like EPA should be tasked with leading on PFAS solutions, given the Defense Department's budget and the impacts to its members. They responded that the department is taking a "whole of government" approach to the issue.

Patricia Hastings, a chief consultant with the Veterans Health Administration, also acknowledged growing concerns about PFAS and their implications for veteran health.

"Service-related exposures are a major concern for veterans," she said, while noting that due to the widespread nature of PFAS contamination, it can be challenging to differentiate veteran exposure during and after service.

'Culture of denial'
Erin Brokovich. Photo credit: House Appropriations Committee
Environmental activist Erin Brokovich appearing by video during a House hearing yesterday on chemical contamination. House Appropriations Committee

Other witnesses offered deeper insight into increasing frustration from impacted service members, as well as PFAS-linked health effects.

Brockovich, who has become a household name due to her advocacy around chemicals and contamination, spoke to her personal experience as the mother of two children who served in the military.

She noted the Department of Defense has identified hundreds of active and Base Realignment and Closure installations that have either known or suspected PFAS contamination.

"Until recently, service members at these bases drank water with PFAS," Brockovich said in prepared remarks. "At some bases, PFAS levels in the drinking water are still above the levels state officials consider safe."

PFAS detections in groundwater at many bases are higher than 1 million parts per trillion (ppt), she said, even though EPA has a drinking water health advisory of 70 ppt for both PFOA and PFOS.

Toxicologist Jamie DeWitt, an associate professor with East Carolina University, meanwhile, shared her research observations regarding PFAS and how they affect the immune system.

Emphasizing heightened concerns around immunity due to the pandemic, DeWitt noted...

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**EPA decision will determine DOD's PFAS disposal costs**

N/A, Inside EPA

https://insideepa.com/daily-feed/epa-decision-will-determine-dod-s-pfas-disposal-costs?utm_source=dlvr.it&utm_medium=twitter

The Defense Department (DOD) says it is awaiting EPA's final decision on which disposal and treatment methods are acceptable for per- and polyfluoroalkyl substances (PFAS) before it will know its funding needs for cleanups across its bases, although DOD is estimating the cost range will be $2 billion to $3 billion.

Rep. Tony Gonzales (R-TX), during a March 24 House appropriations military construction subcommittee hearing on PFAS remediation and impacts, noted that DOD official Paul Cramer had called for a nationwide solution for PFAS disposal and treatment and asked how the subcommittee might aid that effort through the appropriations process.

Cramer, DOD acting assistant secretary for sustainment, said, "I believe the next action is on EPA." He added that EPA is currently reviewing numerous comments it received on its interim guidance on PFAS disposal and plans to issue a final document. Potential acceptable disposal methods "range from no incineration to some incineration," he said, referring to a method that has been heavily used by DOD to dispose of its stockpiles of aqueous film forming foam (AFFF) containing PFAS, but has drawn significant opposition from environmentalists.

Until "we understand what the approved disposal methods are, we really can't put a ballpark number on or advise the committee on our next steps," he said. Earlier, he said as to the long-term costs of PFAS cleanup, DOD is estimating the figure to be in the ballpark of $2 billion to $3 billion.

DOD faces likely significant cleanup costs as hundreds of its facilities may be contaminated with PFAS after the military for decades used AFFF containing PFAS to both train and fight fuel-based fires.

During the hearing, the subcommittee probed DOD's progress in addressing PFAS, with Subcommittee

Chairwoman Debbie Wasserman Schultz (D-FL) questioning why DOD and the Department of Veterans Affairs are not doing more on PFAS, particularly in researching its effects. The military construction subcommittee last year appropriated an additional $100 million for PFAS identification, mitigation and cleanup at closed bases, Wasserman Schultz noted.

DOD officials appeared to maintain the same position taken during the Trump administration on state cleanup levels, saying that it would commit to following a limited set of state PFAS levels. Cramer pledged DOD to following "properly promulgated state drinking water standards" for situations where the military is producing the water by permit. He said if there is a conflict between EPA's non-enforceable lifetime health advisory of 70 parts per trillion for the two most studied PFAS and enforceable state drinking water standards and DOD is the permit holder, it will meet the state standard, known as a maximum contaminant level (MCL). Absent that, DOD will meet EPA's advisory level, he added.

But, during a second panel, Jamie DeWitt, an associate professor in the toxicology department at East Carolina University, testified that EPA's advisory level, set in 2016, is outdated. States have promulgated more stringent levels in recent years. She said while she is "heartened to hear" DOD will clean up to state drinking water standards, "it really should be across all sites regardless of who the purveyor of that water is."

In addition, pressed by Rep. Ed Case (D-HI) about roadblocks by the Army and Navy over state requests for sampling PFAS at bases in Hawaii, Cramer said DOD, if necessary, will issue guidance to ensure military bases are "transparent" with regulators.

DOD officials at the hearing also revealed that the Air Force expects by mid-April to have sent out approximately 2,500 notifications to landowners of farms telling them they are within one-mile of a location where DOD has detected PFAS in groundwater or linked it to a local water source, per instructions laid out by Congress in the fiscal year 2021 National Defense Authorization Act.

Cramer also pledged to Wasserman Schultz that DOD's PFAS Task Force...

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**EPA Will 'Surgically' Revise TSCA Evaluations While Advancing Risk Rules**

Maria Hegstad, Inside TSCA

https://insideepa.com/tsca-news/epa-will-surgically-revise-tsca-evaluations-while-advancing-risk-rules

EPA's acting chemicals chief says the agency plans to reopen some or all of the first 10 TSCA evaluations of existing chemicals but will make any changes "surgically," while moving ahead with rules to address "unreasonable" risks identified in the Trump-era versions, in what appears to be her clearest statement yet of the agency's toxics agenda.

Michal Freedhoff, the acting assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention, laid out her plans for the chemical evaluations and rules during a March 25 keynote address to a Chemical Watch conference on U.S. and international toxics policy, according to prepared remarks EPA provided to Inside TSCA.

She said EPA "will be taking a hard look" at the 10 Toxic Substances Control Act (TSCA) risk evaluations

completed by the Trump administration -- many of which environmentalists have said are legally and scientifically flawed -- but will not delay the upcoming rules designed to address the "unreasonable risks" identified in those assessments.

"[B]ecause a goal of TSCA is to create chemical safety protections -- not just assess chemical safety science -- we aim to move forward with rulemaking . . . as quickly as we can," she said, according to the prepared speech.

"Our goal is to allow risk management actions on these first ten chemicals to move forward as much as possible, while looking back surgically at specific areas in some of the risk evaluations to supplement them as appropriate in order to ensure we are meeting our statutory obligations and using the best available science to truly protect human health and the environment," the remarks continue.

Under TSCA, EPA must evaluate the risks posed by uses of existing chemicals and then regulate any it identifies as "unreasonable." The law sets a one-year deadline for the agency to propose a rule after finalizing the corresponding evaluation, and another year for it to take final action. Since EPA finalized the first 10 evaluations between mid-2020 and January 2021, that means the deadlines for regulation fall in 2022-23.

Freedhoff's speech indicates that the agency will press ahead with the rules it has in development that are aimed at the unreasonable risks identified in the Trump-era evaluations, but will also reconsider at least some risks that the prior administration either decided did not require regulation or declined to study at all.

The Trump EPA had a general policy of excluding from the assessments any chemical uses that it said could be regulated under other statutes, such as the Clean Air Act's air toxics program or the Occupational Safety and Health Administration's (OSHA) workplace safety standards. Freedhoff's remarks echo environmental groups' attacks on that approach, signaling it will be one of her targets in the review process.

"The last Administration made a policy decision to exclude many of the exposures that could come from releases to air, water or disposal of chemical substances, assuming that the risks associated with these pathways were, or theoretically could be, accounted for using other laws," Freedhoff's remarks say.

"Assuming other laws would cover these environmental and health risks was too often an excuse for limiting the scope of risk evaluations, often resulting in a failure to even consider potential risks to affected populations or the environment."

She also noted that the ongoing reviews of the first 10 evaluations will include "looking at the scope of risk evaluations to ensure that all conditions of use and exposures are considered as required by TSCA."

But she did not give details on how she plans to address the same issue in the more than 20 existing-chemical evaluations that EPA started during the Trump administration and are ongoing.

"Going forward, we will work closely across EPA and even other federal agencies to deliver effective chemical safety regulation that is consistent with what TSCA requires us to do," she said.

Environmental Justice..

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**Industry Attorney Sees Emerging PFAS Gridlock As State Laws Expand**

Diana DiGangi, Inside TSCA

https://insideepa.com/tsca-news/industry-attorney-sees-emerging-pfas-gridlock-state-laws-expand

An industry attorney and former EPA chemicals chief says companies that work with per- and polyfluoroalkyl substances (PFAS) face confusion and operational gridlock thanks to the growing list of state laws and regulations governing their use -- a situation he says represents a failure of the reformed TSCA.

"The TSCA amendments were very much designed to try to avoid a proliferation of individual state actions on a controversial chemical," Bergeson & Campbell attorney Jim Aidala, who headed EPA's toxics office in the Clinton administration, told Inside TSCA. "So, boy, talk about missing the boat here with a proliferation of states wanting to do something about PFAS."

While the 2016 Toxic Substances Control Act (TSCA) reforms allow EPA to preempt state laws or regulations governing chemicals that it evaluates under the existing-chemicals program, the agency has not used that authority for PFAS, though it has set requirements for using dozens of the substances under the new-chemicals program.

Meanwhile, state legislators and regulatory agencies have increasingly taken PFAS regulation into their own hands, with several pending proposals, some of which have gathered bipartisan support, to restrict not just uses of individual substances but all the chemicals in the class.

Aidala said TSCA's preemption provisions were top priorities for industry groups like the American Chemistry Council (ACC) because they were seen as a way to avoid that sort of regulatory patchwork, where industry must comply with different restrictions on their products from state to state. But since EPA has not taken the steps needed to invoke preemption, he added, it has been "a bust" -- at least as applied to PFAS.

"I'm intrigued by how that was such a bust in terms of the design of it by the chemical industry folks over at ACC and other places, who thought that was such an important thing," Aidala said.

"This was a major reason that [industry] and the Republicans on the Hill had for trying to get state preemption."

Among other state-level policy pushes, the nine-state Toxics in Packaging Clearinghouse (TPCH) recently unveiled model legislation that would ban all PFAS from product packaging as a unified class, and in Vermont a bill to ban the chemicals from several categories of consumer products as well as firefighting foam has passed the state senate on a unanimous vote.

Should those measures take effect, Aidala said, companies subject to the laws could find it impossible to be sure they have actually eliminated all covered chemicals from their goods.

"Vermont or other places are also talking about trying to prohibit articles, and then you get into issues about you might not know what's in your article," he said. "If it's a material that's imported from China, say, and that's a component of your final finished product, you may not know."

But any EPA preemption of those policies appears far-off because rather than examining the toxicity of PFAS as a class the agency has focused on two of the most common chemicals in the group, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). EPA has addressed them through drinking water health advisories rather than TSCA evaluations.

Aidala said that decision seems to come at least in part from pressure on EPA to address PFAS quickly, since the TSCA process for an existing chemical takes more than six years to play out, including developing the scope of an evaluation, conducting the assessment and finally crafting rules based on its findings.

"Even if you immediately act to require testing -- and you can guess how long it takes government -- you then have to wait for the data to come in, and evaluate it, and then you have to put out there what you think of it," Aidala said. "There seems to be, politically, little room for all that normal process to take place [on PFAS issues], because the public is demanding action, and all that. So there's a time squeeze."

Even some environmentalists who...

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**Freedhoff Promises To Strengthen TSCA New Chemicals Review Program**

Maria Hegstad, Inside TSCA

https://insideepa.com/tsca-news/freedhoff-promises-strengthen-tsca-new-chemicals-review-program

EPA's acting toxics chief says the agency is reworking its TSCA reviews of new chemicals entering the market, including tightening Trump-era practices on consent orders and stepping up use of data-gathering authority, though she also promised industry that a more stringent policy will not lead to "excessive delays" in approving their applications.

"Starting today, and in the coming weeks and months, EPA will be revising its review efforts for new chemicals to restore the important gatekeeper role that this part of [the Toxic Substances Control Act (TSCA)] plays in ensuring the safety of new chemicals before they first enter commerce," Michal Freedhoff, acting assistant administrator of EPA's Office of Chemical Safety and Pollution Prevention, said at a regulatory conference March 25, according to prepared remarks the agency provided.

"Of course, the EPA staff and I want to work with you to ensure that these changes do not result in excessive delays to approvals of new chemicals. We want the law to work for all stakeholders, and that means ensuring that we continue to foster innovation and advances in technology," she said.

As in her remarks at the same event where she laid out plans to tighten TSCA evaluations of existing chemicals, Freedhoff voiced a harsh critique of the Trump administration's policies -- often echoing environmentalists' arguments on the subject -- and promised to make significant changes in how her office implements the law, but with few details on exactly what the new status quo will be.

For instance, she said the Trump EPA neglected its responsibilities both to issue binding TSCA orders aimed at limiting risks from new chemical uses, and to gather the data needed to support that process if an industry submission contains "insufficient information" for the agency to make a risk determination.

"The 2016 TSCA amendments required EPA to make affirmative determinations on new chemicals before they're allowed to enter the market. For example, if EPA determines that there is 'insufficient information' to assess the potential risks of the new chemical, or that the chemical 'may present' an unreasonable risk to human health or the environment, TSCA says that EPA quote unquote 'SHALL' issue an order to protect against those risks," Freedhoff said. "And, where appropriate, EPA also may require the development of data to support the assessment. But those required actions weren't always taken in the past."

Freedhoff's remarks on consent orders follow environmentalists' recent release of emails between Trump EPA

toxics officials and industry figures related to several new-chemicals decisions that one environmental attorney and former EPA official has said show a "damning" level of coordination between the agency and regulated entities.

The emails, which were first publicized by Environmental Defense Fund (EDF) senior scientist Richard Denison in a March 11 blog post, show EPA officials in ongoing contact with industry attorneys and trade associations as they crafted individual consent orders for new chemical uses, developed model language for such orders, and considered whether to overhaul the program's framework regulations.

Bob Sussman, a former top EPA official in the Clinton and Obama administrations who now serves as counsel to several environmental groups, told Inside TSCA in a recent interview that the emails are "pretty revealing, and unfortunately pretty damning."

And he said the documents further call into question several Trump-era decisions environmentalists have already urged the Biden administration to rescind or re-evaluate.

Worker Protections

Freedhoff also said she plans to tighten EPA's significant new use rules (SNURs) that set conditions on new chemical uses, in order to ensure they protect workers -- including that they will address "reasonably foreseeable" uses of the new chemical in the future, as TSCA requires. And again, she criticized the Trump administration's use of those rules...

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**EPA Toxics Chief Warns Against 'Repeat' Of PBT Crisis, But Hurdles Loom**

David LaRoss, Inside TSCA

https://insideepa.com/tsca-news/epa-toxics-chief-warns-against-repeat-pbt-crisis-hurdles-loom

EPA's acting chemicals chief is urging industry officials to "avoid a repeat occurrence" of the scramble to adapt to first-time TSCA limits on a widely used flame retardant, saying they need to engage with agency scientists much sooner in the process than they did in the case of the rule for the persistent, bioaccumulative toxic (PBT) chemical.

In prepared remarks to a March 25 Chemical Watch conference, acting Office of Chemical Safety and Pollution Prevention head Michal Freedhoff lamented the communication breakdown that led EPA to pause enforcing some aspects of its PBT rule governing phenol, isopropylated phosphate (3:1), or PIP, after a host of companies and trade groups at the 11th-hour warned that they had been unaware of the policy until it was finalized and would be unable to meet the deadline.

"We are also aware that there were implementation issues. And as many in industry acknowledged, we heard about some of those implementation issues from you far too late -- after the rules had already been finalized -- despite EPA's extensive efforts to reach out to all stakeholders for more than a year," she said.

She continued, "I want to encourage you strongly to engage with our excellent career scientists early in the process in the future, in order to avoid a repeat occurrence."

Sources previously told Inside TSCA that the confusion stemmed from EPA's decision to use its rules governing PIP and four other PBT chemicals to limit not only industrial uses of the substances but the manufacture and sale of finished products, or articles, made with the chemical -- a step the agency has rarely taken under the Toxic Substances Control Act (TSCA).

The rule for PIP (3:1), issued Jan. 6, prompted widespread concerns that companies would not be able to remove the substance from their supply chains before the rule took effect earlier this month. In response, EPA issued a six-month "no-action" assurance that delayed enforcement of some aspects of the PIP (3:1) rule, though the agency on March 16 also opened a regulatory docket to take comment on how to overhaul all five of the PBT rules issued by the Trump EPA.

But an industry attorney and former agency official says the "no-action assurance" delaying enforcement still leaves companies with "an unimaginably large task" to comply.

In an interview with Inside TSCA, Kevin Minoli -- a former senior EPA official now in private practice -- says the sectors that sought relief from the rule are likely to seek a much longer implementation delay.

He says most firms have only begun figuring out which products incorporate PIP, where it enters their supply chains, and how to replace it with less-toxic alternatives.

"Many companies don't understand and don't yet know where PIP is in their product lines. If you're manufacturing something and dealing with 1,000 different parts, you don't necessarily know where PIP is coming in through that process," Minoli says. "That will be an unimaginably large task."

PBT Comment Period

Minoli says the order alone is unlikely to address what several companies and trade associations have said are fundamental problems with the rule, including the mandate to immediately eliminate all uses of PIP not subject to a special exemption or grace period that the rule spelled out.

Their requests for substantive revisions to the rule will come in the course of the comment period that EPA opened for all five PBT regulations. Minoli says that while firms are still considering those comments, they will likely need far more than six months to fully remove PIP from their products and processes, and some could face difficulty qualifying for the no-action assurance even within the initial six-month window.

However, environmental groups are likely to use the comment period to urge EPA to tighten the rules, making it uncertain at best that industry will get more compliance aid after the no-action order expires.

"People should not assume that at the end of this comment...

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**Michigan warns of PFAS levels in Lake Superior rainbow smelt**

Garret Ellison, M Live

https://www.mlive.com/public-interest/2021/03/michigan-warns-of-pfas-levels-in-lake-superior-rainbow-smelt.html

LANSING, MI — Michigan health officials want people to limit intake of a popular fish from Lake Superior due to concerning levels of toxic "forever chemicals" in some samples.

The Michigan Department of Health and Human Services (DHHS) issued the warning on Wednesday, March 24, after PFAS chemicals were found in rainbow smelt collected in 2019 from Lake Superior near the Apostle Islands.

Adults should not eat more than one 8-ounce serving of Lake Superior smelt per month, and children shouldn't eat more than one 4-ounce serving per month, the state says.

"This precautionary guideline is based on data shared by Wisconsin, which shows elevated levels of PFOS in Lake Superior rainbow smelt," said Dr. Joneigh Khaldun, chief DHHS medical executive and chief deputy for health.

"PFOS is a perfluoroalkyl substance (PFAS) associated with harmful effects in people, including reduced fertility, thyroid disease and liver damage," she said. "We will update this guideline once the department has additional data."

The advisory comes ahead of spawning season for Lake Superior smelt, which draws fishermen with hand-dip nets to rivers and streams along the lake each April and May.

The small silver fish are not native to Lake Superior. They are often fried or eaten whole.

The Wisconsin Department of Natural Resources issued a similar consumption advisory in January after finding elevated levels of the synthetic chemicals in fish samples.

Sampled fish had PFOS concentrations ranging from 24 to 118 parts-per-billion (ppb), and an average of 63-ppt, according to the Wisconsin State Journal.

The Great Lakes Consortium for Fish Consumption Advisories recommends eating fish with concentrations of 50- to 200-ppb no more than once a month.

Minnesota has also adopted the advisory.

"The smelt migration run starts as spring arrives and winter ice cover dissipates which creates a popular local tradition of harvesting smelt for fish fries," said Brad Ray, Wisconsin DNR Lake Superior fisheries unit supervisor. "It's important for consumers to understand the potential risks associated with this new advisory."

According to the Duluth News-Tribune, the smelt test results have stumped regulators because the small fish live short lives and generally do not bioaccumulate toxicants and toxins. Also, test results from other larger fish from the area did not show levels that would prompt an advisory.

Studies have shown PFAS chemicals accumulate differently than other toxic compounds in fish, binding to proteins in blood rather than accumulating in fatty tissue like other more traditional contaminants. That means certain cooking and filleting techniques will not reduce the exposure risk.

The Michigan DHHS said other state agencies are collecting smelt samples from Lake Superior, Lake Huron, Lake Michigan and some inland lakes for additional testing.

The state's new Lake Superior advisory replaces Michigan's previous Eat Safe Fish recommendation for smelt

from Lake Superior, which advised people to limit consumption to 12 servings per month due to mercury levels.

In Michigan, the entirety of the Huron River, a Lake Erie tributary, was put under a "do not eat" fish advisory in 2018 due to elevated PFAS levels found in the waterway.

Other rivers and streams in Michigan with PFAS-related consumption advisories for various species include parts of the Au Sable River near Oscoda, parts of the Saginaw River, Flint River, Rogue River, St. Joseph River and Silver Lead Creek near Marquette.

Michigan lakes with consumption advisories include Van Etten Lake, Allen Lake and Clark's Marsh near Oscoda, Lake Margrethe near Grayling, Flint Park Lake, Lake Pleasant near Lapeer, Beaver Dam Pond near Battle Creek, Freska Lake and the Boulder Creek ponds near Rockford, Walden Lake in Cascade, Long Lake near Three Rivers and Lake St. Clair.

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**POISONED Part 1: THE FACTORY**

COREY G. JOHNSON, REBECCA WOOLINGTON and ELI MURRAY, Tampa Bay Times

https://projects.tampabay.com/projects/2021/investigations/lead-factory/gopher-workers/

Plumes of dust, laced with lead, blow across the factory like a sandstorm. The poison hangs so thick in the air, sometimes the only thing visible is the warm, orange glow from the furnace.

Workers, hundreds of them, sweat through 12-hour shifts at Gopher Resource in Tampa. They extract lead from used car batteries, melt it down and turn it into blocks of metal to resell.

Eric Autery, 43, came to the plant in the summer of 2017 looking for a fresh start. An Army vet from Virginia, he dodged bullets and mine explosions in Afghanistan and Iraq but faced new dangers inside Florida's lone lead smelter.

He worked in the furnace department, skimming impurities off the top of gleaming, molten lead. He moved fast in suffocating heat against a steady mist of fumes. He'd feel his respirator slide on his face, the seal separating from his pooling sweat. He'd smell the metallic stench, like old coins, creeping in.

His complexion turned gray. His body felt heavy. His head pounded.

The level of lead in his blood shot up weeks after he started. Co-workers and supervisors told him he needed to wash better before breaks, or after his shift.

But the poison was bound to enter his body. The amount of lead in the air was seven times what Autery's company-issued respirator could handle.

Autery is among hundreds of workers at Gopher who have been exposed to extreme amounts of lead.

They've inhaled it, been burned by it, been covered in it.

And no one has stopped it.

Tampa Bay Times reporters spent 18 months examining thousands of pages of regulatory reports and company documents, including data tracking the amount of lead in the air and in workers' blood. They interviewed more than 80 current and former workers, 20 of whom shared their medical records.

The following investigative findings will be detailed in a series of stories starting today:

Gopher exposed workers for years to levels of lead in the air that were hundreds of times higher than the federal limit. At times, the concentration was considered life-threatening. Workers described regular tasks that left them caked with dust, as though they'd been dunked in powdered sugar.
Eight out of 10 workers from 2014 to 2018 had enough lead in their blood to put them at risk of increased blood pressure, kidney dysfunction or cardiovascular disease. In the past five years, at least 14 current and former workers have had heart attacks or strokes, some after working in the most contaminated areas of the plant. One employee spent more than three decades around the poison before dying of heart and kidney disease at 56.
Gopher knew its factory had too much lead dust, but the company disabled ventilation features that captured fumes and moved slowly to fix faulty mechanical systems. Workers were left vulnerable, wearing respirators that couldn't protect them when poison levels spiked. In 2019, one employee faced an air-lead concentration 15 times beyond what his respirator could guard against.
Federal rules required that Gopher provide regular checkups, but the company-contracted doctor didn't tell workers their blood-lead levels put them in danger. When employees had health problems that could be tied to lead exposure, he cleared them to work.
Gopher rewarded employees with bonuses if they kept the amount of lead in their blood down and punished those who couldn't, a practice that alarmed medical experts and ethicists. Workers took desperate measures to strip metals from their bodies, including undergoing dangerous medical procedures. In the most extreme cases, some donated contaminated blood.
Dust from the plant has been the suspected cause of lead exposure in at least 16 children — the sons and daughters of employees who unwittingly carried the poison home in their cars or on the soles of their shoes. A baby girl tested so high for the neurotoxin that her pediatrician recommended she be monitored weekly.
Federal Occupational Safety and Health Administration regulators haven't inspected the...

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**Public comment period on the extended use of dicamba set to begin**

N/A, ABC 7

https://katv.com/news/local/public-comment-period-on-the-extended-use-of-dicamba-set-to-begin

LITTLE ROCK (TB&P) — Perhaps the most controversial subject in Arkansas agriculture, the use of the herbicide dicamba, will now require public input.

A 30-day public comment period has been set for a proposed rule to allow the extended use of dicamba in Arkansas on soybean and cotton varieties resistant to dicamba. Written public comments will be accepted from March 24 through April 22, 2021.

The Arkansas State Plant Board approved a draft rule for dicamba use in Arkansas that would allow farmers and applicators to follow the federal label in the use of dicamba. The proposed rule would allow the over-the-top

spraying of Engenia, Xtendimax, and Tavium through June 30 on soybeans and through July 30 on cotton. The proposed rule will also require a pH buffering agent, also called a Volatility Reducing Agent, to be tank-mixed with dicamba, and will require a downwind buffer of 240 feet.

The current cutoff date for spraying dicamba in Arkansas is May 25. The May 25 cutoff will remain in effect until a new rule has received final approval.

Arkansas farmers that use the herbicide may need to take note. Dicamba has been highly controversial in its application since the Arkansas Plant Board received about 1,000 damage complaints in May 2017, primarily in northeast Arkansas. Drift from the application of dicamba was suspected to be damaging other crops.

The board, which investigates and reviews complaints, previously enacted higher fines on improper dicamba applications meant to serve as a significant deterrent to potential violators.

Dicamba has been banned in several states. Dicamba has been used as a herbicide for more than 50 years to manage 200 broadleaf weeds.

Hundreds of lawsuits have been filed in connection with the use of the herbicide nationwide during the last five years.

To read more from Talk Business & Politics, click here.

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**'Forever Chemicals' Found in Bayer-Produced Mosquito Killer (1)**

Pat Rizzuto, Bloomberg Law

https://news.bloomberglaw.com/environment-and-energy/forever-chemicals-found-in-bayer-produced-mosquito-killer

PFOA, GenX discovered in insecticide
Findings could spur more litigation
The EPA confirmed Thursday that it's investigating new data showing a mosquito-killer made by Bayer CropScience LP had high concentrations of two well-known "forever chemicals" that have been linked to health problems.

The Environmental Protection Agency's probe is part of a broader effort to understand how these chemicals have gotten into pesticides.

The Public Employees for Environmental Responsibility (PEER) and the Maryland Pesticide Education Network notified the EPA on Wednesday that a sample of Permanone 30-30, a Bayer product used by many states for mosquito control, contained two per- and polyfluoroalkyl substances, or PFAS.

Specifically the insecticide contained 3,500 parts per trillion of perfluorooctanoic acid (PFOA), one of the most well-known and toxic forms of PFAS, and 630 parts per trillion of hexafluoropropylene oxide dimer acid (HFPO-DA), a PFOA replacement known as GenX, according to test results from Eurofins Scientific, an international group of laboratories known for PFAS testing expertise.

"EPA has received the letter and data from PEER on Permanone 30-30 and will review it as part of the agency's ongoing efforts to investigate PFAS contamination in pesticide products," an agency spokesperson said by email.

Increased Risk of Lawsuits
The PFAS discovery and its connection to a well-known company may spur litigation, said Seth Goldberg, an environmental attorney and partner in Steptoe & Johnson LLP's Washington office.

"We're already seeing a lot of litigation about these compounds, and this is another source that can be a focus of folks who want to focus on the problem," he said, regarding PFAS.

But "it's far from certain there would be any liability," he said, pointing to the many unknowns including where the PFAS came from.

No ingredients in the mixture of Permanone 30-30 that Bayer provided the EPA—and that the EPA approved—contained PFAS, the agency said in a statement Thursday.

The EPA is testing different brands of pesticide containers treated with fluorine to determine whether they contain and/or leach PFAS, and if so, understand the conditions that affect that leaching, it said, adding that it would "present these findings as expeditiously as possible."

Bayer CropScience, the agricultural and environmental science arm of BayerAG, provided a statement: "As a member of CropLife America, Bayer is engaged with the community and completely supportive of the industry's efforts as we review the guidance from the EPA on this matter."

The company referenced work the EPA announced earlier this month after it confirmed PEER-discovered PFAS in a different mosquito-control product called Anvil 10+10.

EPA is working with the Food and Drug Administration, the U.S. Department of Agriculture, and industry and trade organizations, including CropLife America, the National Pest Management Association, and the American Chemistry Council, to raise awareness of this emerging issue and product stewardship.

PFAS Problem
Kyla Bennett, PEER's director of science policy, said the PFAS may be an unintentional contaminant, an inert ingredient that helps disperse the insecticide or provides other functions, or comes from the containers in which the pesticides are stored. But they shouldn't be in something that's sprayed into the environment, she said.

The most well-known PFAS, including PFOA, are associated with health problems including increased cholesterol, weakened immune systems, and cancer, according to the Centers for Disease Control and Prevention. They also remain in the environment, because neither sunlight, weather, nor most microbes break them down.

PFAS are a problem because they're "highly mobile and persistent—that's why they're called forever chemicals—and they move from the industries and products where they're made and used into the air, land, surface and ground water," and then from one media to the other, said William...

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**The Glyphosate Settlement Objection: Trying to Keep a Cash Cow Flowing**

Eric Sfiligoj, Crop Life

https://www.croplife.com/editorial/the-glyphosate-settlement-objection-trying-to-keep-a-cash-cow-flowing/

Do you know someone in life that still cries foul once they get what they claim to want? It seems as if at least one law firm in the ongoing glyphosate settlement debate would fit this description.

For several years now, most lawyers in involved with lawsuits against glyphosate use and manufacturer Bayer have publicly said they were looking for "justice for their clients" from the company, with some level of financial compensation. Then, slightly more than one year ago now, Bayer, the courts, and numerous law firms reached a multi-billion dollar settlement agreement. In essence, in exchange for money upfront, Bayer would be able to put the glyphosate legal discussion behind it, with future claims also being restricted as well.

For the most part, the majority of law firms were satisfied with this settlement arrangement. But not everyone was, apparently.

In early March, a new court challenge was filed by trial lawyers at Dallas, TX-based Fears Nachawati Law Firm. This asked the federal judge overseeing thousands of glyphosate weed killer cancer lawsuits to reject a proposed settlement that would shield Bayer from future cancer lawsuits. The motion describes the deal as "a one-way street that provides no benefits and imposes many burdens."

Under the proposed settlement, individuals who were exposed to glyphosate but had not filed a cancer claim by February 3rd of this year would not be allowed to participate in class-action litigation and seek punitive damages in litigation and instead could only obtain compensation based on a multi-tiered formula. "It is fundamentally unfair, and at odds with basic due-process protections, to force someone to opt out now when she has no idea what her circumstances might be if she becomes injured," the motion states. "If this were a real lawsuit, why would any class representative (or class counsel) create a wholly artificial cut-off date and not include everyone who will be exposed to Roundup in the future?"

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**Common mosquito pesticide packed with PFAS**

E.A. Crunden and Ariel Wittenberg, E&E News

https://www.eenews.net/greenwire/2021/03/26/stories/1063728605?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

A pesticide widely used for mosquito control in Maryland and other states contains so-called forever chemicals — including a notorious compound phased out of U.S. production years ago due to health concerns — according to recent test results.

Testing ordered by Public Employees for Environmental Responsibility (PEER) and the Maryland Pesticide Education Network (MPEN) found per- and polyfluoroalkyl substances in Permanone 30-30, an insecticide used by the Maryland Department of Agriculture (MDA) in its mosquito control efforts. The results come just

weeks before the state is scheduled to begin its annual mosquito control spraying of 2,100 communities in 16 counties.

"It's alarming," MPEN Executive Director Ruth Berlin said, adding that if the insecticide is used in mosquito control efforts next month, it could result in PFAS contamination in the Chesapeake Bay, where the compounds could imperil fish and other aquatic life. "We feel MDA has to terminate its use of this pesticide, and the use of it by private companies."

Samples analyzed by the groups found 3,500 parts per trillion of PFOA, one of the most widely researched PFAS. EPA's health advisory limit for PFOA in drinking water is 70 ppt, and PFOA is no longer manufactured nationwide due to concern over its links to health effects like cancer and weakened immune systems.

The samples also revealed 630 ppt of HFPO-DA, part of the chemical process used in GenX, which has been linked to similar health issues as PFOA and sparked significant litigation in states like North Carolina.

Advertisement

PEER and MPEN yesterday sent their test results to EPA, MDA and the Maryland Department of the Environment in letters reviewed by E&E News. They requested that the state immediately stop using Permanone and test other pesticides it plans to use in mosquito control efforts this spring. The groups also asked federal regulators to conduct their own testing of the pesticide and require manufacturers to test for PFAS before bringing new chemicals to market.

But Permanone, made by Bayer CropScience LLC, is not the only pesticide that has been contaminated with PFAS. Testing first reported by E&E News earlier this month found the chemicals in multiple common pesticides (Greenwire, March 5).

PEER has led much of the initial testing on various pesticides, and the group first called attention to the issue last December, highlighting the presence of PFAS in Anvil 10+10, an insecticide previously in wide use in states like Massachusetts. Follow-up testing on Anvil shared by EPA confirmed the presence of PFAS in that product.

"These chemicals are not supposed to be in this insecticide," PEER Executive Director Tim Whitehouse said. "EPA is failing in its job to protect public health and the environment and needs to immediately test all pesticides for the presence of PFAS."

Bayer redirected comment to CropLife America (CLA), stating that the issue is an "industry-wide topic" and that Bayer is still reviewing broader guidance from EPA. CLA, a trade association representing pesticide manufacturers, shared a statement from another association, Responsible Industry for a Sound Environment.

"The science is still developing within EPA to determine what is occurring, including refining testing methods," said RISE President Megan Provost. "PFAS chemistry is not an active or inert ingredient in any pesticide formulation."

Provost said RISE is continuing to work with EPA on issues around PFAS in pesticides.

Possible sources

EPA has largely linked the presence of PFAS in pesticides to fluorination of the containers holding the products. More specifically, the agency has scrutinized fluorinated coating applied to those containers, which helps repel dust, water and other substances.

A container of Permanone 30-0. Photo credit: Bayer

Permanone 30-30 is used for mosquito control. Bayer

The agency's investigations into the issue have largely centered on fluorinated high-density polyethylene (HDPE)...

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**VILLAGE HEARS FROM EXPERTS AS GENETIC-MOSQUITO RELEASE EXPERIMENT NEARS**

Jim McCarthy, Keys Weekly

https://keysweekly.com/42/41016/

Conversations continue over Oxitec's genetically modified mosquitoes amid the upcoming deployment of 130 boxes containing eggs in 15 areas in the Keys.

Exact locations weren't made public, but the Florida Keys Mosquito Control District in February confirmed that it would be initiating trials in April with projects focused in a select number of neighborhoods between MM 10 and 93. Last May, the technology was approved by the U.S. Environmental Protection Agency for an experimental use permit in Monroe County.

On March 18, Islamorada Village Council heard from several independent scientists who discussed information and issues behind the genetically modified mosquitoes for population and disease suppression. The scientists collectively said they're neither for nor against the release. A representative from the Florida Keys Mosquito Control District and one from Oxitec responded following the presentation.

Fred Gould, professor of North Carolina State's Department of Entomology and Plant Pathology, briefly explained the strain of mosquitoes (OX5034) set for release. He said he was involved with another strain of genetically modified mosquitoes in development in 2010 when a field case study was conducted in Mexico.

"In the laboratory, it turned out the male mosquitoes flew fine and mated well. But in the real environment, they weren't as strong as the wild type mosquitoes and they basically had 3% of the matings. Instead of having half the matings, they had very few," he said.

Gould went on to say that this is also shown in work by Oxitec in Brazil, where it turns out that the genetic mosquitoes "are not very fit."

"It would take 30 of them, at least, to be equal to an individual wild type in terms of how many matings you have," he said. "When you're thinking about that, you have to recognize you have to release a lot of mosquitoes in order to have any activity. I just want to bring that home to you that it goes up and down as to what that percent fitness is, and we don't know what that'll look like in Florida.

"Will it work? I want to say it might work just fine," he continued. "There's a chance that they'll be doing these releases and it won't be a simple thing."

Jennifer Kuzma, professor of public and international affairs at NC State, outlined a lack of higher level oversight involving not only federal agencies, but also interested parties and external expert advisory panels. Specifically, Kuzma said the Environmental Protection Agency experimental use permit was closed for external

input and public review. She also said there weren't any published peer review studies prior to the decision, and no external, independent scientific panel was convened.

"WILL IT WORK? I WANT TO SAY IT MIGHT WORK JUST FINE," HE CONTINUED. "THERE'S A CHANCE THAT THEY'LL BE DOING THESE RELEASES AND IT WON'T BE A SIMPLE THING."

— Fred Gould, professor of North Carolina State's Department of Entomology and Plant Pathology

"EPA also published the risk assessment document only after the public comment period was over and after the permit was granted," she said. "It's quite unusual for a risk assessment on this biotechnology product not to be available prior to the public comment period. For example, when the FDA reviewed the prior Oxitec technology, the assessment was available prior to a public comment period and publication in the Federal Register."

Natalie Kofler, molecular biologist at Harvard University and founder of Editing Nature, said she can see the technology's public health benefit and reducing use of pesticides. However, she said there's a big risk involved, and there's a "real onus on all of us to try and make sure these decisions are made as responsively as possible."

Koefler stressed the need for data transparency through establishment of a dashboard for public access, assessment by independent experts and citizen-science.

"It means community-based participation in scientific projects," she said. "There's a...

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**IN BRIEF: Trump's last-minute approval of citrus pesticide draws lawsuit**

Sebastien Malo, Reuters

https://www.reuters.com/article/usa-environment-lawsuit/in-brief-trumps-last-minute-approval-of-citrus-pesticide-draws-lawsuit-idUSL1N2LN3X0

Public interest and farmworker groups sued the Environmental Protection Agency Thursday in federal appeals court for its last-minute approval of the application to Florida and California citrus crops of streptomycin, a pesticide they say is a health threat.

The Center for Biological Diversity (CBD), Farmworker Justice and others accuses in 9th U.S. Circuit Court of Appeals the EPA of violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) because it "failed to ensure that the use of streptomycin would not cause unreasonable harm to human health or the environment," the complaint says.

To read the full story on Westlaw Today, click here: bit.ly/3cpmPd3

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**Since glyphosate ban, eco-friendly weed killers aren't getting the job done**

Helen Lyons, The Brussels Times

https://www.brusselstimes.com/news/belgium-all-news/161799/roundup-herbicides-gardening-since-glyphosate-ban-eco-friendly-weed-killers-arent-getting-the-job-done/

The dandelions between your pavers aren't afraid of your Roundup anymore.

In fact, since the ban on glyphosate in Belgium forced weed-killer producing companies to switch to more eco-friendly recipes, the wayward flowers poking up between your driveway stones have little to fear at all.

The majority of weed-killing products on the market today were rated "weak" or "bad," according to results from the Belgian consumer testing company Test Aankoop, obtained by De Standaard.

"It is unfortunate that we have to put it so bluntly, and we are certainly not advocating the return of glyphosate, but these ecological herbicides hardly work, if at all," said Simon November of Test Aankoop.

Following a ban on glyphosate in herbicides 2018, none of them now contain that chemical, which was found to be carcinogenic and harmful to nature – hence its presence in a substance designed to kill plants.

Without glyphosate allowed in the solution, producers switched to alternatives based on pelargonic acid, acetic acid, or a mixture of fatty acids.

The consumer agency tested 19 of those new products (ones like Aveve Weed-Stop, Pursol Ecological Weed Killer, and Herbistop Ultra Total Weed Killer) throughout last year on grass, clover, buttercups, daisies, moss, and plantain (plantago).

Only against dandelions did products show a marginal degree of success, but even the yellow flowers stubbornly returned.

The producers of the weed killers that were contacted by the Dutch-language paper did not want to comment, partly because they didn't know the details of the tests conducted, like whether or not their products were used according to the directions.

One Dutch producer did remark that the big difference between herbicides with glyphosate and those without is that many eco-products act only on the leaves and flowers of weeds, and don't target the roots the way that ones with glyphosate did.

Ultimately, garden specialists point to weed burners, metal brushes, mulch, and ground cover as solutions to the herbicides that no longer do the trick.

In other words – we'll all have to garden the old-fashioned way.

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**Benzene Found in Multiple Hand Sanitizer Brands**

Jennifer Henderson, MedPage Today

https://www.medpagetoday.com/special-reports/exclusives/91806?xid=nl_mpt_DHE_2021-03-26&eun=g1474168d0r&utm_source=Sailthru&utm_medium=email&utm_campaign=Daily%20Headlines%20Top%20Cat%20HeC%20%202021-03-26&utm_term=NL_Daily_DHE_dual-gmail-definition

Online pharmacy Valisure is sounding the alarm over what it says are contaminated batches of a pandemic staple.

The New Haven, Connecticut-based company announced Wednesday that it had detected benzene, a known human carcinogen, in several batches across multiple brands of hand sanitizer.

Valisure submitted a citizen petition to the FDA, asking the agency to request an immediate recall of the affected batches and update guidance to include an exposure limit for benzene. The FDA regulates hand sanitizer as a drug product.

"The presence of benzene, a known human carcinogen, and multiple other contaminants, in products widely recommended for the prevention of spreading the SARS-CoV-2 virus causing COVID-19 and regularly used by adults and children in large volumes makes these findings especially troubling," the company wrote in its citizen petition.

That's in part because the National Institute for Occupational Safety and Health lists "'inhalation, skin absorption, ingestion, skin and/or eye contact'" as exposure routes for benzene, the company wrote.

Valisure -- which was founded in 2015 on the premise of independently testing the medications it sells -- noted that the FDA has said benzene should not be used in drug products because of its toxicity. (Benzene is a widely used industrial solvent, is present in substances such as gasoline, cigarette smoke, and forest fires, and is also a feedstock for other chemicals.)

However, during the current public health emergency, FDA has set an interim limit of 2 parts per million for the chemical only in liquid hand sanitizers.

Valisure said a good portion of the batches of hand sanitizer it tested missed FDA's mark.

The company analyzed 260 unique batches of hand sanitizer from 168 brands, according to its citizen petition. Of those batches, 44 -- or 17% -- contained benzene levels of at least 0.1 ppm, the company's testing found. Twenty-one batches (8%) -- which included liquid and gel hand sanitizers -- contained benzene above the 2 ppm interim limit. The highest level of benzene detected was 16.1 ppm, more than eight times the limit.

Valisure noted in its FDA petition that, in addition to benzene, it also found sanitizer batches with high levels of methanol and acetaldehyde -- categorized by leading health organizations as "possibly carcinogenic to humans." The FDA has issued warnings about methanol in hand sanitizers.

In the general course of business, Valisure regularly checks thousands of products, said David Light, the company's founder and CEO. Another member of the team recently suggested adding benzene to the list of chemicals Valisure tests for since it's a general area of concern and the company continues to expand what it looks for in drugs.

Given the known toxicity of benzene, Light said he wasn't expecting to find much.

However, he said, "As we've been scanning more hand sanitizer-type products, we started seeing some signals there." As a result, the company decided to undertake what Light called a broader market sweep.

Light said that Valisure's hand sanitizer findings indicate contamination with benzene is "a batch-to-batch problem." At this point, he said the company can't specify whether buying a certain brand of hand sanitizer over another prevents the problem from affecting purchasers.

It's hard to know whether the presence of benzene in these products emerged before the pandemic, Light said. As part of addressing that question, the company has opened a crowdsourcing study for hand sanitizer through which individuals and organizations can send their own products or packages to be tested.

There may be things to be learned about distribution or expiration dates, Light said. "I think there's going to be a lot more information that comes out as time goes on."

Valisure said it's also asking the FDA to further investigate batches of hand sanitizer that, in addition to containing benzene, are inconsistent with agency guidance not to add inactive ingredients..

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**Report: EPA's SLN Pesticide Program Needs Changes**

Lisa Whitley Coleman, EHS Daily Advisor

https://ehsdailyadvisor.blr.com/2021/03/report-epas-sln-pesticide-program-needs-changes/

The EPA's Special Local Needs (SLN) program is at risk of not achieving its program goals, according to a report issued by the EPA's Office of Inspector General (OIG) in February 2021.

Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) "authorizes the Department of Pesticide Regulation to register an additional use of a federally registered pesticide product or a new end use product to meet a special local need if certain conditions exist," according to the EPA. The Agency is required to review "SLN registrations within ninety (90) days and may require additional use directions or restrictions." The Office of Pesticide Programs (OPP) within the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) oversees the SLN program.

The OIG's evaluation concludes that the program is lacking the following components that would improve its effectiveness in meeting the EPA's goals of risk reductions and pollution prevention:

The SLN program does not have a comprehensive system of management controls.
The OPP has not identified program objectives, developed performance measures, or implemented data collection.
The OPP does not have a uniform review process. "An SLN registration is effective as soon as the state approves the application unless the EPA disapproves it," according to the OIG evaluation. "Without a consistent and effective application review process, human health and the environment may be at risk."
The OPP does not provide adequate state guidance.
The OPP lacks an SLN database for public and stakeholder use.
The OPP does not effectively communicate with state partners.
Recommendations and Responses

The OIG recommends corrective actions for the OCSPP, with proposed target dates for completion:

"Develop program objectives and measures and implement data-collection processes to determine the risk-reduction and pollution-prevention outcomes of the Special Local Needs program."
The OCSPP will complete a data review to "assess how the Agency's review process is performing on the requirement to either disapprove or acknowledge a 24(c) action within 90 days." The Agency will collect data for 12 months, evaluate the data, and develop a performance metric to assess the Agency's performance in meeting the 90-day review requirement. The target completion date is July 1, 2022.
Develop and implement standard operating procedures that allow SLN applications to be reviewed consistently.
The OCSPP will create and implement "a programmatic standard operating procedures (SOP) document to ensure consistent review of special local need applications." The target completion date is December 31, 2021.
Determine whether the OPP will adopt the draft American Association of Pesticide Control Officials (AAOPC) guidance or develop detailed guidance for states that specifies what information should be submitted in each SLN application.
The OCSPP will work with the AAOPC to determine if additional materials or guidance is needed. The target completion date is December 31, 2021.
Develop and make available a public SLN database, including registration date, duration, and individual state SLN labels for each SLN registration.
The OCSPP will enhance the Pesticide Product Label System (PPLS) website to add the ability for the public to view submitted SLN labels, with a target completion date of December 31, 2021.
Regularly inform states of the availability of pre-submission consultative services to develop effective SLN application packages.
"OCSPP will continue to support the States and commits to providing regular and useful information to the States to assist with the development of comprehensive special local need submission packages, including pre-submission consultative services for Special Local Need actions." The office will provide information on pre-submission consultation services to all FIFRA state partners by June 30, 2021.

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**'Mystery chemicals' found in pregnant Bay Area women**

Quinn Mcveigh, Environmental Health News

https://www.ehn.org/unknown-chemicals-in-people-2651205715/toxics-in-mothers

Forty-two "mystery chemicals" were found in the blood of 30 Bay Area pregnant women, according to a recent study conducted by scientists at University of California, San Francisco.

The researchers took blood samples from pregnant women and from the fetal umbilical cords and found 109 industrial chemicals. Fifty-five chemicals were never-before-seen in humans, and 42 could not be traced back to any definite sources.

The study builds on evidence that a lack of industry transparency is exposing people to a cocktail of chemicals—with unknown health consequences.

"It's the role of the government to ensure that chemicals used in the marketplace are known," Tracey Woodruff, a professor of Ob/Gyn and reproductive sciences at University of California, San Francisco, told EHN. "That's obviously not the system we're in right now."

Toxics in mothers
Using high-resolution mass spectrometry, the team strayed away from normal biomonitoring practice, which typically looks to identify already known chemicals and their hazardous effects. Instead, the focus was measuring the unknown.

The researchers took maternal blood samples during labor and delivery. Blood samples from umbilical cords were taken after delivery.

Of the chemicals that could be characterized in these samples, most came from common industrial products such as plasticizers, cosmetics, and pesticides. Some were high production volume chemicals, meaning that they're imported in the U.S. at 1 million-plus pounds annually.

Related: Dirty air and lost pregnancies in South Asia
The team did find chemicals in the mothers that have already been deemed harmful. For example, per- and polyfluoroalkyl substances (PFAS), which are found in products such as stain- and water-resistant clothing, nonstick pots and pans, firefighting foam, carpets and furniture can cause numerous developmental and immunological health consequences. They also detected two PFAS compounds in which there is no information on their source or use.

Additionally, the researchers found organophosphate flame retardants, which can cause health problems like endocrine disruption and reproductive effects. These are frequently used in furniture, building insulation, carpets and electronics.

The 42 mystery chemicals added to the researchers' concern.

Hazardous chemicals can travel across the placenta through the umbilical cord to fetuses, who are particularly vulnerable to chemical exposures. While the team has not done toxicity testing on the mystery chemicals, the unknown risks, especially for infants, raise questions for corporate and governmental bodies whose duties are to release this information.

Exposures to undisclosed chemicals are universal. In fact, scientists put together a global inventory in 2020, listing around 350,000 chemicals registered in commerce, and almost a third could not even be conclusively identified. This is happening without people's consent, said Dimitri Abrahamsson, a co-author of the new study and a postdoctoral scholar in Ob/Gyn and reproductive sciences at University of California, San Francisco.

"If you told somebody, 'I have a cup with some chemicals, if you want to drink it you'll be fine but I don't really know what it'll cause,' nobody would say yes to that," Abrahamsson told EHN.

Cheri Peele, chemical footprint program manager for Clean Production Action, an advocacy organization focused on safer chemicals, said there is a misconception that consumers are in control of what they are exposed to.

"Nobody is able to control their environment 24/7," Peele told EHN. "Once chemicals leave the product, they are going to circulate in the environment in ways that may be unforeseen."

Solutions must come through corporate and government interactions, said...

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**How To Remove Flame Retardants From Our Homes**

Monica Amarelo, Environmental Working Group

https://www.ewg.org/release/study-replacing-furniture-and-foam-reduces-levels-toxic-flame-retardants

SAN FRANCISCO – Americans have been exposed to potentially harmful flame retardant chemicals for decades. A new study, conducted in Northern California, shows that replacing a couch, or even just swapping the foam in upholstered furniture, decreases the levels of flame retardant chemicals in household dust.

The findings were published in the peer-reviewed journal Environment International. The study was conducted by researchers at the Environmental Working Group, Silent Spring Institute, Green Science Policy Institute, University of California at Davis, and the California Department of Toxic Substances Control.

"This study provides further evidence that the bans on flame retardants in upholstered furniture in California and other states help to reduce flame retardant levels in the home," said Tasha Stoiber, Ph.D., a senior scientist at EWG and a study co-author. "Replacing a couch or sofa with furniture made without flame retardants makes a significant difference in people's everyday exposures to these chemicals."

Exposure to flame retardant chemicals has been linked to serious health issues, including cancer, neurotoxicity, thyroid disease and decreased fertility, as well as deficits in motor skills, attention and IQ in children.

For the new study, two groups of households in Northern California either replaced a couch or the foam in their couch with items that did not contain flame retardants. Dust samples were collected in the room before the furniture replacement and then again at intervals of six, 12 and 18 months after the replacement.

Concentrations of three types of flame retardant chemicals – three different polybrominated diphenyl ethers, or PBDEs; three chlorinated tris; and one organophosphate – were widely detected in participants' homes. All but one of the measured flame retardants decreased in homes after furniture was replaced. Significant amounts of flame retardants in homes decreased after entire pieces of furniture or furniture foam was replaced, creating a healthier environment.

The study began in 2015, shortly after a new state rule, Technical Bulletin 117-2013, took effect. The new standards updated the flammability standard of upholstered furniture sold in California and rolled back the state's "open flame" requirement to a "smolder" test, more easily met without the use of added flame retardants. Furniture made without flame retardants is now explicitly labeled.

In 1975, California passed a misguided furniture flammability regulation, which led furniture makers to use large amounts of flame retardant chemicals in polyurethane foam cushioning. Because manufacturers didn't want to make one set of products for the California market and another set for the rest of the country, they put flame retardants in foam products sold nationwide – furniture, carpet padding, baby products and even the foam cubes in gymnastics pits.

One of the biggest dangers of some flame retardants is that they bioaccumulate in humans, causing long-term chronic health problems as levels of these toxic chemicals build up in our bodies. But their presence can diminish over time. "Once chemicals are banned, they slowly decrease in our homes and our bodies," said Stoiber. "For example, 10 years after PBDEs were taken off the market, scientists found the levels in breast milk declined by 40 percent."

Although many toxic flame retardant chemicals have been phased out in the U.S., they were replaced with

poorly studied alternatives that could also harm health. "When manufacturers stop using flame retardants in one product, like baby pajamas, they often switch to similar chemicals that scientists haven't yet evaluated for safety," said Stoiber.

Here's where flame retardants are likely to be found in our homes and daily lives....

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**EPA Reverses Decision to Ban Dangerous Pesticide; General Assembly Must Fight Back**

Oahidur Islam Roman, The Bisouv Network

https://bisouv.com/uncategorized/3389565/epa-reverses-decision-to-ban-dangerous-pesticide-general-assembly-must-fight-back/

In the 2018 Maryland General Assembly, we have much to do to thwart some of the Trump administration's worst policies and protect our own residents. One clear action item: We must ban chlorpyrifos, an extremely toxic pesticide that is used on food crops.

Not only is chlorpyrifos known to harm the environment and wildlife, it is also linked to brain damage in children and can cause immediate and long-term harm to kids, farmers, farmworkers and others who are exposed. It's so dangerous that in 2015, after extensive study, U.S. Environmental Protection Agency scientists confirmed that no detectable level of chlorpyrifos is considered safe in drinking water.

Sen. Shirley Nathan-Pulliam

The agency determined that all uses of chlorpyrifos should be banned due to the high risk of children's exposure in utero or during critical periods of growth and to the link between chlorpyrifos exposure and autism, ADHD and other neurodevelopmental issues.

However, under the Trump administration, one of the EPA administrator's first acts was to override his own agency's recommendation and reverse that decision.

This new direction turns a blind eye to science, and when it comes to dangerous chemicals like chlorpyrifos, it puts us all at risk.

The evidence is clear: Chlorpyrifos is unsafe, and babies, children and pregnant women are especially vulnerable. EPA had previously found, based on studies from Columbia University and other academic institutions, that prenatal exposure to this chemical, even at low to moderate levels, may lead to long-term, potentially irreversible changes in the unborn child's brain structure.

In a November 2017 New York Times article regarding chlorpyrifos, Fernando Stein of the American Academy of Pediatrics said: "This chemical is unambiguously dangerous and should be banned from use. We urge the EPA to reverse its decision and protect child health."

This pesticide is used in the production of fruits, vegetables, nuts and other conventionally grown crops, including many kid favorites like apples, peaches, grapes and strawberries.

Del. Dana M. Stein

Animals aren't immune either — the evidence of risk to many protected wildlife species is overwhelming. A draft biological evaluation by the EPA found that chlorpyrifos is "likely to adversely affect" 97 percent of all threatened and endangered wildlife, including more than 100 listed bird species.

With plenty of far safer pesticide alternatives and – according to the Maryland Department of Agriculture – with the use of chlorpyrifos among Maryland farmers already minimal, why not prohibit the use of this toxic pesticide? In the current General Assembly, we are introducing legislation to do just that.

Banning chlorpyrifos in Maryland would take a significant step in protecting the health and safety of our residents – particularly some of our most vulnerable – regardless of EPA's politically motivated decisions.

Maryland would not be alone: Numerous state attorneys general, including Maryland's Brian Frosh, have filed a lawsuit over the reversal on the chlorpyrifos ban. The New Jersey state legislature has proposed banning chlorpyrifos, and California recently moved to add it to its Prop 65 list of substances known to cause cancer, birth defects and reproductive harm. At the federal level, U.S. Sen. Tom Udall of New Mexico has introduced a bill to ban chlorpyrifos.

We hope many of our colleagues and fellow Marylanders will join us in banning this toxic chemical to protect our families.
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**Pesticides are hurting Vermonters**

Anne D'Olivo, Vermont Digger

https://vtdigger.org/letters_to_editor/pesticides-are-hurting-vermonters/

Facts: Up to 287 toxins have been found in the umbilical cord of a newborn; the rate of diabetes, obesity and cancers have increased at the same rate as the use of glyphosate on crops; even non-GMO crops such as wheat, oats, beans and potatoes are sprayed with glyphosate before harvesting; drinking water has 700 times the amount of glyphosate in the USA compared to the European Union; there are 280 pesticides used in Vermont, double the number since 2013; in 2015, the World Health Organization declared that glyphosate causes cancer, but the EPA continues to deny; 1 in 57 children are now diagnosed with autism spectrum disorder, as opposed to 1 in 5,000 prior to 1974 when Roundup (active ingredient: glyphosate) was patented.

Many health problems are the result of conventionally-grown food containing few nutrients but plenty of toxins. If you eat processed food, you are probably eating GMO corn and soy sprayed with toxins.The facts are not only proven by scientific data, but millions have experienced firsthand the debilitating effects of a processed food diet.

The worst effects of glyphosate can be passed on to your grandchildren and beyond. If you have ever succumbed to "Big Ag" and its advertising, its effects will go on for generations.

My advice: Buy fresh food from regenerative or organic farms and support your local farmers market. Read the ingredients on packaged food. And don't use Roundup!

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