Message

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Subject: OCSPP News for January 19, 2020

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The power of 10
Alexandra Dapolito Dunn, The Hill
https://thehill.com/blogs/congress-blog/energy-environment/534730-the-power-of-10

EPA just met a major chemical safety milestone — completing the first 10 chemical risk evaluations under the Lautenberg Act amendments to the Toxic Substances Control Act (TSCA), our nation's primary chemical management law. This was an enormous effort, representing countless hours of EPA experts' time, hundreds of hours of outside peer review, thousands of public comments, and the review of innumerable scientific studies — ultimately making an immeasurable contribution to protection of public health and the environment.

The 2016 amendments to TSCA were passed with bipartisan support. We all agreed that there needed to be a program in place to ensure the safety of chemicals already on the market. Prior to the amended law, there was no mandate to review the safety of the tens of thousands of chemicals in the marketplace. TSCA provides the framework and deadlines under which EPA must work. The Trump administration tackled this task head on, finalizing rules, honing processes, and implementing procedures to meet these high standards and deliverables.

These 10 risk evaluations represent the first time our country has undertaken and completed a comprehensive review of the potential risks of chemicals in the marketplace. Cumulatively, these risk evaluations represent 875 documents outlining the uses, exposures, hazards, and scientific support for the risks we found.

The first 10, much like the goal of amending TSCA, united many different stakeholders across the federal government, industry, advocacy organizations, and other groups under a common goal – using our work under TSCA to advance chemical safety. Across all 10 risk evaluations, we provided 22 opportunities for public comment and received and responded to 45,956 public comments, furthering this administration's commitment to transparency. We also reached beyond what TSCA required by having each risk evaluation peer reviewed by an independent panel of experts, representing 53 organizations and nine weeks of peer review meetings.

Our final risk evaluations for these chemicals serve as the guide for the actions EPA will take over the next few years to protect public health from the identified risks. As a result of these evaluations, EPA will be developing actions to eliminate the unreasonable risks from more than 250 uses of these 10 chemicals. I'm proud to say we've already hit the ground running to find ways to address these risks. We've started early outreach to stakeholders, including nine public webinars, to find workable solutions that protect the health of people who work with and use these chemicals every day.

The Trump administration has been able to deliver on a variety fronts, balancing our work on these risk evaluations with

taking action to protect public health from some immediate risks from chemicals. We banned consumer sales of paint removers containing methylene chloride, keeping these dangerous products out of the hands of American consumers. We also closed a 30-year-old loophole that allowed old asbestos uses and products to come back to the market without any reviews or restrictions from EPA, preventing the American public from experiencing the adverse health effects of asbestos. We stopped the most persistent of per and polyfluoroalkyl substances (PFAS) from being imported into the country.

Our work on these first 10 are the tip of the iceberg. They will serve as a guide for the other chemicals moving through the risk evaluation process. We've got over 20 more chemicals in the queue and will continue to add more as we move through the process required by TSCA.

The work that we've been able to complete over the past four years under the Trump administration, culminating in these risk evaluations, is a powerful statement on what can be accomplished through hard work, common sense, and following the science. With these first 10 we have achieved the highest bar of public health and environmental protection, setting the stage for chemical safety [...]

Firefighters Want Halt on Money From Makers of PFAS-Laden Gear
Andrew Wallender, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/firefighters-want-halt-on-money-from-makers-of-pfas-laden-gear?context=search&index=12

Members of the nation's largest firefighters' union want their organization to stop accepting funds from gear makers until they commit to ridding the garments of so-called "forever chemicals."

Manufacturers of protective garments worn by firefighters have given at least $420,000 to the International Association of Fire Fighters since 2016, according to a review of federal disclosures by Bloomberg Industry Group.

A resolution will be up for debate at the union's upcoming annual convention Jan. 25-28. It asks the IAFF "to no longer accept sponsorships from the chemical industry, textile manufacturers, or PPE [personal protective equipment] manufacturers." Convention delegates will be able to amend the resolution's language before voting to approve or reject it.

A second proposal asks the union to seek further testing on the presence of the chemicals in gear, and work with manufacturers to develop safer alternatives.

The moves are among the first member-driven attempts by the 323,000-person union to get suppliers to work on developing gear that doesn't contain chemicals known as PFAS, or for per- and polyfluoroalkyl substances.

"I don't think it's heavy lifting so to speak," said Jason Burns, former president of IAFF Local 1314 in Massachusetts. He backs the resolution addressing sponsorship and advised its drafting. "If we say don't take the money, we're not crippling our organization financially. That's something our organization can and—because of the health impacts—should deal with."

The transactions represent a small fraction of the overall IAFF's overall revenue stream. The union reported net assets of more than $23.5 million at the end of 2019.

One resolution calls out a history of "biased science," while the other says that "current bunker gear manufacturers continue to deny the potential for any health problems created by their use of PFAS."

The union said it is "a leader in forcing changes in the industry when data and science show a link between any chemicals, including PFAS in fire gear, and occupational cancer in firefighters," IAFF spokesperson Doug Stern said in a statement.

PFAS are a group of human-made chemicals that first hit the market as coatings for Teflon pans in the 1950s and are now found in products like microwave popcorn bags, pizza boxes, carpets, and cosmetics.

Thousands of chemical compounds are categorized as PFAS, including PFOS, which has been used in firefighting foams and PTFE, used in manufacturing firefighting turnout gear. The substances are known for their stability, and water and heat resistance.

But they are also linked to increased cholesterol levels, changes in liver enzymes, lower infant birth weights, and increases in the risk of kidney or testicular cancer, according to the Centers for Disease Control and Prevention.

The IAFF is currently engaged in three studies analyzing the effects of PFAS on firefighters. The results haven't yet been published.

"The extensive work of the IAFF in researching PFAS exposures and firefighter cancer is one important element of the much broader work that we do to combat the elevated rate at which firefighters contact cancer," Stern, the spokesperson, said.

Currently, firefighters have no choice but to wear PFAS-laden protective clothing as no alternatives are on the market. Concerned about possible health risks, they are demanding changes.

Makers Defend Gear
Gear makers insist that their products have been tested and are safe.

Turnout gear manufacturer Globe—owned by MSA Safety Inc.—said it doesn't add or use PFAS in any of its manufacturing processes. But the company also said it doesn't manufacture the raw materials or fabric that goes into its products, and that textile suppliers serving the entire fire industry use PFAS for water, oil, or chemical resistance.

"As industry leaders in firefighter protective equipment, we work to provide fire departments with innovative personal protective equipment that meets or exceeds NFPA [...]

Mosquito spray tainted with PFAS from shipping containers
Cheryl Hogue, C&EN
https://cen.acs.org/environment/persistent-pollutants/Mosquito-spray-tainted-PFAS-shipping/99/web/2021/01?utm_source=Staff&utm_medium=Social&utm_campaign=CEN

Environmentally persistent chemicals discovered in an insecticide aerially sprayed in more than half of US states leached into the pesticide from plastic shipping containers, the Environmental Protection Agency says.

An assortment of toxic per- and polyfluoroalkyl substances (PFAS) migrated into Anvil 10+10 from containers made of high-density polyethylene (HPDE) treated with fluorinated compounds and used to store and transport the pesticide, the EPA says. Anvil 10+10 is a synthetic pyrethroid insecticide used to control mosquitoes. It is sprayed in at least 25 states, according to the advocacy group Public Employees for Environmental Responsibility (PEER), which was instrumental in discovering the contamination.

"Shipping containers may be a significant source of PFAS exposure through the entire US agricultural sector," Kyla Bennett, science policy director for PEER, says in a statement.

"The agency asks that pesticide and other companies using fluorinated containers, and entities that provide container fluorination services, engage in good product stewardship and examine their distribution chains to identify potential sources of contamination," the EPA says.

Clarke Mosquito Control Products, which manufactures Anvil 10+10, reported—and the EPA confirmed—that it does not blend PFAS into the insecticide and found none in its ingredient supply chain. Illinois-based Clarke Mosquito Control Products "has voluntarily stopped shipment of any products in fluorinated HDPE containers and is conducting its own testing to confirm EPA results and product stability in un-fluorinated containers," the EPA says.

Meanwhile, the agency issued a subpoena under the Toxic Substances Control Act seeking information from the company that applies fluorinated compounds to the HPDE containers used to store and transport Anvil 10+10. The EPA did not name the company.

New Clues Help Explain Why PFAS Chemicals Resist Remediation

NA, Mirage

https://www.miragenews.com/new-clues-help-explain-why-pfas-chemicals-resist-remediation/

The synthetic chemicals known as PFAS, short for perfluoroalkyl and polyfluoroalkyl substances, are found in soil and groundwater where they have accumulated, posing risks to human health ranging from respiratory problems to cancer.

New research from the University of Houston and Oregon State University published in Environmental Science and Technology Letters suggests why these "forever chemicals" – so called because they can persist in the environment for decades – are so difficult to permanently remove and offers new avenues for better remediation practices.

The work focused on the interactions sparked when firefighters use firefighting foam, which contains PFAS, to combat fires involving jet fuel, diesel or other hydrocarbon-based fuels. Firefighter training sites are well-documented sources of PFAS pollution.

Konstantinos Kostarelos, a researcher with UH Energy and corresponding author for the work, said the interactions form a viscous water-in-oil microemulsion, which chemical analysis determined retains a high level of the PFAS.

Unlike many emulsions of oil and liquid, which separate into their component parts over time, these microemulsions – comprised of liquids from the firefighting foam and the hydrocarbon-based fuel – retain their composition, Kostarelos said. "It behaves like a separate phase: the water phase, oil phase and the microemulsion phase. And the microemulsion phase encapsulates these PFAS."

Experimental trials that simulate the subsurface determined about 80% of PFAS were retained in the microemulsions when they flow through the soil, he said. "If they passed through easily, they wouldn't have been so persistent over the course of decades."

Produced during the post-World War II chemical boom, PFAS are found in consumer products ranging from anti-stain treatments to Teflon and microwave popcorn bags, in addition to firefighting foam. They were prized because they resist heat, oil and water – traditional methods of removing or breaking down chemicals – as a result of the strong bond between the carbon and fluorine atoms that make up PFAS molecules.

They have been the target of lawsuits and regulatory actions, and new chemical formulations have shortened their half-life.

In the meantime, the toxic legacy of the older formulations continues to resist permanent remediation. Kostarelos said the new understanding of microemulsion formation will help investigators better identify the source of the contamination, as well as stimulate new methods for clean-up efforts.

"It's very viscous," he said. "That's very useful information for designing a way to recover the microemulsion."

The project was funded by the Strategic Environmental Research and Development Program of the U.S. Department of Defense. In addition to Kostarelos, co-authors on the publication include Pushpesh Sharma of UH; and Emerson Christie, Thomas Wanzek and Jennifer Field, all of Oregon State University.

EPA rejects N.C. environmental groups' PFAS petition
Greg Barnes, NORTH CAROLINA HEALTH NEWS
https://www.northcarolinahealthnews.org/2021/01/19/epa-rejects-n-c-environmental-groups-pfas-petition/

The U.S. Environmental Protection Agency has rejected a petition from six North Carolina environmental groups that would have forced the Chemours chemical company to fund health studies on 54 types of "forever chemicals" released from its Fayetteville Works plant.

The EPA said in a Jan. 7 response that the petitioners failed to prove the requested data was needed.

The petition was filed Oct. 14 by the Center for Environmental Health, Cape Fear River Watch, Clean Cape Fear, NC Black Alliance, Democracy Green and Toxic Free NC. The group sought a rule of order under the Toxic Substances Control Act compelling Chemours to fund and carry out health and environmental testing of the 54 per- and polyfluoroalkyl substances — commonly known as PFAS — through a panel of independent scientists.

Leaders of the groups had strong words following the EPA's denial.

"I believe the EPA is lying to North Carolinians, and by extension the rest of America," Emily Donovan, co-founder of Clean Cape Fear, said in an email. "If, as the EPA suggests, enough scientific data already exists to deny our petition then where are the drinking water standards for these 54 PFAS? Fish and wildlife consumption advisories? Fact sheets for medical practitioners and state health departments?

"The required data doesn't exist to produce these vital protections. The EPA knows it and my children are still being exposed to many of these PFAS. My friends and neighbors are sick. My husband almost lost his eyesight to a brain tumor and I'm tired of a government, funded by taxpayer dollars, refusing to do its job."

Nearly 300,000 exposed
The environmental groups say Chemours — and before it DuPont — are responsible for PFAS contamination in the Cape Fear River downstream of the Bladen County chemical plant and in more than 4,000 private wells surrounding it. Before 2015, DuPont owned and managed the Fayetteville Works facility, then the company spun off Chemours into a separate entity.

Nearly 300,000 people surrounding the plant and living downstream of it are believed to have been exposed to elevated levels of PFAS from decades of unregulated PFAS being discharged into the river and the air. The substances have also been found in vegetables grown near the plant and in fish, alligators and other wildlife downstream.

Potential adverse health effects from PFAS include liver damage, thyroid disease, decreased fertility, high cholesterol, obesity, hormone and immune suppression and cancers of the liver, kidneys, pancreas, testicles and thyroid.

Chemours contends that the levels of PFAS found in drinking water drawn from the Cape Fear River and in private well water are not enough to cause human harm. Yet mounting evidence suggests that even extremely low levels of certain types of PFAS may cause adverse health effects.

The groups that filed the 49-page petition want Chemours to pay for studies on the 54 PFAS so people can know the health risks and perhaps how to mitigate them.

The action would emulate studies conducted in the Mid-Ohio River Valley in the earlier part of this century which found most of the people studied had some level of PFAS contamination in their blood.

"Medical practitioners in our region know we were overexposed to PFAS but lack the guidance and support on how to offer preventive medical care," said Donovan, who lives in Brunswick County. A study last year by the national Environmental Working Group found that water from a drinking fountain in a Brunswick County elementary school contained the highest level of PFAS detected in the country.

"There's a data gap inside our health care community regarding exposures to mixtures of PFAS," Donovan said. "We deserve to know all the risk factors."

Chemours says petition fell short
Chemours disagrees. Shortly after the EPA rejected the groups' petition, the company released a statement saying it was happy with the outcome. The statement also touted Chemours efforts to substantially reduce PFAS [...]

A 'forever chemical' surprise awaits Biden's EPA
Joseph Morton, Roll Call
https://www.rollcall.com/2021/01/15/a-forever-chemical-surprise-awaits-bidens-epa/

President-elect Joe Biden has pledged to address so-called forever chemicals that have been found in Americans' drinking water and linked to many adverse health effects.

But the scope of the contamination may be larger than previously understood given the EPA finding this week that such compounds have been leaching from storage containers into at least one pesticide used to control disease-spreading mosquitoes.

The manufacturer of the pesticide has voluntarily halted shipments of product in such containers, but it's unclear how many other companies are using similar ones.

"It's still not known how broadly these are used elsewhere," said David Andrews, senior scientist at the Environmental Working Group, an anti-pollution advocacy organization. "This does seem to be a significant concern and may point to yet another reason why these compounds are found in nearly everyone's blood in the United States."

Per- and polyfluoroalkyl chemicals, or PFAS, are used in the manufacturing of many common household products and have been linked to serious health problems including cancer. They are prized by manufacturers because they take so long to break down — hence the term "forever chemicals."

The EPA said it became aware of the pesticide contamination last year from "citizen science testing." The agency traced the contamination to a coating on the fluorinated high-density polyethylene (HDPE) containers used to store and transport the pesticide.

The agency said it has requested information about the fluorination process and urged companies using containers with such coatings to "engage in good product stewardship and examine their distributionchains to identify potential sources of contamination."

The advocacy group Public Employees for Environmental Responsibility was responsible for the initial testing that raised alarms about the pesticide.

"EPA's discovery has opened a Pandora's Box of health risks," the organization's Science Policy Director Kyla Bennett said in a statement this week. "Shipping containers may be a significant source of PFAS exposure through the entire U.S. agricultural sector."

The pesticide in question is spread aerially to combat mosquitoes in many states, which could be responsible for

contaminating water supplies.

But another concern is the potential contamination of pesticides and herbicides that are used on crops destined for human consumption.

“If those pesticides are used on food that would be a potential significant source of exposure,” Andrews said. “It definitely is a big concern and potentially the tip of the iceberg.”

Andrews said it will be an important task for the incoming administration and suggested the country should move away from nonessential use of PFAS.

“Hopefully this is a place where they can take quick action to really figure out the extent of this problem and ultimately bring an end to it,” Andrews said.

For his part, Biden has promised action when it comes to PFAS contamination.

“Instead of making empty promises with no follow-through, Biden will tackle PFAS pollution by designating PFAS as a hazardous substance, setting enforceable limits for PFAS in the Safe Drinking Water Act, prioritizing substitutes through procurement, and accelerating toxicity studies and research on PFAS,” according to Biden campaign materials on his environmental plans.

Capitol Hill Democrats also have identified PFAS as a priority.

Sen. Edward J. Markey, D-Mass., a member of the Environment and Public Works Committee, said in a statement that PFAS are called “forever chemicals” for a reason.

“We need to move away from using these dangerous, toxic, hazardous chemicals wherever they’re used — it’s good that the EPA is looking into this new and alarming source of contamination, but it will be even better when President-elect Biden’s EPA takes actual action to get these chemicals out of our water, air, soil, and products,” Markey said.

DEC: Pesticide isn't the danger. Chemical in its container is
Rick Karlin, Times Union
https://www.timesunion.com/news/article/Fearing-PFAS-contamination-state-places-15879566.php

The state Department of Environmental Conservation is blocking the use of a popular pesticide for mosquito control upstate and in New York City following the revelation that the chemicals' containers were made with hazardous PFAS compounds.

“DEC is moving swiftly to quarantine Anvil 10+10 products statewide. In addition, we are launching a comprehensive investigation into the universe and use of products stored in these containers and will take all actions necessary to protect public health and the environment,” DEC Commissioner Basil Seggos said in a prepared statement.

Quarantine means that the product and its containers cannot be used, removed, sold, or disposed of until DEC gives permission. The DEC also can affix a tag or other marking with this information to the pesticide containers.

Anvil 10+10 has been sprayed to control mosquitos amid worries about Eastern Equine Encephalitis, a rare but potentially fatal inflammation of the brain carried by infected mosquitos.

Clarke Mosquito Control, which makes Anvil 10+10 noted that the containers not the pesticide were discovered to have PFAS. It too is urging people who have the pesticide in plastic containers not to use it. It is also moving away from using the containers with PFAS.

"Out of an abundance of caution, Clarke has committed to transitioning our entire product line from fluorinated plastic containers to PFAS-free plastic packaging with an improved environmental profile over the coming weeks," company spokeswoman Laura McGowan said in an email.

"Clarke has voluntarily ceased all sales and shipments to customers of Anvil 10+10 packaged in plastic containers and is directing its customers to not use Anvil 10+10 packaged in plastic containers. Anvil 10+10 packaged in steel totes or lined steel drums may continue to be used as an important tool for public health mosquito control."

The move came as concern about PFAS is growing and expanding from the compounds' use in manufacturing non-stick products like Teflon and firefighting foam to its incorporation in a variety of containers ranging from pizza boxes to chemical containers.

PFAS, or per- and polyfluoroalkyl compounds, are known as “forever chemicals” due to their strong molecular bonds, most notably between fluorine and carbon. They are associated with illnesses such as thyroid disorders, cancers and other ailments. They have been widely used due to the strength of the fluorine-carbon bond that goes into its making. That characteristic, though, also means they are persistent in the environment including water sources. And it raises questions about the safety of widely used fluorinated plastic containers.

Use of PFAS in non-stick chemicals and firefighting foam is being phased out. And New York State recently banned its use in food containers. But the substance is turning out to be ubiquitous in the environment.

Late last year, the Maryland-based Public Employees for Environmental Responsibility tested a jug of Anvil 10+10 and found relatively high levels of PFAS. The Massachusetts Department of Environmental Protection has also tested a number of containers and found the chemicals as well.

And earlier in the month, the federal Environmental Protection Agency said it had found PFAS leaching from Anvil 10+10 containers. The particular PFAS found in those samples is being phased out but other varieties are still in use.

There could, however, be stores of the commonly used pesticide in various communities and municipalities.

Records show that Onondaga County, which includes Syracuse, used Anvil 10+10 in May through October of 2020. It was also used last year in New York City. Madison County sprayed with Anvil 10+10 in 2014.

It was unclear if other localities used the spray.

EPA probes PFAS leaching into common insecticide
E.A. Crunden, E&E News
https://www.eenews.net/eenewspm/2021/01/15/stories/1063722743

EPA has issued a request for information after an investigation into traces of "forever chemicals" linked to a common insecticide revealed contamination in certain containers, believed to be the source of the toxic substances.

In an announcement yesterday, EPA said it had found per- and polyfluoroalkyl substances (PFAS) in high-density polyethylene (HDPE) containers used to store and transport the mosquito control product Anvil 10+10. EPA said the PFAS have been "leaching into the pesticide product," contaminating the insecticide, used in around 30 states, including Massachusetts and California.

The agency said it issued a request for information under the Toxic Substances Control Act to the company that fluorinates the containers, which are used by pesticide manufacturers. That subpoena "requests information about the fluorination process used to treat the containers" as EPA continues to investigate the issue. In the interim period, EPA cautioned "pesticide and other companies using fluorinated containers, and entities that provide container fluorination

services" to "engage in good product stewardship and examine their distribution chains to identify potential sources of contamination."

EPA did not immediately confirm what levels of PFAS were found in the containers.

Discovery of the contamination came as part of an investigation launched by EPA and Massachusetts after testing shared by Public Employees for Environmental Responsibility (PEER) revealed PFAS including PFOA and HFPO-DA, part of the GenX chemical process. PEER alerted the Massachusetts Department of Environmental Protection (MassDEP) about the findings, as the state has long used Anvil 10+10 to curb Eastern equine encephalitis (Greenwire, Dec. 8, 2020).

Clarke Mosquito Control Products Inc., which manufactures Anvil 10+10, has said it does not use PFAS in its product at any stage.

EPA said in its announcement that it was in the early stages of assessing potential impacts on human health and the environment, but that the agency had been in touch with Clarke about the issue. Clarke spokesperson Laura McGowan confirmed that the company has been working with EPA and is committed "to transitioning our entire product line from fluorinated plastic containers to PFAS-free plastic packaging with an improved environmental profile" in coming weeks.

"Clarke has voluntarily ceased all sales and shipments to customers of Anvil 10+10 packaged in plastic containers and is directing its customers to not use Anvil 10+10 packaged in plastic containers," said McGowan. "Anvil 10+10 packaged in steel totes or lined steel drums may continue to be used as an important tool for public health mosquito control."

PEER Science Policy Director Kyla Bennett credited MassDEP with pursuing testing along with EPA. "I have to give them credit for being so transparent," said Bennett, who said she was surprised to see such a strong response from the Trump administration.

Still, PEER said the announcement raised questions, including how widespread PFAS contamination might be as a result of the containers and what other products might be affected — including food.

EPA noted that it "is in close communication with the Food and Drug Administration (FDA), Department of Transportation (DOT) and the United States Department of Agriculture (USDA)" about the issue, which Bennett said left open the possibility that contamination might touch work under those departments. Fluorinated polyethylene and HDPE are used in food packaging as well as for pesticides.

"I have to wonder what's really going on," Bennett said, adding that she also has concerns about whether the containers are the only source of PFAS.

"EPA is saying it's definitely just the containers," she said, "but I'm not ready to say it's not in the insecticide until we're able to really fully test for it."

EPA's 'Secret Science' Rule Taken to Court by States, Cities

Stephen Lee, Bloomberg Law

https://news.bloomberglaw.com/environment-and-energy/epas-secret-science-rule-taken-to-court-by-states-cities

A coalition of 18 states, one county, and the nation's three biggest cities sued the EPA on Tuesday in New York federal court over a final rule that restricts how science can be used in future agency rulemaking.

The state and local governments, led by New York state, alleged that the Federal Housekeeping Statute—which the Environmental Protection Agency relied on the as the basis of its Strengthening Transparency in Regulatory Science rule—grants no authority to the agency. The EPA doesn't appear on the list of executive departments covered by the statute.

The rule also clashes with the EPA's duty to use the latest scientific knowledge in regulating under the Clean Air Act, Clean Water Act, and other statutes, according to the suit, filed in the U.S. District Court for the Southern District of New York.

Moreover, the agency acted arbitrarily and capriciously by "failing to provide a reasoned explanation of how or why EPA's longstanding practices are inadequate," the plaintiffs said in the complaint.

They also said the rule will force them to spend resources doing their own research and enacting more protective standards than the EPA's. Some states have limited expertise to do that, according to the suit.

Sharp Break
The rule, which took effect on Jan. 6, restricts the agency's ability to use scientific studies that include patients' private medical data when issuing regulations. It represents a sharp break from an decades-old approach to new rules, which relied on those kinds of studies to issue some of its most expansive regulations, including air quality standards for fine particle pollution.

EPA Administrator Andrew Wheeler said it promotes transparency and doesn't categorically rule out any scientific studies. Any future administrator could still use pivotal studies if the underlying information isn't publicly available, as long as an explanation is provided, he said at a Jan. 5 online briefing hosted by the Competitive Enterprise Institute.

The incoming Biden administration is facing pressure from the rule's critics to undo it, with some legal observers citing the Congressional Review Act—which gives
lawmakers some time after a rule takes effect to vote to strike it down—as a possible tool. But regulatory, legal, and legislative solutions each come with their own pitfalls, observers say—not least because of the opposition they're likely to get from the rule's defenders.

Other states joining the suit include California, Pennsylvania, Illinois, Michigan, and New Jersey. Only one of the states involved in the litigation—North Carolina—swung for President Donald Trump in the 2020 election. Also included were New York City, Los Angeles, and Chicago, as well as King County, Wash., which encompasses Seattle.

The suit follows a complaint filed by the Environmental Defense Fund in the U.S. District Court for the District of Montana, Great Falls Division, which raised many of the same arguments.

Cause of Action: Administrative Procedure Act.

Relief: Declaratory and injunctive relief.

Response: The EPA didn't immediately return a request for comment, but the agency generally doesn't comment on pending litigation.

Attorneys: The plaintiffs are representing themselves.

The case is: State of New York v. EPA, S.D.N.Y., No. 1:21-cv-00462, complaint filed 1/19/21

EPA Finalizes 'Transparency' Rule, Which Critics Say Undermines Public Health
MADELYN BECK, Wyoming Public Media
https://www.wyomingpublicmedia.org/post/epa-finalizes-transparency-rule-which-critics-say-undermines-public-health#stream/0

The EPA is finalizing a rule that says it'll prioritize science that publishes raw data to make policy decisions.

The agency says the rule promotes transparency and trust in science.

However, critics say there is already transparency within the published science, and the requirement for raw data could discount health research that relies on private patient files.

"You don't need the raw dose data to test the research results to make sure that it's done properly to have peer review," said Sean Gallagher, senior government relations officer with the American Association for the Advancement of Science.

He says the EPA's mission is to protect humans and the environment, "and they do that by looking at science ... If the science is hampered in that process, it harms everyone."

Gallagher says demanding that raw patient data be published will hamper the process.

"If they're doing studies on exposure to pollution or mercury or toxins or PFAS and chemicals, those types of studies will be negatively impacted if our predictions are correct and the EPA can't use them as they have in the past," he said.

In the past, studies that rely on patient data were used to link pollution to deaths, spurring the Clean Air Act. Mountain West researchers played a big part in that.

Gretchen Goldman is the research director at the Center for Science and Democracy with the Union of Concerned Scientists. She also thinks the rule will limit access to health research and hurt American's health.

"It is going to have devastating impacts on the ability of our nation to protect people against environmental threats," she said.

The new rule has been in the works for years, and went into effect immediately this week. It's unclear how long it would take the Biden administration to roll back the rule if it decides to take that course.

EPA Orders Chemical Makers to Provide Data for Nine Chemicals
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/epa-orders-chemical-makers-to-provide-data-for-nine-chemicals?usertype=External&bwid=00000177-0726-d891-a9ff-e76ee29a0001&qid=7044229&cti=FGOV&uc=1320000080&et=NEWSLETTER&emc=neve_nl%3A65&source=newsletter&item=headline®ion=digest&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzctMDcyNi1kODkxLWE5ZmYtZTc2ZWUyOWEwMDAxIiwic2lnIjoiV01sbjR5RVZaZEMrWTFhOWVxSWI2L0YydWxZPSIsInRpbWUiOiIxNjExMDU3NzkzIiwidXVpZCI6IlZDZDl3NTFVZnVQSHd1NmdMdmJPcHc9PWltTG1scnlyVTRaRHhsZkI5THE0Unc9PSIsInYiOiIxIn0%3D

The 3M Co., BASF Corp, Boeing Co., and Porsche are among the companies that must turn over data on nine solvents and flame retardants to help the EPA determine whether it needs to regulate those chemicals.

The Environmental Protection Agency announced Friday that it's issued "test orders" that require companies making and using the nine chemicals to provide environmental safety and worker exposure data about them.

The agency will use the information to decide whether the chemicals are so risky that they must be restricted.

The 2016 Toxic Substances Control Act amendments gave the EPA the authority to simply order data rather than requiring it through the more time-consuming rulemaking process that TSCA originally mandated. But this is only the

second time the agency has used that authority.

More Orders Coming
Scientists advising the court and a federal district court judge have criticized the EPA for failing to get chemical safety and exposure information to underpin its chemical decisions.

For example, Judge Edward M. Chen, from the U.S. District Court for the Northern District of California, ruled the EPA had to seek more information to decide the how risky asbestos is and how many people are still being exposed to the cancer-causing mineral.

Attorneys including Herbert Estreicher, a partner in Keller and Heckman LLP's Washington office, have predicted that ruling and the scientific criticisms will prompt the agency to issue more test orders.

The agency is analyzing the health and environmental risks of more than 20 chemicals. The nine chemicals for which the EPA is requiring data are among those 20.

Those nine chemicals are: 1,1,2-trichloroethane; 1,1-dichloroethane; 1,2-dichloroethane; 1,2-dichloropropane; trans-1,2-dichloroethylene; o-dichlorobenzene; p-dichlorobenzene; 4,4'-(1-methylethylidene)bis[2,6-dibromophenol], or TBBPA; and phosphoric acid, triphenyl ester, or TPP.

EPA Faces Green Group Lawsuits Over Lead and Copper Rule
Bobby Magill, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/epa-faces-green-group-lawsuits-over-lead-and-copper-rule?context=search&index=44

Green groups said they filed two separate lawsuits Friday aiming to strike down the EPA's new lead and copper rule.

The plaintiffs, led by New York-based Newburgh Clean Water Project, said they filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to the Safe Drinking Water Act. The group also includes the NAACP, Sierra Club and United Parents Against Lead.

Separately, the Natural Resources Defense Council said it filed a petition for review of the lead and copper rule in the same court, pursuant only to the Safe Drinking Water Act.

The Environmental Protection Agency in December finalized its new rule (RIN 2040-AF15) governing lead and copper pipes, cutting the percentage of a water system's lead pipes that need to be replaced annually under the long-awaited rule revision.

The rule requires water systems to replace at least 3% of lead service lines annually—down from 7% under the old lead and copper rule, finalized in 1991.

"NRDC is suing to block this unjust rule and calling on the incoming Biden administration and Congress to tackle the lead in water crisis left unaddressed by the Trump Administration," Erik D. Olson, NRDC's senior strategic director for health, said in a statement.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Law is operated by entities controlled by Michael Bloomberg.

Cause of Action: Safe Drinking Water Act, Administrative Procedures Act.

Relief Sought: Reversal of lead and copper rule.

Response: EPA said it doesn't comment on pending litigation.

Attorneys: Earthjustice represents the environmental groups in the Newburgh litigation. NRDC represents itself.

The cases are: Newburgh Clean Water Project v. EPA, D.C. Cir., not yet docketed, petition for review filed 1/15/21and Natural Resources Defense Council v. Wheeler, D.C. Cir., not yet docketed, petition for review filed 1/15/21.

White House Memo on Chemical Decisions Sparks Concern, Confusion
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/white-house-memo-on-chemical-decisions-sparks-concern-confusion?context=search&index=0

Polluters could have more power over the science that helps determine federal and state cleanup standards if a recent White House memo from the Trump administration is or becomes final, several attorneys and former agency scientists say.

The memo, reviewed by Bloomberg Law, requires the Environmental Protection Agency to submit more "health-based values"—or numerical ways of describing a chemical's toxicity—to the White House's Office of Information of Information and Regulatory Affairs, known as OIRA.

And for the first time, OIRA, rather than the EPA, would have the final word on what those values would be. Health-based values are used by the EPA, states and companies to create hazardous waste cleanup plans and set other goals, standards, and regulations.

The Jan. 8 memo from OIRA's outgoing administrator, Paul J. Ray, "looks like it's intended to hamstring the incoming EPA," said Steve Owens, an attorney with Squire Patton Boggs who oversaw the EPA's chemical and pesticide offices from 2009 to 2011 under the Obama administration.

But Edie M. Heipel, spokeswoman for the Office of Management and Budget, which oversees OIRA, said the changes described in the memo would ensure that "significant" EPA chemical assessments are reviewed by career scientists and experts across multiple agencies.

There's "nothing controversial about ensuring good science unless you are worried that your work won't stand up to scrutiny from other scientists across the government," she said.

Memo's Status Unclear
Heipel didn't answer three separate queries about whether the memo is final. The copy of the memo lacks Ray's signature on its front page; final memos typically have a front-page signature. The EPA referred all questions to OMB.

Whether it's final, draft—or an idea—OIRA's memo is concerning, said James Goodwin, an attorney and senior policy analyst at the Center for Progressive Reform, which focuses on safety, health, and environmental policies.

The memo lays out a review process that gives federal agencies, like the Department of Defense, more power over final conclusions about a chemical's toxicity, said Elizabeth "Betsy" Southerland, who retired from EPA in 2018 after a 30-year career, most recently directing the Office of Water's science and technology office.

Yet the defense department and its contractors typically push for less-protective cleanup standards to limit the billions of dollars they spend cleaning up waste they generate, she said. The department didn't reply to requests for comment.

It's fine for Defense and other agencies tasked to clean up waste to comment on proposed remediation standards that

incorporate the EPA's values, Southerland said. But deciding the toxicity of a chemical is supposed to be a health-based, scientific decision, she said.

Southerland flagged another problem. The memo directs the EPA to send other types of analyses—including provisional peer-reviewed toxicity values designed for Superfund sites—to OIRA. These Superfund values are designed to be developed and acted upon quickly, and the interagency process the memo establishes will slow that down, she said.

OIRA's career staff, which tend to oppose strong regulations whether working for Democrats or Republicans, could recommend the memo be final—if it isn't already, Goodwin said.

Biden's incoming appointees may "not appreciate the harmful consequences this document poses and might absentmindedly sign off on it," Goodwin said. Or incoming appointees could "be willing to accept the tradeoff of empowering polluters in federal agency scientific determinations" in an effort to concentrate power over the executive branch, he said.

'Overruled Scientists'
Despite uncertainty over the memo's finality, the process it lays out was already used in an EPA analysis of perfluorobutane sulfonatic acid, or PFBS, according to a current and a former EPA scientist familiar with that assessment. Both asked not to be identified because they're not [...]

Violet dye presents health risks to workers
Britt E. Erickson, C&EN
https://cen.acs.org/policy/chemical-regulation/Violet-dye-presents-health-risks/99/web/2021/01

Pigment violet 29 (PV29), a dye used in paints, coatings, plastics, and rubber, presents unreasonable risks to workers in several situations, the US Environmental Protection Agency announced Jan. 14 in a final assessment. The agency identified some risks that were not included in a revised draft assessment released in October, but it also found some uses of PV29 are less of a risk than previously thought.

PV29 is one of the first 10 high-priority chemicals the EPA evaluated under 2016 revisions to the Toxic Substances Control Act. Although PV29 was the first of the 10 assessments the EPA released in draft form, it turned out to be more controversial than the EPA expected and was the last of the 10 to be finalized.

The EPA released the first draft assessment of PV29 in November 2018, finding no unreasonable risks to workers, consumers, the general public, and the environment. But after receiving criticism from environmental groups and its external group of advisors, the agency modified the assessment. In the revised draft, the EPA identified several unreasonable risks to workers, including those in the automotive sector who handle paints and plastics.

Chemical manufacturers pushed back, claiming that it would be impossible to inhale PV29 when the chemical is incorporated in a plastic matrix. The EPA agreed. In its final assessment, the agency did not identify unreasonable risks to workers from PV29 encapsulated in plastic and rubber products used in automobiles and industrial carpeting. The chemical is not expected to leach out of such products, the EPA says.

The agency did find unreasonable risks to workers from inhalation of PV29 in automobile paints and commercial printing inks, as well as from the use of PV29 as an intermediate in manufacturing other pigments. It plans to propose restrictions to address the risks within 1 year.

The EPA also did not identify any unreasonable risks to consumers from the use of PV29 in watercolor and acrylic paints.

EPA orders testing for nine substances undergoing TSCA evaluation
TERRY HYLAND, Chemical Watch
https://chemicalwatch.com/203233/epa-orders-testing-for-nine-substances-undergoing-tsca-evaluation

The US EPA has issued test orders to obtain additional data on seven chlorinated solvents and two flame retardants included in the batch of 20 high-priority substances undergoing TSCA risk evaluations.

The EPA needs more data on potential environmental hazards and occupational exposures to support the risk evaluations of the nine substances, it said in a 15 January announcement on the TSCA section 4 orders.

Roughly 90 companies in total are listed across the nine test orders, with about half of the companies listed under just one order – for the flame retardant 4,4'-(1-methylethylidene)bis[2,6-dibromophenol] (TBBPA).

Manufacturers subject to one or more orders will be responsible for paying to develop the test information, as well as paying the $9,800 fee that comes with each order. Businesses may form consortia to share the burden and costs of testing, as well as the TSCA fee.

Companies may also submit existing data if they believe there is available information the EPA has not considered. Businesses subject to an order can also try to opt out by seeking an exemption, claiming that they are not subject to the testing order, or affirming that they will cease manufacture or processing of the covered substance by 19 April.

The nine chemicals subject to the test orders are:

Chlorinated solvents:
1,1,2-trichloroethane;
1,1-dichloroethane;
1,2-dichloroethane;
1,2-dichloropropane;
trans-1,2-dichloroethylene;
o-dichlorobenzene; and
p-dichlorobenzene;
Flame retardants:
TBBPA; and
phosphoric acid, triphenyl ester (TPP).
All nine orders seek facility-specific occupational exposure data, including dermal hand wipe sampling, and all but two orders – for 1,2-dichloroethane and trans-1,2-dichloroethylene – require environmental hazard testing. The orders for TBBPA and TPP also call for inhalation monitoring, in addition to the dermal exposure and environmental data.

The orders take effect on 19 January. Companies subject to any of the latest orders have 45 days – until 5 March – to respond to the EPA through the agency's central data exchange (CDX) portal.

More data
The announcement of the nine orders marks the second time the agency has used its section 4 authority under amended TSCA.

The EPA issued a single order in March 2020, when it called for solubility and workplace air testing data to inform its evaluation of pigment violet 29 (PV29), one of the first ten substances evaluated under the revised law.

Data from that test order ultimately led the agency to reverse its preliminary findings on PV29 and conclude that the colourant posed unreasonable health risks to workers in ten of 14 conditions of use (CoUs) evaluated.

NGOs and the EPA's Science Advisory Committee on Chemicals (Sacc) often criticised the agency during its evaluations of the first ten chemicals for not using or calling for additional data.

And more than a year ago, advocacy groups urged the agency to fill data gaps on the current list of 20 high-priority substances by using its section 4 testing authority, as well as its section 8 powers to require reporting of existing information.

The agency finalised the scope documents outlining the reviews for the current batch of 20 substances in September 2020 and, in December, opened dockets to accept public comments for each of the chemicals.

The EPA said any data submitted in response to the latest test orders will be made publicly available on its website and in the applicable dockets.

EPA Reopens the Active-Inactive Reporting Period Under TSCA
Lisa Whitley Coleman, EHS Daily Advisor
https://ehsdailyadvisor.blr.com/2021/01/epa-reopens-the-active-inactive-reporting-period-under-tsca/

On January 5, 2021, the EPA announced it was reopening the reporting period under the Toxic Substances Control Act (TSCA) Active-Inactive Rule, whereby companies identified chemicals that were manufactured, imported, or processed in the United States during the 10-year time period ending on June 21, 2016.

TSCA requires chemicals on the TSCA inventory to be designated by companies as either "active" or "inactive" in U.S. commerce.

"The original reporting period closed in October 2018 and included an opportunity for submitters to assert claims to retain specific chemical identities as confidential business information (CBI)," according to the EPA. "In May 2020, EPA posted an interim list of chemicals expected to lose their CBI status and move to the public portion of the TSCA Inventory. Since then, EPA has become aware of submitter confusion and issues regarding CBI claims during the initial reporting period. (This) action enables companies to submit, amend, or withdraw filings under the Active-Inactive Rule in order to maintain existing CBI claims for specific chemical identity."

Companies that wish to maintain confidentiality about impacted chemicals are advised to scrutinize their current filings under the TSCA inventory reporting to see if any filings need to be amended, submitted, or withdrawn.

The reporting period will reopen 30 days after publication in the Federal Register and run for 60 days after that date.

Background
The U.S. Court of Appeals for the District of Columbia Circuit ordered the EPA to address an issue about how companies substantiate "claims that a chemical substance's specific chemical identity is protected from disclosure as confidential business information" on April 26, 2019.

"Manufacturers and processors subject to the TSCA Inventory Notification (Active-Inactive) Requirements rule are advised that no part of the rule has been vacated and that all requirements of the rule remain in effect," according to the EPA. "EPA's response to the remand was finalized in the Procedures for Review of CBI Claims for the Identity of Chemicals on the TSCA Inventory rule."

CDR Reporting
To register for Chemical Data Reporting (CDR), users must visit the Central Data Exchange (CDX) website and register under "Submissions for Chemical Safety and Pesticide Programs (CSPP)." For those previously registered on the CDX for e-TSCA, e-PMN, or Toxics Release Inventory (TRI), CDR reporting flow will be able to be added to current registrations.

Once registered, access the CDRweb through the CSPP portal to complete and submit Form U.

Visit the EPA's CDR website for more information on registration, instructions for the 2020 TSCA CDR, EPA CDR sample Form U printouts, a summary of regulatory changes for the 2020 CDR submission period, case studies for the 2020 CDR, and additional information.

EPA: Hawaii's Military Bases Dumped 630,000 Pounds Of Toxic Nitrate Into The Ocean
Yoohyun Jung, Honolulu Civil Beat
https://www.civilbeat.org/2021/01/epa-hawaiis-military-bases-dumped-630000-pounds-of-toxic-nitrate-into-the-ocean/

U.S. military bases in Hawaii dumped more than half a million pounds of nitrate compounds — toxic chemicals commonly found in wastewater treatment plants, fertilizers and explosives — into the ocean in 2019, newly released federal data shows.

Joint Base Pearl Harbor-Hickam led with the release of 540,000 pounds, according to the Environmental Protection Agency's latest Toxic Release Inventory. The rest — more than 86,000 pounds — came from the U.S. Marine Corps Base Hawaii in Kaneohe Bay.

The inventory, released last week, tracks the permitted chemical waste activities of nearly 22,000 facilities across the country. That includes 31 Hawaii facilities that meet EPA's threshold for the amounts of chemicals released. Hawaii's seven major wastewater plants, which also discharge waste into the ocean, are not included.

The 540,000-pound figure puts the Navy-Air Force joint base in Pearl Harbor at No. 3 on the list of U.S. military facilities regulated by the EPA that dumped the most nitrate compounds in 2019. Numbers 1 and 2 were U.S. Army ammunition plants in Radford, Virginia, and Kingsport, Tennessee.

The base has federal permits to dump the waste and has not been cited by the EPA for any violations in recent years, but environmental officials said they hoped the disclosure of the information would promote efforts to reduce the discharge.

In the past five years, the nitrate compounds have been going to Mamala Bay, near the Honolulu airport, though data shows in the early 2000s, the waste was discarded into Pearl Harbor.

While military bases released the most toxic chemicals into the ocean in Hawaii, the biggest releases overall came from power plants. Hawaiian Electric Co.'s Kahe generating station alone discarded nearly 600,000 pounds of waste — most of it into the air. About 430,000 pounds of it were sulfuric acid. Pearl Harbor-Hickam came in second overall in Hawaii.

"In 2019, our TRI numbers reflected the demand for electricity due to warmer and more humid than average weather that year as well as the loss of some renewable generation capacity," Hawaiian Electric spokesman Peter Rosegg said in an email.

Electrical utilities, as well as metal and mining industries, are typically among the largest producers of chemical waste, said David Wampler, a data solutions manager in the EPA's Region 9 office, which includes Hawaii.

Pearl Harbor-Hickam, a sprawling base in central Oahu, is home to nearly 67,000 active duty personnel, civilian workers and family members. It has a large-scale wastewater treatment plant that covers 11.61 acres of land and can process 7.5 million gallons a day, according to a Navy fact sheet.

"Joint Base Pearl Harbor-Hickam and the Navy are committed to tracking, accounting for and reducing hazardous materials as good stewards of Hawaii's environment," Navy Region Hawaii spokeswoman Lydia Robertson said in an email. "We continue to focus on safe operations and work closely with regulatory agencies to remain transparent in our operations and communication."

Experts on base who are familiar with the matter and could answer specific questions about the report were unavailable for interviews Friday, she said.

EPA's analysis says nitrate compounds comprised 89% of the toxic chemicals released into the water in 2019 across the U.S. They're "commonly formed as part of facilities' on-site wastewater treatment processes," the agency says on its website. In Hawaii, they accounted for 100% of waste released into water.

The nitrate compounds discarded by the Marine Corps base in Kaneohe Bay, which has a permit to discharge chemical waste, are related to that base's wastewater treatment facility, according to Capt. Eric Abrams, its spokesman.

"It is disposed of as dried sludge in our landfill, or by effluent discharge three miles off-shore through a common outfall shared with City and County of Honolulu's Kailua Regional Waste Water Treatment Plant," he said in an emailed statement. [...]

Fearing Limited EPA Resources, Environmentalists Urge Perc Ban
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/fearing-limited-epa-resources-environmentalists-urge-perc-ban

Environmentalists are urging EPA to ban future uses of perchloroethylene (PCE or perc) when it crafts risk management rules for the solvent under TSCA, saying the agency lacks enforcement and other resources to implement more complex, tailored approaches that are also less effective in curbing unreasonable risks.

"EPA estimates that more than 100,000 workplaces use perc, with well over 600,000 exposed workers. EPA simply doesn't have the resources, expertise, or infrastructure required to enforce existing chemical exposure limits (ECELs) in all of those workplaces," Earthjustice attorney Jonathan Kalmuss-Katz said during Jan. 14 public comments following EPA's online presentation on its perc evaluation.

The Dec. 14 perc review found unreasonable risks from 59 of the 61 conditions of use that the agency evaluated, including to workers, consumers and bystanders. The substance has a host of industrial and commercial uses including in lubricants, degreasing, paints and coatings, automotive care and -- perhaps most prominently -- dry cleaning.

Those findings trigger a two-year deadline under the Toxic Substances Control Act (TSCA) for EPA to craft risk management rules addressing its findings.

But while that process is still in its infancy, with President-elect Joe Biden set to potentially overhaul EPA's approach to TSCA, Kalmuss-Katz and other environmentalists are already pushing the agency to favor blanket bans for toxic chemicals over ECELs and other limits that would require site-specific enforcement.

He said if the agency goes forward with that, "EPA provides no reason to believe that its ECELs would not suffer the same fate" as the Occupational Safety and Health Administration's (OSHA) workplace permissible exposure limits (PELs) for hazardous substances that they were modeled on, and which that agency has struggled to enforce or update in response to new research.

"In my view, ECELs are a dangerous, inefficient, and often unlawful approach to risk management under TSCA," Kalmuss-Katz said. "That is a poor choice of model, given that OSHA admits that many of its PELs are outdated and inadequate for ensuring protection of worker health. Updating PELs has proven so burdensome that in some cases, OSHA relies on standards from decades ago, that are not supported by the latest science."

And he also noted OSHA's difficulties enforcing PELs -- which he said were part of the justification for Congress' 2016 revisions to TSCA.

"Indeed, Congress specifically requires EPA to protect workers in the 2016 TSCA amendments, because of OSHA's failure to do so under the Occupational Safety and Health Act," Kalmuss-Katz said. "If OSHA can't eliminate reasonable risks for workers through the setting of workplace exposure limits, there's no chance that EPA will be able to do so under TSCA."

Facility Limits

Katy Wolf, who identified herself as a consultant who works with environmentalists, agreed that a blanket ban would be more practicable than ECELs, though she also noted that EPA did not specifically mention the ECEL approach when it presented options during the webinar for any perc risk management rule.

"Setting an exposure limit for different applications would force EPA to enforce the specified level at thousands of facilities which EPA would likely not be able to do thoroughly. It isn't really clear how EPA could even do the enforcement," Wolf said.

While the agency frequently mandates facility-specific pollutant limits under other laws, Wolf said, those programs allow states to craft and enforce those limits under delegated authority from EPA. But TSCA allows for no such delegation, meaning federal regulators would need to shoulder the entire implementation burden, she said.

"As EPA knows, many if not all of the regulations adopted by the agency under other statutes allow EPA to delegate authority for enforcement to the states. In the case of TSCA, in contrast, EPA must enforce regulations adopted under the statute on [...]

EPA Orders Testing On Nine Chemicals To Bolster Next TSCA Evaluations
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/epa-orders-testing-nine-chemicals-bolster-next-tsca-evaluations

EPA is ordering chemical manufacturers to conduct new hazard and exposure testing for nine of the next 20 chemicals slated for evaluation, marking its second use of that authority under the reformed TSCA following warnings from science advisors and stakeholders that it needs more information to ensure the reviews are credible.

"After reviewing available data on these chemicals, EPA has determined additional data are needed and is using its TSCA test order authority to require companies to develop and submit information on environmental hazard and inhalation and dermal exposures for workers," the agency's Jan. 15 statement announcing the orders states.

The nine chemicals include seven chlorinated solvents: 1,1,2-trichloroethane; 1,1-dichloroethane; 1,2-dichloroethane; 1,2-dichloropropane; trans-1,2-dichloroethylene; o-Dichlorobenzene; and p-Dichlorobenzene; and two flame retardants: 4,4'-(1-methylethylidene)bis[2,6-dibromophenol] (TBBPA) and phosphoric acid, triphenyl ester (TPP).

Each is among the second batch of 20 existing chemicals EPA has begun evaluating under section 6 of the Toxic Substances Control Act (TSCA).

The agency finalized scoping documents setting out the plan and scope of each of the 20 assessments last September, setting the stage for the reviews to begin -- although many stakeholders see those documents as incomplete "placeholders" that EPA will have to flesh out during the evaluation process.

The agency's Jan. 15 statement says the test orders, which it can issue to companies under TSCA section 4, "are the result of a lengthy Agency analytical process to identify the data needed to evaluate these nine chemicals. The information obtained through these orders will help ensure EPA's risk evaluations for these chemicals are robust, credible, and use the best available data."

EPA's statement does not explain why it chose to invoke section 4 for the nine targeted chemicals, but not the other 11 slated for this round of evaluations.

But the announcement follows widespread concern from environmental, labor and public health groups, as well as among members of its Science Advisory Committee on Chemicals (SACC), that EPA lacked sufficient information to support many aspects of the first batch of 10 chemical reviews mandated by the 2016 rewrite of TSCA, which it completed with the Jan. 14 release of the final pigment violet 29 (PV29) evaluation.

Even some in industry expressed surprise that EPA did not issued more test orders in the four years since Congress reformed TSCA, especially since lawmakers specifically enhanced EPA's authority to obtain information about chemicals from industry.

EPA's first and until now only section 4 testing order since TSCA reform dealt with PV29. The agency took that step only after stakeholders including the SACC slammed its draft evaluation, arguing that the limited information on its toxicity and exposures were too scant to support the then-proposed finding that it posed no unreasonable risks at all.

The test order led to new data from PV29 manufacturers BASF and Sun Chemical that EPA used to support its final conclusion that 10 of 14 of the pigment's uses pose unreasonable risk that must be regulated.

Testing Mandates

Each of the individual test orders requires slightly different tests, although all seek "environmental hazard testing" under various EPA or Organization for Economic Cooperation and Development (OECD) guidelines and "facility-specific occupational exposure testing" using OECD or National Institute for Occupational Safety and Health (NIOSH) guidelines.

Each test order identifies the companies responsible for responding and directs them to respond with an initial test plan within 75 days of the orders' Jan. 19 effective date -- which will be April 4 if the incoming administration does not extend it.

"Companies subject to the test orders may provide EPA with existing data or conduct new tests," EPA's statement says. "Companies may also form consortia [...]

Environmentalists attack EPA's move to drop Obama-era TSCA plans
NA, Inside TSCA
https://insideepa.com/tsca-takes/environmentalists-attack-epa-s-move-drop-obama-era-tsca-plans

Environmental groups are pushing back against EPA's withdrawal of long-pending Obama-era proposals to limit or ban certain uses of three solvents under TSCA, with one warning that the Biden administration could face a "long and arduous process" to revive them while attacking Administrator Andrew Wheeler for the "eleventh-hour" decision.

"This shameful move that epitomizes the Trump EPA's concerted attacks on public health is a transparent attempt to further constrain the incoming administration. It is yet another stain on Mr. Wheeler's dismal record," Richard Denison, lead senior scientist at Environmental Defense Fund (EDF), said in a Jan. 14 statement.

EDF is one of several environmental groups that quickly attacked EPA's Jan. 14 move to scrap a trio of proposed rules issued at the end of the Obama administration to limit or ban several uses of trichloroethylene (TCE), n-methylpyrrolidone (NMP) and methylene chloride.

All three of the proposals had languished throughout the Trump administration, but environmentalists had hoped the Biden EPA could revive them, in order to quickly place binding limits on the solvents while pursuing more comprehensive risk-management rules under the Toxic Substances Control Act's (TSCA) section 6 existing-chemicals

program.

EPA's proposed rules governing each of the three substances were based on relatively narrow chemical assessments that the agency conducted prior to the 2016 overhaul of TSCA.

But officials then selected all three for fuller evaluation under the new section 6 program -- evaluations that the Trump EPA finished in 2020 and cited as justification for scrapping the prior proposals.

As a result of its now-completed reviews, EPA wrote in its Jan. 15 Federal Register notice announcing the withdrawal, "the retention of the inactive prior proposals on the Agency's regulatory agenda is not necessary; indeed, retaining these inactive proposals could be duplicative or could create unnecessary public confusion about the extent and nature of the regulatory actions the Agency intends to take to address unreasonable risks identified for these chemical substances."

Environmental Working Group (EWG) said in a statement that the agency is "leaving it up the incoming Biden administration to restart the long and arduous process required to see these proposals to fruition," without detailing what process it sees as viable to undo the withdrawal.

And Safer Chemicals Healthy Families Director Liz Hitchcock said in a press release, "We are horrified, but not shocked, that the Trump EPA would take this action at the eleventh hour.. . . EPA's refusal to act in the wake of thousands of citizen comments, a mountain of scientific evidence, and hours of testimony in support of these protections is public health malpractice. The Biden Administration should act quickly to address these dangerous chemicals."

Mexico bans GMO corn: 2024 deadline includes elimination of glyphosate herbicide
Tom Doran, AgriNews
https://www.agrinews-pubs.com/business/2021/01/18/mexico-bans-gmo-corn-2024-deadline-includes-elimination-of-glyphosate-herbicide/

Mexico's government has issued a decree to phase out the use of both glyphosate and genetically modified corn for human consumption by 2024.

President Andrés Manuel López Obrador announced the move Jan. 2, noting that biosecurity authorities would "revoke and refrain from granting permits for the release of genetically modified corn seeds into the environment."

The objective of the decision is to "contribute to food security and sovereignty" and protect "native corn, cornfields, bio-cultural wealth, farming communities, gastronomic heritage and the health of Mexicans," the decree stated.

The government also mandated the phasing out of GMO corn imports for use in the food industry by January 2024 and decreed the elimination of glyphosate, a controversial herbicide, by the same date.

While a total ban on the herbicide is still three years away, federal departments will immediately abstain from "purchasing, using, distributing, promoting and importing glyphosate or agrochemicals that contain it as an active ingredient," and culturally appropriate alternatives such as low-toxicity agrochemicals and organic products will be used instead of glyphosate, according to the decree.

It was unclear whether the decree will phase out imported GMO corn for livestock, or whether the rules will apply only to corn grown for human consumption.

Mexico produces predominantly white corn used directly for human consumption in the form of tortillas and other staples of Mexican cuisine. To fulfill domestic demand, Mexico must import about 5% of its white corn.

Top Customer

Mexico is the top buyer of U.S. corn, accounting for 25% of U.S. corn exports that represent 4% of total annual U.S. corn production.

While white corn is the mainstay, Mexico's yellow corn imports are increasing, reflecting Mexico's growing livestock and poultry industries that its scant yellow corn production is unable to support at current rates.

Of the 20.4 million metric tons of corn imported by Mexico from the United States during 2018-2019 and 2019-2020 through March 2020, 95% was yellow corn, according to the U.S. Department of Agriculture's Economic Research Service.

The government of Mexico has taken numerous steps in recent months to safeguard the over 60 types of corn developed with traditional and indigenous agricultural methods that are, by law, considered a part of Mexico's national food and cultural heritage.

Indigenous peoples in the Mesoamerican region cultivated the first strains of corn thousands of years ago, but multinational corporations have been flooding the Mexican market with varieties of corn that have been genetically modified to resist certain types of infestations and adverse climate conditions such as drought.

The Mexican Society of Organic Producers called the move a victory. The group blames GMO crops for contaminating the native, ancient varieties of corn while saying that the widespread use of dangerous pesticides endangers the health of both producers and consumers while undermining biodiversity.

However, GMO advocates such as the National Agricultural Council claim that the prohibition of GMO corn cultivation will harm farmers while curbing imports will harm the Mexican food chain.

"The lack of access to production options puts us at a disadvantage compared to our competitors, such as corn farmers in the United States," said CNA spokeswoman Laura Tamayo, who is also the regional director for the German multinational Bayer AG, the parent company to agro-chemical subsidiary Monsanto.

"On the other hand, the import of genetically modified grain from the U.S. is essential for many products in the agri-food chain."

EPA: List N Disinfectants Can Fight Against New COVID-19 Strains
NA, Clean Link
https://www.cleanlink.com/news/article/EPA-List-N-Disinfectants-Can-Fight-Against-New-COVID-19-Strains--26618?keywords=coronavirus,%20sars-cov-2,%20what%20kills%20covid-19

Disinfectants listed on the U.S. Environmental Protection Agency's (EPA) List N are capable of fighting newer strains of the COVID-19, according to a Tweet sent out last week by the agency's official Twitter account.

The EPA created List N in 2020 to give the public a list of products expected to fight SARS-CoV-2, the novel coronavirus that causes COVID-19. Different disinfectants have been added to the list as they continue to qualify. According to the EPA, disinfectants can be added to the list by:

- Passing a test against SARS-CoV-2

- Demonstrating efficacy against a different coronavirus that is similar to SARS-CoV-2 or against a pathogen that is harder to kill than SARS-CoV-2

"Genetic changes to the virus do not impact efficacy of disinfectants," said the EPA in the tweet.

As of last week, a total of 525 disinfectants have been approved to be on List N.

C-Bond Systems' MB-10 Tablets Receive EPA Label Use Designation for Transportation Applications in the Fight Against COVID-19
Allison Tomek, GLOBE NEWSWIRE
https://www.globenewswire.com/fr/news-release/2021/01/19/2160639/0/en/C-Bond-Systems-MB-10-Tablets-Receive-EPA-Label-Use-Designation-for-Transportation-Applications-in-the-Fight-Against-COVID-19.html

HOUSTON, Jan. 19, 2021 (GLOBE NEWSWIRE) -- C-Bond Systems (the "Company" or "C-Bond") (OTC: CBNT), a nanotechnology solutions company, today announced that its EPA registered MB-10 Tablets® have received a usage designation from the EPA for transportation applications. MB-10 Tablets are a broad spectrum disinfectant effective against a wide range of bacteria and viruses, including SARS-CoV-2, which causes COVID-19.

MB-10 Tablets are safe for hard, non-porous surfaces such as glass, plastics, sealed fiberglass, consoles, A/C, door handles, seating and seat belts, LED/LCD screens and electronics, and a wide range of metal materials, without leaving a residue or odor. MB-10 Tablets, which are easily applied using a commercially available sprayer, effectively disinfect in minutes to provide fast-acting protection that is safe for skin contact and pets.

"Unfortunately, rates of COVID-19 infection continue to climb and therefore the need to disinfect all areas of daily life whenever possible and protect people's health is more critical than ever," stated Scott R. Silverman, Chairman and CEO of C-Bond. "MB-10 Tablets are safe, easily stored, shipped and applied, and, most importantly, they work."

MB-10 Tablets (Reg No.70060-19-46269), included on EPA's List N for use against human coronavirus SARS-CoV-2, are proven effective against emerging viral pathogens, including enveloped and large and small non-enveloped viruses.

Through an exclusive, nationwide distribution agreement with Quip Laboratories, Inc., C-Bond has rights to sell MB-10 Tablets within the verticals it serves, namely transportation. That includes automotive distributors, rental car companies, fleets, public transportation, ride sharing, and more. The Company is also selling MB-10 Tablets through international distribution partners.

About C-Bond
C-Bond Systems, Inc. (OTC: CBNT) is a Houston-based advanced nanotechnology company and marketer of the patented C-Bond technology, developed in conjunction with Rice University and independently proven to significantly strengthen glass in key automotive and structural applications. The Company's Transportation Solutions Group sells C-Bond nanoShield, a liquid solution applied directly to automotive windshields, sold through distributors. The Company's Safety Solutions Group sells ballistic-resistant glass solutions directly to private enterprises, schools, hospitals and government agencies. The Company also sells disinfection products, including MB-10 Tablets. For more information, please visit our website: www.cbondsystems.com, Facebook: https://www.facebook.com/cbondsys/ and Twitter: https://twitter.com/CBond_Systems.

EPA Approves Emergency Exemption for Antiviral Air Treatment
NA, WGNS News Radio
https://www.wgnsradio.com/article/65814/epa-approves-emergency-exemption-for-antiviral-air-treatment

The U.S. Environmental Protection Agency (EPA) announced approval of an emergency exemption request for use of Grignard Pure, as an additional tool in limited use situations to aid in the fight against COVID-19.

EPA is issuing an emergency exemption for Grignard Pure to be used in certain indoor spaces where social distancing can be challenging. Use of this product does not eliminate the need for critical precautions like mask wearing, social distancing, and ventilation. Always follow CDC, state and local public health guidelines.

This exemption has been granted to Georgia and Tennessee state governments. After carefully reviewing safety and efficacy data, EPA has determined the product will provide another tool to assist States with approved emergency exemptions during the current public health emergency. EPA's approval will allow the product to be applied in Georgia and Tennessee in certain indoor spaces where adherence to current public health guidelines is impractical or difficult to maintain. Areas of particular concern include breakrooms, locker rooms, bathrooms, lobbies, elevators, eating areas, and food preparation areas within health care facilities, intrastate transportation, food processing facilities, and indoor spaces within buildings—including government facilities—where people are conducting activity deemed essential by the state.

"Today, we are approving the first-ever airborne antiviral product that will help fight the spread of the novel coronavirus that causes COVID-19,"said EPA Administrator Andrew Wheeler. "There is no higher priority for EPA than protecting the health and safety of Americans and I want to thank those—both within EPA and those outside—who have worked to achieve this important milestone."

"We are deeply grateful to the diligent teams at EPA who were tireless in evaluating and validating the health, safety and efficacy of Grignard Pure as the first-of-its-kind antimicrobial air treatment," said Etienne Grignard, co-founder and CEO, Grignard Pure. "Grignard Pure is a passion and a mission for us. Since the beginning of the pandemic, we have been singularly focused on making Grignard Pure a critical component in achieving the shared commitment we all have—helping people feel safer, getting industries and our economy back to full operation, and using science, technology and engineering to find solutions that move us past the ravages of COVID-19."

EPA is approving these emergency exemption requests from Georgia and Tennessee under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Application levels are monitored through visual assessment, or sensors which automatically regulate the amount of product suspended in the air. Additionally, the EPA-approved label requires that signs be posted at every entrance to the spaces notifying the public that the space has been treated.

Triethylene glycol (TEG) is the active ingredient in Grignard Pure. TEG is commonly used in fog machines for concerts and theatre productions. EPA reviewed all available data on this product's effectiveness and safety and concluded that it is capable of killing 98 percent of airborne SARS-CoV-2. TEG may be an irritant for sensitive populations.

For more information, please visit:https://www.epa.gov/pesticide-registration/section-18-emergency-exemption-requests-and-coronavirus-covid-19.

Opinion: A farmer's view of the impact of agricultural innovation
Dr. Stephanie Mercier and Kasey Bryant Bamberger, AgriPulse
https://www.agri-pulse.com/articles/15149-opinion-a-farmers-view-of-the-impact-of-agricultural-innovation

Throughout much of U.S. history, farmers have benefited from agricultural research. These investments made by public sector institutions generate agricultural research findings and disseminate their results widely. The key trio of such institutions were established during the mid- 19th and early 20th centuries—land-grant universities, to educate students and train agricultural professionals, agricultural research stations, to develop state-specific innovations, and the cooperative extension system, to disseminate information about new technology and practices to farmers and ranchers.

Over the last century and a half, researchers and extension staff employed within these institutions helped to develop and distribute to farmers such innovations as hybrid corn, improved hog genetics, conventionally bred wheat and rice

varieties intended for shorter growing seasons or to resist pests or diseases, end-use enhanced crops such as high oleic soybeans, precision agriculture techniques, and conservation practices such as strip tillage and riparian buffers.

In recent decades, however, the emergence of private sector research has meant that basic research that often involves developing scientific tools occurs within public institutions, and then those tools are utilized in laboratories operated by life science companies to develop innovative crop and animal varieties. For example, a scientist at the University of California at Berkeley, Dr. Jennifer Doudna, was one of the two scientists honored this year with the Nobel Prize for Chemistry for discovering the CRISPR/Cas9 gene editing technology about a decade ago. This technique is now being used by companies around the world to create improved varieties of seeds and animals. So far, they have produced crops with specific traits such as mushrooms and apples that don't turn brown as readily after being exposed to open air, and "waxy" corn with higher starch content for use in food or industrial applications.

Public-private partnerships, especially between university and private company scientists, are a relatively new path for undertaking agricultural research efforts. Many universities, including land-grant institutions such Iowa State University and Cornell University now 'incubate' start-up firms with facilities and support services, aiming to assist those firms in developing new innovations for use in agriculture and other sectors. Work done at the Iowa State Research Park by Fort Dodge Animal Health (now part of Pfizer) helped to develop the first approved vaccine for West Nile virus for horses in 2005.

These efforts demonstrate the crucial complementary nature of these two sets of institutions and the importance of having both public and private sector agricultural research flourish in the U.S. Toward that end, we need to bolster public spending on agricultural research, which has stalled in recent years. Failure to do so will result in the US falling behind major competitors such as Brazil and China.

As described above, today's agricultural research scene is more complicated than it was in the 19th and early 20th centuries, but access to the results of vigorous research by both the private and public sectors is more important than ever to farmers.

Since 2013, the farm has been closely tracking input use and output generated from each of the various fields they cultivate through use of precision technology, allowing them to apply inputs such as fertilizer and seed on fields at a variable rate that closely matches each field's productivity potential. In addition, their inventory management procedures would allow their crops to be traced from the time of harvest from individual fields until the shipment reaches its final destination, such as corn to nearby ethanol plants or a food processing plant in Japan for their non-GMO soybeans, although at this time their customers do not avail themselves of this full capacity. This effort has allowed them to reduce their expenditures [...]

EPA Issues TSCA Section 4 Test Orders for Nine Chemicals Undergoing Risk Evaluation
Lynn L. Bergeson and Carla N. Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/epa-issues-tsca-section-4-test-orders-for-nine-chemicals-undergoing-risk-ev

The U.S. Environmental Protection Agency (EPA) announced on January 15, 2021, that it has issued test orders under Section 4 of the Toxic Substances Control Act (TSCA) to obtain additional data on nine of the next 20 chemicals undergoing risk evaluation. EPA states that after reviewing the available data on these chemicals, it determined additional data are needed and is using its TSCA test order authority to require companies to develop and submit information on environmental hazard and inhalation and dermal exposures for workers. According to EPA, companies subject to the test orders may provide EPA with existing data or conduct new tests. Companies may also form consortia to consolidate costs and burden and to avoid unnecessary duplication of testing. The nine chemicals subject to the Section 4 test orders are:

Chlorinated Solvents:
1,1,2-Trichloroethane;

1,1-Dichloroethane;
1,2-Dichloroethane;
1,2-Dichloropropane;
Trans-1,2-Dichloroethylene;
o-Dichlorobenzene; and
p-Dichlorobenzene;
Flame Retardants:
4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA); and
Phosphoric acid, triphenyl ester (TPP).

EPA states that the orders and any data submitted in response to the orders will be made publicly available on EPA's website and in applicable dockets on www.regulations.gov. More information will be available in a forthcoming memorandum that will be posted on our website.

Take Action: Tell the Biden USDA and Congress to Protect COVID relief for Black, Indigenous, People of Color, and Military Veteran Farmers!
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/01/take-action-tell-the-biden-usda-and-congress-to-protect-covid-relief-for-black-indigenous-people-of-color-and-military-veteran-farmers/

Inadequate funding proposed by the U.S. Department of Agriculture (USDA) for the Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Program (also known as the "Section 2501" program) fails to address historic discrimination and inadequate assistance for farmers of color and military veteran farmers. Funding for the Section 2501 program, which for three decades, has been the only farm bill program specifically addressing needs of these underserved populations in agriculture is smaller this year, placing undue stress on already stretched-thin community organizations working to respond to farmers during this unprecedented period of prolonged economic hardship.

Since 1990, the goal of the Section 2501 program has been to increase historically underserved farmers' awareness of and access to USDA resources—addressing the historic inequities that farmers of color, or socially disadvantaged farmers, faced in accessing USDA programs, including Farm Service Agency (FSA) loans. Congress added military veterans to the program in 2014 as an additional underserved audience. Section 2501 grants provide funding to community-based organizations and minority-serving academic institutions to conduct critical outreach and technical assistance to communities of color and veterans.

Unfortunately, USDA has redirected $2 million of this funding, along with $2 million redirected from Natural Resources Conservation Service (NRCS) conservation technical assistance funds to a separate, administratively created initiative. USDA's a new Centers for Community Prosperity initiative seeks to address economic development in persistent poverty communities, with a focus on faith-based initiatives. This new program is less focused on socially disadvantaged farmers and much more prescriptive in project design than the Section 2501 program. In total, USDA diverted $4.2 million into this new initiative.

Congress recently provided an additional $40 million for the Section 2501 grant program in its latest COVID relief bill passed in December 2020. Please urge USDA to ensure this funding goes directly to Section 2501 grantees and reaches socially disadvantaged farmers, and not be used for any other initiative—such as the Centers for Community Prosperity.

Letter to Congress
As the COVID-19 pandemic drags on, farmers across the country are struggling to keep their farms afloat and plan for the uncertainty that the coming year holds. While farmers have suffered from several years of depressed prices, uncertainty in trade markets, and the increasingly severe impacts of climate change, the already tenuous livelihoods of our nation's most chronically underserved farmers—particularly Black, Indigenous, and people of color farmers–were

made worse this year as a result of the pandemic. I am increasingly concerned about the sustainability of our nation's most underserved farmers who often not only have the fewest resources to draw on but also are most in need of emergency relief and long-term support in these challenging times—as well as the nation's food security that depends on them.

As you know, Congress recently passed its fourth round of emergency relief to help farmers, small businesses, health care professionals, households and communities across the country combat the worsening impacts of the coronavirus pandemic. As directed in the farm bill, the $80 million in additional USDA funding is to be divided equally between USDA's Beginning Farmer and Rancher Development Program and the Outreach and Technical Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Program, also known as the Section 2501 Program.

I urge the Department to move expeditiously to grant these additional Section 2501 funds to eligible entities with the skills and experience to reach socially disadvantaged and veteran farmers and ranchers, including those most impacted by the ongoing coronavirus pandemic. It is my expectation, as is shared [...]

Millions of People Drinking Groundwater with Pesticides or Pesticide Degradates
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/01/millions-of-people-drinking-groundwater-with-pesticides-or-pesticide-degradates/

A study of groundwater that feeds public drinking water supply finds pesticides in 41% of supply wells (and a handful of freshwater springs). Two-thirds of that 41% contain pesticide compounds per se, and one-third contain pesticide degradates — compounds resulting from biotic (or abiotic) transformation of pesticides into other compounds. There is considerable ink (digital and actual) covering the health and environmental impacts of pesticide exposures, and reporting on the issue of pesticide migration into groundwater and waterways. Beyond Pesticides maintains that organic practices in land management, and especially in agriculture, are the solution to the contamination of our waterways and groundwater. Such practices, widely adopted, would have enormous salutary effects on human health and the health of ecosystems and their inhabitants.

Published in Environmental Science & Technology, the study paper reports this research as the "first systematic assessment of raw [untreated] groundwater used for public drinking supply across the United States to include and provide human-health context for a large number of pesticide degradates." Samples for the research were gathered across 1,204 sites — at or near the wellheads — in 23 principal aquifers whose groundwater is tapped for drinking water supply used by approximately 73 million people. The samples were analyzed for 109 pesticides and 116 degradates.

How do pesticide compounds get into groundwater and drinking supplies? Rain or snow melt can transport pesticides from farm fields, residential properties, and managed turf (e.g., golf courses, parks, athletic fields, etc.) through storm drains, or as runoff that is absorbed into surface soils — especially fairly permeable soils. The water than percolates down, in a process known as "recharge," into deeper soils. Any aquifers, whether shallow or deep, acquire this water with the pollutants in it.

Wells that draw on such aquifers, whether public or private, can become contaminated with pesticides and their degradates. The paper notes that, "Pesticide degradates are often detected more frequently and at higher concentrations than their parents due to high transformation rates and because long travel times, common from source to the depth zone used for public supply, support environmental transformation." In addition, aerial pesticide application can land on off-target areas or arrive via drift, contributing to the migration of these compounds through soils and into groundwater.

As context, the paper sets out the magnitude of pesticide use (excluding antimicrobials and biologics) in the U.S. — 400–450 million kg from 2005 through 2012 — and recognizes that "pesticide compounds vary widely with respect to types of human-health effects and potential degree of toxicity." It identifies the five most common agricultural pesticides in

use as of 2017: glyphosate, atrazine, metolachlor-(S), 2,4-D, and acetochlor, and notes results of a 2020 study showing that in the western U.S., atrazine is the most frequently detected pesticide in drinking water supplies (see bullet points, below).

The occurrence of particular pesticide compounds and degradates in groundwater shows variance across different regions of the country. These variances are due to a variety of local factors, including: particular regional agricultural pesticide uses and protocols; proximity to non-agricultural sources of pesticide use (e.g., golf courses or other managed turf); local hydrological dynamics; and the nature of the local/regional soils, among others.

Among the analysis data of the research were these outcomes:

*nearly 75% of sites with at least one pesticide detected also had degradates present
*23% of sites showed the presence of degradates in the absence of any pesticide active ingredients
*the five compounds with the largest concentrations in samples were degradates of 4-hydroxychlorothalonil (a degradate of chlorothalonil), alachlor, atrazine, and [...]
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5 Recent Actions That Epitomize Andrew Wheeler's Caustic Chemical Safety Legacy
Genna Reed, Clean Technica
https://cleantechnica.com/2021/01/19/5-recent-actions-that-epitomize-andrew-wheelers-caustic-chemical-safety-legacy/

As peoples' minds have rightfully been on the state of our democracy and the Trump administration has been shedding agency heads left and right after inciting insurrection, the EPA's administrator, Andrew Wheeler, has stuck around to finalize a long list of destructive items that represent the administration's agenda all along: industry profits over public health.

Specifically, in its final days, the administration has taken a wrecking ball to the scientific basis for public protections against hazardous chemicals. Wheeler even had the gall to promote the EPA's Environmental Justice report, after we know that under his leadership, longstanding inequities have been neglected or made even worse. For example, environmental contaminants have not been as readily cleaned up at Superfund sites in communities of color. And Wheeler has weakened safety assessments of harmful chemicals by failing to use the best available science, which means fewer protections for those already carrying the burden of environmental toxins.

It's important to note that behind each of these actions there are EPA career scientists doing important work at the agency, but who have been thwarted by political officials at the EPA or the White House at different stages of the process.

Here are just five actions from the past two weeks that illuminate the Trump administration's toxic legacy on chemical safety:

#1: Reversed course on bans for TCE, NMP, and Methylene Chloride
In today's federal register, the EPA announced its intention not to finalize several bans proposed by its own staff under the Obama administration for three highly toxic chemicals: TCE, NMP, and methylene chloride. Over the past few years, the Trump administration has actively worked to delay or weaken these proposed bans and then reassess the chemicals using methods that were criticized by its own Scientific Advisory Committee on Chemicals. Last year, the White House was inappropriately involved in rewriting the EPA's risk evaluation for TCE (a chemical used in dry cleaning and vapor degreasing facilities which can cause cancer and has development effects), downplaying the association between exposure and fetal heart defects. In 2019, the EPA issued a partial ban on methylene chloride (a chemical used in paint strippers linked to cancer and can be acutely lethal) for consumer uses, failing to adequately protect workers at risk of illness and death.

In response, the Environmental Defense Fund's lead senior scientist, Richard Denison, stated that "It appears that blocking these bans and denying crucial protections to workers and consumers for four years was not enough for the Trump EPA. This shameful move that epitomizes the Trump EPA's concerted attacks on public health is a transparent attempt to further constrain the incoming administration. It is yet another stain on Mr. Wheeler's dismal record."

#2: Pressured scientists to weaken PFBS risk assessment
A Politico story on Wednesday reported on news from internal EPA sources that risk assessment for PFBS (a short-chain PFAS replacement for PFOS used in firefighting foam, food packaging, and other products) was significantly weakened by issuing a range for reference doses rather than a single number. The change was made by staffers in the agency's pesticides office at the direction of political officials, not the career scientists at the EPA who have been working on this assessment for years. In fact, several of those scientists would not put their names on the document as a result.

Typically, the EPA's IRIS program conducts a systematic review of the best available evidence and suggests a single reference dose (RfD), which is the amount of something one can be exposed to in the short-term (acute) or long-term (chronic), which is likely to result in a low risk of negative health effects. The inclusion of a range of values is something that industry has been advocating for because it allows states to pick the preferable end of the [...]

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And while you're reading.... Remember to shoot your coworkers a shooting star!