Message

From: Griffin, Stephanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A13972C00574B1E8E84DA5B1F1528AD-GRIFFIN, ST]
Sent: 6/21/2021 3:20:09 PM
To: Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: EPA Contact for Additional ChemWatch Presentation
Attachments: June 2021 ChemWatch Presentation_PFAS Data Call NPRM.pptx

Actually- here's the version w/ OGC's concurrence just now. Only a few small edits vs. the version I shared earlier.

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Monday, June 21, 2021 10:24 AM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>
Subject: RE: EPA Contact for Additional ChemWatch Presentation

Thank you, ma'am. 😊

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Monday, June 21, 2021 9:58 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: EPA Contact for Additional ChemWatch Presentation

Sure— still awaiting OGC clearance, but if Tala would like to review concurrently, that should be fine.
These are largely the same slides from the OMB kick-off presentation a few months ago, but updates include:

- Updated PFAS and cost numbers
- Projected schedule for implementation [placeholders for when the rule will publish; will update/delete placeholders if we don't hear from OFR on publication by Weds.]
- Added slide on specific items for which we're requesting public comment
- Added appendix slides listing proposed reporting data elements, with corresponding section 8(a)(2) sub-paragraphs

Thanks!

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Monday, June 21, 2021 9:51 AM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>
Subject: RE: EPA Contact for Additional ChemWatch Presentation

Hey Steph –

Gentle nudge to remember to send up those slides when you can… Tala did express an interest in looking at them.
(FWIW, to the extent you can let us know how closely they hew to the previously cleared slides, that would help)

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Monday, June 21, 2021 8:26 AM
To: Rose Maloney <rose.maloney@chemicalwatch.com>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Judy Jackson <judy.jackson@chemicalwatch.com>
Subject: RE: EPA Contact for Additional ChemWatch Presentation

Hi Rose,
Thanks for sending the below information. As you're likely aware, Friday ended up being a federal holiday for employees, so I'm sorry we weren't able to connect then. I have availability all morning today for a quick call to connect. Please feel free to call at a time convenient for you: 202-564-1463. Additionally, could you confirm when I'm scheduled to speak?

Attached is a brief biography and photo for the program.
Thank you!

Stephanie Griffin
Data Collection Branch
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
(202) 564-1463 | griffin.stephanie@epa.gov

From: Rose Maloney <rose.maloney@chemicalwatch.com>
Sent: Friday, June 18, 2021 7:50 AM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Judy Jackson <judy.jackson@chemicalwatch.com>
Subject: Re: EPA Contact for Additional ChemWatch Presentation

Dear Stephanie,

Further to Judy's email, I wanted to get in touch with some practical information for next week's conference.

We have asked all speakers to pre-record their presentations in case of technical difficulties on the day and to join live for the Q&A. I've attached a guide with some useful information and links and would be very happy to have a quick call this morning to discuss if there is a good time for you?

On Wednesday, speakers will join the conference via Zoom. I have just sent over a calendar invite with the details but for easy reference, the link to join is Ex. 6 Personal Privacy (PP)

I also wondered if you have a picture and short biography to hand that we can use for your speaker profile on the event website?

Thanks once again Stephanie. Please let me know if there is a good time to talk this morning and I can set up a practice Zoom call.

Best wishes,
Rose

Rose Maloney
Senior Events Manager

Ex. 6 Personal Privacy (PP) (mobile)
+44(0)1743 818 293 (events)
+44(0)1743 818 101 (head office)

chemicalwatch.com

On Fri, 18 Jun 2021 at 10:52, Judy Jackson <judy.jackson@chemicalwatch.com> wrote:

Dear Alison,

Many thanks for the call yesterday and for your email. We are so pleased that Stephanie will present at next week's conference.

Can I just confirm that the topic will be 'The Proposed TSCA (8) PFAS Reporting Rule'. We agreed that the presentation will be for 15 minutes with a limited Q&A when clarifying questions only will be answered.

My colleague Rose, in cc, will be in touch with Stephanie later today to discuss final details for next week.

Thanks again and very best regards

Judy

Judy Jackson

Events Director - Head of Global Events

Ex. 6 Personal Privacy (PP) (mobile)
+44(0)1743 818 101 (head office)
chemicalwatch.com

On Thu, 17 Jun 2021 at 22:42, Pierce, Alison <Pierce.Alison@epa.gov> wrote:

Hi Judy –

Thanks again for connecting today (and for understanding the limitations that EPA has to operate under for a presentation on the PFAS reporting rule at this juncture!). Stephanie Griffin, copied, will be EPA's presenter on this. If your team could kindly connect with her to hammer out the final details (timing, etc), we'd be appreciative.

Best,

Alison

Alison Pierce

Chief of Staff, Office of Pollution Prevention and Toxics

202.564.2437 (office) | 202.480.3346 (cell) | pierce.alison@epa.gov

Message

From: Griffin, Stephanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A13972C00574B1E8E84DA5B1F1528AD-GRIFFIN, ST]
Sent: 6/29/2021 5:54:06 PM
To: Andrew Stoeckle [Andrew.Stoeckle@erg.com]
Subject: RE: TSCA PFAS Data Call

Sure, I'm free today until 5, and on Thursday morning until 11. Do either of these times work for you?

From: Andrew Stoeckle <Andrew.Stoeckle@erg.com>
Sent: Tuesday, June 29, 2021 1:52 PM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>
Subject: TSCA PFAS Data Call

Stephanie,

We were looking at the FR Notice and supporting EA document and had a few questions, mostly about the PFAS definition for the EA and for Data Call itself.

This is relevant to work we're doing to harmonize all things PFAS across the Agency.

Do you have time to discuss?

Andrew

Andrew Stoeckle | VP, Information and Analysis | *he/him/his* | Eastern Research Group | c. 617.413.9931

Appointment

From: Griffin, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a13972c00574b1e8e84da5b1f1528ad-Griffin, St]
Sent: 4/28/2021 1:24:53 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]; Muneer, Alie [muneer.alie@epa.gov]
CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Masten, Bethany [Masten.Bethany@epa.gov]; Welbourn, Brandon [Welbourn.Brandon@epa.gov]; Pickell, Casey [pickell.casey@epa.gov]; Pisarick, Marissa [pisarick.marissa@epa.gov]; Holleran, Anne [Holleran.Anne@epa.gov]

Subject: 8(a) PFAS Data Call Workgroup Meeting
Attachments: Untitled Attachment; Untitled Attachment
Location: Microsoft Teams Meeting

Start: 4/28/2021 6:00:00 PM
End: 4/28/2021 7:00:00 PM
Show Time As: Free

Recurrence: Weekly
every Wednesday from 2:00 PM to 3:00 PM
Required Attendees: Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne; Muneer, Alie
Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa; Holleran, Anne

Cancelling the 10/5 meeting. Be on the lookout for an email update from Alie.

Putting standing weekly meetings on the calendar; we'll cancel if there's no need for a meeting.

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Message

From: Schechter, Kathryn [Schechter.Kathryn@epa.gov]
Sent: 1/28/2022 3:51:44 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]
CC: Butler, Tristan [Butler.Tristan@epa.gov]
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Friday, January 28, 2022 10:43 AM
To: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Cc: Butler, Tristan <Butler.Tristan@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Friday, January 28, 2022 10:28 AM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Friday, January 28, 2022 10:04 AM
To: Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Thanks... So I have two takeaways on this:

Ex. 5 Deliberative Process (DP)

Thanks again!

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Friday, January 28, 2022 9:56 AM
To: Butler, Tristan <Butler.Tristan@epa.gov>; Griffin, Stephanie <griffin.stephanie@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Schechter, Kathryn
Sent: Friday, January 28, 2022 9:53 AM
To: Butler, Tristan <Butler.Tristan@epa.gov>; Griffin, Stephanie <griffin.stephanie@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

Kathy

From: Butler, Tristan <Butler.Tristan@epa.gov>
Sent: Friday, January 28, 2022 9:21 AM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Hi Stephanie,

I have nothing additional to add Ex. 5 Deliberative Process (DP) and I agree with your takeaway. Thanks!

Tristan

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Friday, January 28, 2022 9:11 AM
To: Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Hi Kathy and Tristan,

Ex. 5 Deliberative Process (DP)

Thanks!
Steph

From: Griffin, Stephanie
Sent: Wednesday, January 26, 2022 4:52 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Thanks everyone for your input—I appreciate the helpful feedback. Below I added Kathy and Tristan's earlier input to

Ex. 5 Deliberative Process (DP)

Please let me know if anything above is incorrect. I want to ensure I'm addressing OGC concerns and we can provide a reasonable line in the sand for the potential continuation of the proposed definition.
Thanks,
Steph

From: Bushman, Daniel <Bushman.Daniel@epa.gov>
Sent: Wednesday, January 26, 2022 4:23 PM
To: Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Griffin, Stephanie <griffin.stephanie@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

Daniel R. Bushman, Ph.D.
Petitions Coordinator and Chemical List Manager
Toxics Release Inventory Program
202-566-0743
www.epa.gov/tri/chemicals

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Wednesday, January 26, 2022 4:15 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Griffin, Stephanie <griffin.stephanie@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Bushman, Daniel <Bushman.Daniel@epa.gov>
Sent: Wednesday, January 26, 2022 4:05 PM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

Daniel R. Bushman, Ph.D.
Petitions Coordinator and Chemical List Manager
Toxics Release Inventory Program
202-566-0743
www.epa.gov/tri/chemicals

From: Butler, Tristan Butler.Tristan@epa.gov
Sent: Wednesday, January 26, 2022 4:08 PM
To: Schechter, Kathryn Schechter.Kathryn@epa.gov; Griffin, Stephanie griffin.stephanie@epa.gov; Bushman, Daniel Bushman.Daniel@epa.gov
Cc: Turk, David Turk.David@epa.gov
Subject: RE: 8a7 scope: specific substances of interest

Hi All,

I don't have much to add beyond what Kathy already sent, but H=here are my thoughts regarding the specific substances mentioned in Stephanie's email:

Ex. 5 Deliberative Process (DP)

PFMOAA- Does not meet the OPPT working definition of PFAS and does not contain an obvious synthetic byproduct that is PFAS. I do not see a way to adjust the OPPT working definition to include this substance. Most likely degrades into TFA

Fluorinated gases- It is difficult to say which of these substances would or would not meet the OPPT working definition, but it is safe to say that some of these substance would be excluded from reporting if current definition is used to define the scope.

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Wednesday, January 26, 2022 3:57 PM
To: Griffin, Stephanie <griffin.stephanie@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: RE: 8a7 scope: specific substances of interest

Ex. 5 Deliberative Process (DP)

From: Griffin, Stephanie <griffin.stephanie@epa.gov>
Sent: Wednesday, January 26, 2022 3:31 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>
Subject: 8a7 scope: specific substances of interest

Hi Kathy, Tristan, and Dan,

Here is the Teams file of comment excerpts & their summary describing specific substances that they believe are out of scope of the NPRM's definition, and would like to have included in the final rule. Some of the more commonly cited substances:

-various fluoropolymers, including PVDF, Fluoroethylene vinyl ether (FEVE), Ethylene-chlorotrifluoroethylene copolymer (ECTFE), and Polychlorotrifluoroethylene (PCTFE)
-trifluoroacetic acid (TFA) and other short-chain perfluorinated carboxylic acids
-fluorinated gases with only one -CF3 group, including HFCs, HFOs, and HCFOs

-PFMOAA

Ex. 5 Deliberative Process (DP)

Note- I haven't yet thoroughly reviewed and edited the summary. If you see problems within the summary, please feel free to flag those for me!

Stephanie Griffin
Data Collection Branch
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
(202) 564-1463 | griffin.stephanie@epa.gov

Appointment

To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]

Start: 2/9/2022 7:00:00 PM
End: 2/9/2022 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne

Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

2/9 meeting agenda:

- Updates on topics discussed last week:
  - Confirming we will not cover processors in this rule
  - Definition of PFAS – continuing to meet with other offices to confirm whether the proposed definition

    Ex. 5 Deliberative Process (DP)
  - All comment topics have now been summarized and are in Teams
- Reminders:
  - Please continue to review the comment summaries and provide thoughts on comments as needed in Teams
  - For everyone in the workgroup—please provide any feedback on the proposed PFAS definition, especially with respect to substances of interest which may be out of scope
  - Provide any details related to the benefits of the rule to different programs/offices/activities to Leigh – the more specificity (e.g., which data elements exactly will be of use), the better
- Continue discussion on possible reporting thresholds: Options Selection list 1-5-22.docx

Putting standing weekly meetings on the calendar; we'll cancel if there's no need for a meeting.

Moving the meeting series to my calendar.

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Appointment

To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]

Start: 3/2/2022 7:00:00 PM
End: 3/2/2022 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne

Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

3/2 Agenda:

1. Continued discussion on the scope of covered PFAS, following feedback from different offices. Possible solutions:
   a.
   b. **Ex. 5 Deliberative Process (DP)**
   c.
2. Continue to review public comments related to a reporting threshold and certain exemptions (general comments, de minimis, byproducts, impurities, and R&D substances). Please continue marking up the Options Selection file with considerations (including pros/cons) that should be captured for senior management during options selection.
   a. If possible, let's aim for getting all workgroup considerations & straw polls for the options related to reporting threshold & reporting exemptions by the end of next week's meeting.

Putting standing weekly meetings on the calendar; we'll cancel if there's no need for a meeting.

Moving the meeting series to my calendar.

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Appointment

To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]

Start: 3/23/2022 6:00:00 PM
End: 3/23/2022 7:00:00 PM
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Recurrence: (none)

Required Attendees: Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne

Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

3/23 meeting agenda

1. SBAR Panel updates? (Cora)
2. Following up on PFAS scope/definition
   a. Any updates or thoughts on the potential additions file?
   b. Ex. 5 Deliberative Process (DP)
3. Following up on tiered/staggered reporting comments & options to put forward
   a. Note—edit to the comment summary since last meeting
4. If time- begin discussion on including articles (in general; not just imported articles)
   a. Comment summary

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To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]

Start: 3/30/2022 6:00:00 PM
End: 3/30/2022 7:00:00 PM
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Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

3/30 agenda:

1. SBAR Panel updates?
2. Other updates – see outline of final rule FRN in Teams. Any theme or topics missing from the outline?
3. PFAS Definition – see below reminder on options to review and provide input
   a.
   b.

   Ex. 5 Deliberative Process (DP)
4. Any other updates to the discussion on Staggered/Tiered Reporting options?
   a. See summary of public comments and considerations for different options
5. Begin discussion on comments related to the inclusion of articles in general (5e in the RTC files). There are a few questions for the workgroup in the comments of the summary.

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To: Lan, Alexis [lan.alexis@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]
CC: Hummel, Natalie [Hummel.Natalie@epa.gov]

Start: 4/6/2022 6:00:00 PM
End: 4/6/2022 7:00:00 PM

Recurrence: (none)

Required Attendees: Lan, Alexis; Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne
Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

4/6 meeting agenda:

- SBAR Panel updates?
- Other updates:
  - Met with Michal yesterday to go over options related to reporting threshold and certain reporting exemptions (de minimis, impurities, byproducts, and R&D substances)
  - Thanks to those who've reviewed the FRN outline! I'll start adding information to the background section
  - PFAS definition: received feedback from Tala last week on viable rationales for modifying the proposed definition. It may be in the workgroup's best interest to move this discussion to a separate standing meeting among the workgroup members with equities and/or interest in this outcome until we've figured out the scope for the final rule. – if this works for others, I'd like to send an invite for a Tuesday or Thursday meeting on this topic
- Next RTCs to discuss (before end of April): tiered reporting; articles/article importers; small business exemptions
  - Workgroup poll on tiered reporting options—aim for next week if the workgroup isn't ready to vote today?
  - Begin discussion on public comments on including articles (generally) – see questions for the workgroup within the comment summary of the RTC file 05e Including Articles (General) comment-response-document.docx
  - If time, start reviewing comments related to article importers specifically 05eii Article Importers comment-response-document.docx

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Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon

4/21 Meeting Agenda:

- SBAR Panel updates & recap of Panel Outreach Meeting
- Other announcements/updates:
  - PFAS definition?
  - ERG contract for document support: RTCs & compliance determination
- Workgroup discussion – see RTC files & draft options slides:
  - Continue review of article/article importer comments & options
  - Start review of small manufacturer assistance comments & options
  - **Goal: poll workgroup preferences during next week's meeting on articles and small manufacturer assistance options**

One-time rescheduling due to SBAR Panel Meeting conflict on April 20.

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Start: 4/13/2022 6:00:00 PM
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Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon

4/13 meeting agenda:

- SBAR Panel updates?
- Other announcements/updates:
  - Any updates from NCD on the PFAS definition inquiry, ahead of tomorrow's check-in?
  - Hoping to move forward on comment/RTCs and options discussions more quickly – aiming to discuss comments/options related to article importers and small businesses by end of month
  - Last comment topics/options to address: joint submissions, data elements (including env/health effects data) → anything else?
- Workgroup poll: tiered reporting options (draft slides here)
- Continue last week's discussion on articles, including these 3 questions from the RTC document 05e Including Articles (General) comment-response-document.docx:
  - With respect to concerns over duplicative information for re-imports: Are there any other reporting rules that distinguish initial imports from re-imports?
  - In response to commenter suggestion that EPA exempt certain articles that have less exposure potential: Does EPA have enough information to support exempting some types of articles but not others?
  - Any other thoughts on responses to comments for this topic, which aren't already captured?
- Start article importers discussion 05eii Article Importers comment-response-document.docx
  - Many similar comments as above (articles, generally), but a few questions have been flagged in the summary for the workgroup

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Start: 6/15/2022 6:00:00 PM
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Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa

6/15 meeting agenda

- SBAR Panel updates
- Other announcements/updates
  - Outcomes of the 2 OS briefings with the AA
  - Follow-up WG discussions needed related to potential burdens of different options for the PFAS definition, and possible ways to carve out exemptions for certain waste management facilities, if viable
- Next steps:
  - Steph working to upload the draft RTCs into the ERG Comment Cat tool. ERG will return a full first draft of the RTC for workgroup review.
  - Concurrently working on final Panel report and IRFA.
  - WG should continue working on the FRN using input from OS briefings.
  - Steph will also provide an outline of future compliance guidance/reporting instructions to start and will circulate among the WG for input, using CDR 2020 instructions as template (with comments noting where edits or new sections are needed). ERG will be able to start formatting a first draft with an initial outline.

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Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa

7/20 meeting agenda:

- SBAR Panel updates?
- Updates on certain waste management exemptions?
- Note on the final rule/preamble: Final Rule Outline 3-23-22.docx Thanks all for reviewing the draft so far! I started drafting the final rule text in the preamble draft document. Items to flag that need attention/follow-up:
  - The preamble discussion on the PFAS definition (ie, justification under 8a5)
  - Preamble & reg text discussion on CBI/joint submissions
  - How to incorporate the streamlined reporting form options in the reg text (see questions for the WG in comments)
- Note on the RTC: the first draft of the RTC document is on Teams: PFAS Data Call RTC Document_7_14_22_SG edits.docx ("Public Comments" folder)
  - We'll need to revisit some of the draft responses to a few topics, like the PFAS definition and certain exemptions. But this is a great first draft – take a look at how much the WG has done so far in summarizing the comments and drafting responses!
  - I think it'll be cleaner to review and edit any comment responses in just one document than multiple, so for now, we'll hold off on populating the RTC discussion in the final rule preamble and simply add that down the road as we finalize the responses.
- WG discussion: see initial questions for EPA from ERG as they're compiling reporting instructions/guidance for the rule. Compliance Guidance Document_Questions for EPA.docx (also in Teams: "Instructions & Guidance" folder)
  - I highlighted the questions they posed that I couldn't answer at the time/wanted to bring up to the WG. My responses/questions to the WG are in red.

- The following items will be helpful to discuss with the WG: logistical questions on reporting chem ID/molecular structure; requirements related to byproducts and worker exposure data; how to respond when a manufacturer knows some of the info but not all (eg, some downstream use info is NKRA)?

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Attachments: PFAS 8a7 Workgroup: 8/17 Meeting Discussion

Start: 8/17/2022 6:00:00 PM
End: 8/17/2022 7:00:00 PM

Recurrence: (none)

Required Attendees: Lan, Alexis; Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne

Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa; Holleran, Anne

8/17 Meeting Agenda:

- Updates & check-ins
  - NODA/IRFA package review status?
  - CBI approach discussion (still on track to resolve by 8/19?)
  - CompTox development of PFAS list?
  - Approach to reporting mixtures, polymers, and UVCBs: OPPT members suggest using CDR approach for mixtures, and reporting UVCB & polymers as single substances, with ability/option to provide more info on composition of UVCB & polymer if known at time of manufacture. Does this work for others in the WG?
  - Preamble & RTC discussion of PFAS structure definition – reminder to continue reviewing by 8/19. Are additional sources/references still needed? (See also: my comments in preamble & RTC on rationale related to TFA)
  - Anything else?
- Certain waste management site exemption – see 8/16 email (attached)
  - WG input on how to define exemption
  - Additional perspective/technical rationale for those byproducts' exemption (maybe 8a5A, 'unnecessary')?

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Appointment

To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]; Masten, Bethany [Masten.Bethany@epa.gov]; Welbourn, Brandon [Welbourn.Brandon@epa.gov]; Pickell, Casey [pickell.casey@epa.gov]; Pisarick, Marissa [pisarick.marissa@epa.gov]; Holleran, Anne [Holleran.Anne@epa.gov]

Start: 8/24/2022 6:00:00 PM
End: 8/24/2022 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne
Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa; Holleran, Anne

8/24 meeting agenda

- Status of remaining items for rule direction:
  - CBI issues
  - Ex. 5 Deliberative Process (DP)
  - Discussion of PFAS definition in preamble & RTC: any concerns? Additional sources/cites needed?
- Any other items?
- Ex. 5 Deliberative Process (DP)

Putting standing weekly meetings on the calendar; we'll cancel if there's no need for a meeting.

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Appointment

From: Smith, Peterj [Smith.Peterj@epa.gov]
Sent: 3/1/2021 2:00:14 PM
To: Smith, Peterj [Smith.Peterj@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Turk, David [Turk.David@epa.gov]; Griffin, Stephanie [griffin.stephanie@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Sleasman, Katherine [Sleasman.Katherine@epa.gov]; Siu, Carolyn [siu.carolyn@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]
CC: Hofmann, Angela [Hofmann.Angela@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Rice, Cody [Rice.Cody@epa.gov]; OP ADP Calendar [OP_ADP_Calendar@epa.gov]; Walker, Sherri [Walker.Sherri@epa.gov]

Subject: EO 12866 Review Introductory Briefing: TSCA §8(a) PFAS Data Call NPRM (RIN 2070-AK67)
Attachments: RIN2070-AK67_EO12866_PFAS-TSCA 8a_NPRM_IntroBriefing_2021-03-03.pptx
Location: Microsoft Teams Meeting

Start: 3/3/2021 7:00:00 PM
End: 3/3/2021 8:00:00 PM
Show Time As: Free

Required Attendees: David Widawsky; Reisman, Larry; Turk, David; Griffin, Stephanie; Barkas, Jessica; Schechter, Kathryn; Callahan, Leigh; Sleasman, Katherine; Siu, Carolyn; Schwarz, Stephanie; Cooperstein, Sharon
Optional Attendees: Hofmann, Angela; Pierce, Alison; Blair, Susanna; Ryan Schmit (schmit.ryan@epa.gov); Wallace, Ryan; Williamson, Tracy; Cody Rice; OP ADP Calendar; Walker, Sherri

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Appointment

To: Sharkey, Susan [Sharkey.Susan@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Griffin, Stephanie [griffin.stephanie@epa.gov]; Ruedy, Daniel [Ruedy.Daniel@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]
CC: Turk, David [Turk.David@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Snyder, Charlotte [snyder.charlotte@epa.gov]; Gaona, Sandra [Gaona.Sandra@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Sumner, Mitchell [sumner.mitchell@epa.gov]; Briere, Caitlin [briere.caitlin@epa.gov]; Senthil, Velu [Senthil.Velu@epa.gov]; Roach, Amanda [Roach.Amanda@epa.gov]; Muneer, Alie [muneer.alie@epa.gov]

Start: 11/2/2022 2:30:00 PM
End: 11/2/2022 3:00:00 PM

Recurrence: (none)

Required Attendees: Smith, ThomasA; Griffin, Stephanie; Ruedy, Daniel; Booth, Joshua

Draft agenda:

1. National Report – PFAS

Question: Does OCSPP/OPPT actually have its own working list of PFAS, or is it that we (OPPT) have our own working definition (based on chemical structure) as to what a PFAS is according to OPPT?

Draft text for report:

> As for PFAS analyses were based on the PFAS for which CDR reports were received and that appear on OPPT's working list of PFAS. This list is subject to changes based on new PFAS submitted to the agency as pre-manufacture notices, updates to OPPT's definition of PFAS (e.g., those resulting from new regulations and regulations in progress), and/or identifying additional PFAS through other means. The list of PFAS, based on OPPT's working definition, are included in this table. To learn more, see the links below.
>
> TSCA risk evaluation webpage
> Agency PFAS webpage

2. Data Quality Alert update
3. Other?

This is the weekly CDR program team meeting. Discussion topics will be added prior to each meeting.
Please forward to others as needed.
Note: There is a separate CDR interpretive guidance meeting scheduled on Tuesdays.

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Appointment

To: Sharkey, Susan [Sharkey.Susan@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Griffin, Stephanie [griffin.stephanie@epa.gov]; Ruedy, Daniel [Ruedy.Daniel@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]

CC: Turk, David [Turk.David@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Snyder, Charlotte [snyder.charlotte@epa.gov]; Gaona, Sandra [Gaona.Sandra@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Sumner, Mitchell [sumner.mitchell@epa.gov]; Briere, Caitlin [briere.caitlin@epa.gov]; Senthil, Velu [Senthil.Velu@epa.gov]; Roach, Amanda [Roach.Amanda@epa.gov]; Muneer, Alie [muneer.alie@epa.gov]

Start: 11/2/2022 2:30:00 PM
End: 11/2/2022 3:00:00 PM

Recurrence: (none)

Required Attendees: Smith, ThomasA; Griffin, Stephanie; Ruedy, Daniel; Booth, Joshua

Draft agenda:

1. National Report – PFAS

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Message

From: Griffin, Stephanie [griffin.stephanie@epa.gov]
Sent: 10/16/2020 7:47:15 PM
To: Turk, David [Turk.David@epa.gov]

In regards to the withdrawn LVEs, I don't see a problem putting the with drawn ones on the list (we would use case number and generic name probably), but it seems like Tala wanted to know if they should be exempt by looking at them individually. Hopefully we can get that decision next week. Ohhh, is the issue that the reporting requirement includes companies who in the past could have commercialized these LVEs but have since ceased and so adding these LVEs to the list would yield a disproportionate burden to profit ratio for these companies? I need to read the scope of the PFAS definition and those subject to the reporting requirement.

Message

From: Griffin, Stephanie [griffin.stephanie@epa.gov]
Sent: 10/16/2020 7:55:29 PM
To: Turk, David [Turk.David@epa.gov]

I'm sorry, what do you mean we're pushing back against the broad PFAS definition?

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 10/16/2020 8:03:25 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]

Maybe I'm misunderstanding something. What I meant is that there are various ways to define what constitutes PFAS and we're selecting a given definition that isn't the broadest definition available to us.

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 2/16/2021 8:52:49 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]

We should include OGC. Might not be a bad idea to include Kathy given the PFAS definition... Jessica for CBI would be fine as well. There's definitely a balance because (a) you want to answer Qs that arise but (b) sometimes there's a benefit in deliberating before answering.

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 2/9/2021 7:29:09 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]

Here's what I have drafted to send to DAve: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Appointment

From: Griffin, Stephanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A13972C00574B1E8E84DA5B1F1528AD-GRIFFIN, ST]
Sent: 4/28/2021 1:24:53 PM
To: Griffin, Stephanie [griffin.stephanie@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sharkey, Susan [Sharkey.Susan@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Smith, ThomasA [smith.thomasa@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Callahan, Leigh [Callahan.Leigh@epa.gov]; Dean, Rachel [Dean.Rachel@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Shortt, Veronica [Shortt.Veronica@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]; Jacob, Annie [Jacob.Annie@epa.gov]; Raccor, Brianne [Raccor.Brianne@epa.gov]
CC: Turk, David [Turk.David@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Booth, Joshua [Booth.Joshua@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Hummel, Natalie [Hummel.Natalie@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]; Masten, Bethany [Masten.Bethany@epa.gov]; Welbourn, Brandon [Welbourn.Brandon@epa.gov]; Pickell, Casey [pickell.casey@epa.gov]; Pisarick, Marissa [pisarick.marissa@epa.gov]; Holleran, Anne [Holleran.Anne@epa.gov]

Subject: 8(a) PFAS Data Call Workgroup Meeting
Attachments: Untitled Attachment; Untitled Attachment
Location: Microsoft Teams Meeting

Start: 4/28/2021 6:00:00 PM
End: 4/28/2021 7:00:00 PM
Show Time As: Busy

Recurrence: Weekly
every Wednesday from 2:00 PM to 3:00 PM
Required Attendees: Griffin, Stephanie; Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Lan, Alexis; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne
Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora; Masten, Bethany; Welbourn, Brandon; Pickell, Casey; Pisarick, Marissa; Holleran, Anne

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Appointment

To: Lan, Alexis [lan.alexis@epa.gov]
CC: Hummel, Natalie [Hummel.Natalie@epa.gov]

Start: 4/6/2022 6:00:00 PM
End: 4/6/2022 7:00:00 PM

Recurrence: (none)

Required Attendees: Lan, Alexis; Bushman, Daniel; Sharkey, Susan; Cooperstein, Sharon; Butler, Tristan; Raffaele, Kathleen; Lee, Virginia; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Dean, Rachel; Gorder, Chris; Shortt, Veronica; Foster, Stiven; Schwarz, Stephanie; Cybulski, Walter; Barkas, Jessica; Milton, Philip; Franklyn, Valarie; Jacob, Annie; Raccor, Brianne
Optional Attendees: Turk, David; Fisher, Bethany; Booth, Joshua; Rodman, Sonja; Rebersak, Shannon; Hummel, Natalie; Stanley, Cora

4/6 meeting agenda:

- SBAR Panel updates?
- Other updates:
  - Met with Michal yesterday to go over options related to reporting threshold and certain reporting exemptions (de minimis, impurities, byproducts, and R&D substances)
  - Thanks to those who've reviewed the FRN outline! I'll start adding information to the background section
  - PFAS definition: received feedback from Tala last week on viable rationales for modifying the proposed definition. It may be in the workgroup's best interest to move this discussion to a separate standing meeting among the workgroup members with equities and/or interest in this outcome until we've figured out the scope for the final rule. – if this works for others, I'd like to send an invite for a Tuesday or Thursday meeting on this topic
- Next RTCs to discuss (before end of April): tiered reporting; articles/article importers; small business exemptions
  - Workgroup poll on tiered reporting options—aim for next week if the workgroup isn't ready to vote today?
  - Begin discussion on public comments on including articles (generally) – see questions for the workgroup within the comment summary of the RTC file 05e Including Articles (General) comment-response-document.docx
  - If time, start reviewing comments related to article importers specifically 05eii Article Importers comment-response-document.docx

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Appointment

From: Lan, Alexis [lan.alexis@epa.gov]
Sent: 1/4/2021 11:09:31 PM
To: Lan, Alexis [lan.alexis@epa.gov]; Welbourn, Brandon [Welbourn.Brandon@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Harris, Kimberly [harris.kimberly@epa.gov]; Morton, Michael [Morton.Michael@epa.gov]; Shields, Amy [Shields.Amy@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Mazza, Carl [Mazza.Carl@epa.gov]; Behl, Betsy [Behl.Betsy@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]; Fitz-James, Schatzi [Fitz-James.Schatzi@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Vasu, Amy [Vasu.Amy@epa.gov]; Kahn, Lisa (she/her) [Kahn.Lisa@epa.gov]; Albert, Ryan [Albert.Ryan@epa.gov]; Goodwin, Kara [goodwin.kara@epa.gov]; Balasa, Kate [balasa.kate@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Evangelista, Pat [Evangelista.Pat@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Speth, Thomas [Speth.Thomas@epa.gov]; Reese, Diane [Reese.Diane@epa.gov]; Freed, Elisabeth [Freed.Elisabeth@epa.gov]; Small, Matthew [Small.Matthew@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Thomas-Burton, Tami [Thomas-Burton.Tami@epa.gov]; Cassidy, Meghan [Cassidy.Meghan@epa.gov]; Gonsenhauser, Rachel [Gonsenhauser.Rachel@epa.gov]; Perrin, Rebecca [Perrin.Rebecca@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Poeske, Regina [Poeske.Regina@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]; Dempsey, Sean [Dempsey.Sean@epa.gov]; Burden, Susan [Burden.Susan@epa.gov]; Jones, Aaryn [Jones.Aaryn@epa.gov]; Pratt, David [Pratt.David@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Dzubow, Rebecca [Dzubow.Rebecca@epa.gov]; Pensak, Mindy [Pensak.Mindy@epa.gov]; Tachiki, Nicole [Tachiki.Nicole@epa.gov]; Cutt, Diana [Cutt.Diana@epa.gov]; Mollin, Jessica [Mollin.Jessica@epa.gov]; Ireland, Sean [Ireland.Sean@epa.gov]; Gagne, Kristin [Gagne.Kristin@epa.gov]; Reimer, Steve [Reimer.Steve@epa.gov]; Alicea, Jezebele [Alicea.Jezebele@epa.gov]; Hessenauer, Meghan [Hessenauer.Meghan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Tiago, Joseph [Tiago.Joseph@epa.gov]; Oxendine, Sharon [Oxendine.Sharon@epa.gov]; Holsinger, Hannah [Holsinger.Hannah@epa.gov]; Strong, Jamie [Strong.Jamie@epa.gov]
CC: Ellenbogen, Victoria [Ellenbogen.Victoria@epa.gov]; Wadlington, Christina [Wadlington.Christina@epa.gov]; Impellitteri, Christopher [Impellitteri.Christopher@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Braverman, Carole [braverman.carole@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Lyssy, Gregory [lyssy.gregory@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; O'Connor, Daniel [oconnor.daniel@epa.gov]; Kidwell, JessicaL [Kidwell.JessicaL@epa.gov]; Wooster-Brown, Catherine [Wooster-Brown.Catherine@epa.gov]; Healy, Helena [Healy.Helena@epa.gov]; Mindrup, Mary [Mindrup.Mary@epa.gov]; Triantafillou, Kathy [triantafillou.kathy@epa.gov]; Gaines, Linda [Gaines.Linda@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Turk, David [Turk.David@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Forbes, Thomas [Forbes.Thomas@epa.gov]; Born, Tom [Born.Tom@epa.gov]; Resek, Elizabeth [Resek.Elizabeth@epa.gov]; Santoni, Amanda [santoni.amanda@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Hetes, Bob [Hetes.Bob@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Rexhepi, Doruntine [Rexhepi.Doruntine@epa.gov]; Fronczak, David (he/him/his) [Fronczak.David@epa.gov]; Varnado, Miriam [Varnado.Miriam@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Jacobs, Brittany [jacobs.brittany@epa.gov]; Libelo, Laurence [Libelo.Laurence@epa.gov]; Kirkland, Kim [Kirkland.Kim@epa.gov]; Turner, Philip [Turner.Philip@epa.gov]; Kormondy, Charlene [kormondy.charlene@epa.gov]; Park, Susan [Park.Susan@epa.gov]; Gardenier, George [Gardenier.George@epa.gov]; Greene, Ashley [Greene.Ashley@epa.gov]; Harmon, Molly [harmon.molly@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]; Christopher, Rebecca [Christopher.Rebecca@epa.gov]; Pickrel, Jan [Pickrel.Jan@epa.gov]; Pritts, Jesse [Pritts.Jesse@epa.gov]; Crimmins, Allison [Crimmins.Allison@epa.gov]; Zomer, Jessica [Zomer.Jessica@epa.gov]; Martinez, Menchu [martinez.menchu-c@epa.gov]; Griffin, Stephanie [griffin.stephanie@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Poulos, Lauren [poulos.lauren@epa.gov]; Lloyd, Tyler [Lloyd.Tyler@epa.gov]; Doolan, Stephanie [Doolan.Stephanie@epa.gov]; Queiroz, Gustavo [queiroz.gustavo@epa.gov]; Lohwater, Natasha [Davis.Natasha@epa.gov]; Barrette, Michael [Barrette.Michael@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Jenkins, Laura Flynn [Jenkins.Laura@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Bowden, Brenda [Bowden.Brenda@epa.gov]; Simic, Melissa [Simic.Melissa@epa.gov]; Arnold, Elyssa [Arnold.Elyssa@epa.gov]; Newman, Sharon [Newman.Sharon@epa.gov]; Stanmyer, Ruby [Stanmyer.Ruby@epa.gov]; Zedella, Leah [Zedella.Leah@epa.gov]; Hartzell, Sharon [hartzell.sharon@epa.gov]; Lloyd, Christine [Lloyd.Christine@epa.gov]; Brinkerhoff, Chris [Brinkerhoff.Chris@epa.gov]; Euling, Susan [Euling.Susan@epa.gov]; Perry, Samuel [Perry.Samuel@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Hall, Renea [Hall.Renea@epa.gov]; Gorzelnik, Stanley [Gorzelnik.Stanley@epa.gov]; Skane, Elizabeth [Skane.Elizabeth@epa.gov]; Klasen, Matthew [Klasen.Matthew@epa.gov]; McElhinney, Cary

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Subject: Bimonthly PFAS Network Meetings
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment
Location: Microsoft Teams Meeting

Start: 1/5/2021 6:00:00 PM
End: 1/5/2021 7:00:00 PM
Show Time As: Busy

Recurrence: Monthly
the first Tuesday of every 2 month(s) from 1:00 PM to 2:00 PM
Required Attendees: Lan, Alexis; Welbourn, Brandon; Holsinger, Hannah; Rogers, Rick; Allenbach, Becky; Harris, Kimberly; Morton, Michael; Shields, Amy; Bahrman, Sarah; Raffaele, Kathleen; Henry, Tala; Mazza, Carl; Behl, Betsy; Strong, Jamie; Reinhart, Roger; Dunbar, Bill; Fitz-James, Schatzi; Dombrowski, John; Cooperstein, Sharon; Vasu, Amy; Kahn, Lisa; Albert, Ryan; Goodwin, Kara; Balasa, Kate; Schillo, Bruce; Evangelista, Pat; Ash, Christine; Speth, Thomas; Reese, Diane; Freed, Elisabeth; Small, Matthew; Miller, Amy; Thomas-Burton, Tami; Cassidy, Meghan; Gonsenhauser, Rachel; Perrin, Rebecca; Schwarz, Stephanie; Poeske, Regina; Santell, Stephanie; Dempsey, Sean; Burden, Susan; Jones, Aaryn; Pratt, David; Briskin, Jeanne; Dzubow, Rebecca; Pensak, Mindy; Tachiki, Nicole; Cutt, Diana; Mollin, Jessica; Ireland, Sean; Gagne, Kristin; Reimer, Steve; Alicea, Jezebele; Hessenauer, Meghan; Szerlog, Michael; Tiago, Joseph; Oxendine, Sharon
Optional Attendees: Ellenbogen, Victoria; Wadlington, Christina; Impellitteri, Christopher; Foster, Stiven; Braverman, Carole; Scheifele, Hans; DAgostino, Daniel; Lyssy, Gregory; Mackey, Cyndy; O'Connor, Daniel; Kidwell, JessicaL; Wooster-Brown, Catherine; Healy, Helena; Mindrup, Mary; Triantafillou, Kathy; Gaines, Linda; Speir, Jeffrey; Krasnic, Toni; Turk, David; Bushman, Daniel; Forbes, Thomas; Born, Tom; Pruzinsky, Amanda; Resek, Elizabeth; Santoni, Amanda; Terry, Sara; Hetes, Bob; Steiner-Riley, Cara; Rexhepi, Doruntine; Fronczak, David (he/him/his); Varnado, Miriam; Subramanian, Hema; Jacobs, Brittany; Libelo, Laurence; Kirkland, Kim; Turner, Philip; Kormondy, Charlene; Park, Susan; Gardenier, George; Greene, Ashley; Harmon, Molly; Zobrist, Marcus; Christopher, Rebecca; Pickrel, Jan; Pritts, Jesse; Crimmins, Allison; Zomer, Jessica; Martinez, Menchu; Griffin, Stephanie; Reisman, Larry; Poulos, Lauren; Lloyd, Tyler; Doolan, Stephanie; Queiroz, Gustavo; Davis, Natasha; Garnett, Becky; McKeePerez, Nancy; Barrette, Michael; McLain, Jennifer L.; Murphy, Elizabeth; Jenkins, Laura Flynn; Anderson-Carnahan, Linda; Bowden, Brenda; Simic, Melissa; Arnold, Elyssa; Newman, Sharon; Stanmyer, Ruby; Zedella, Leah; Hartzell, Sharon; Lloyd, Christine; Brinkerhoff, Chris; Euling, Susan; Perry, Samuel; Smith, Brian; Hall, Renea; Gorzelnik, Stanley; Skane, Elizabeth; Klasen, Matthew; McElhinney, Cary; Spalt, Nicholas; Strock, Troy; Aliu, Dorina; Campbell-Dunbar, Shawneille; Lindstrom, Andrew; Cantu, Theresa; Stanek, Lindsay; Gardner, Monica; Smith, Dominique; Daniels, Jason; Chamberlain, Eliodora; Lewis, Samantha; Tobias, David; Welch-White, Venus; Snyder, Rodney; Foreman, Katherine; Koberlein, Ivy; Morrison, Kendra; Gill, Jeff; Burgin, Deborah; Liles, Marisa; Huang, Bei; Mushkolaj, Iliriana; Lambert, Paige

Dear EPA PFAS Network,

This notice sets up the reoccurring invite for the EPA PFAS Network. The goal of this group is to ensure that we identify critical PFAS issues as they are unfolding and ensure consistency in approach across the programs and Regions. The PFAS

Network will also facilitate our efforts to advance and resolve key issues through the Coordinating Committee. Network materials can be found on the MS Teams Page. To access the page, please visit the following link: https://teams.microsoft.com/l/channel/19%3a21378e22d6524af7bec814faea9abdda%40thread.tacv2/General?groupId=66d35b14-9f34-4879-abc5-27def4fa005a&tenantId=88b378b3-6748-4867-acf9-76aacbeca6a7

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Appointment

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Start: 3/1/2022 6:00:00 PM
End: 3/1/2022 7:00:00 PM

Recurrence: (none)

Required Attendees: Briskin, Jeanne; Lan, Alexis; Welbourn, Brandon; Holsinger, Hannah; Rogers, Rick; Allenbach, Becky; Harris, Kimberly; Morton, Michael; Shields, Amy; Bahrman, Sarah; Raffaele, Kathleen; Henry, Tala; Mazza, Carl; Behl, Betsy; Strong, Jamie; Reinhart, Roger; Dunbar, Bill; Fitz-James, Schatzi; Dombrowski, John; Cooperstein, Sharon; Vasu, Amy; Kahn, Lisa; Albert, Ryan; Goodwin, Kara; Balasa, Kate; Schillo, Bruce; Evangelista, Pat; Ash, Christine; Speth, Thomas; Reese, Diane; Freed, Elisabeth; Small, Matthew; Miller, Amy; Thomas-Burton, Tami; Cassidy, Meghan; Gonsenhauser, Rachel; Perrin, Rebecca; Schwarz, Stephanie; Poeske, Regina; Santell, Stephanie; Dempsey, Sean; Burden, Susan; Jones, Aaryn; Pratt, David; Dzubow, Rebecca; Pensak, Mindy; Tachiki, Nicole; Cutt, Diana; Mollin, Jessica; Ireland, Sean; Gagne, Kristin; Reimer, Steve; Alicea, Jezebele; Hessenauer, Meghan; Szerlog, Michael; Tiago, Joseph; Oxendine, Sharon

Optional Attendees: Ellenbogen, Victoria; Wadlington, Christina; Impellitteri, Christopher; Foster, Stiven; Braverman, Carole; Scheifele, Hans; DAgostino, Daniel; Lyssy, Gregory; Mackey, Cyndy; O'Connor, Daniel; Kidwell, JessicaL; Wooster-Brown, Catherine; Healy, Helena; Mindrup, Mary; Triantafillou, Kathy; Gaines, Linda; Speir, Jeffrey; Krasnic, Toni; Turk, David; Bushman, Daniel; Forbes, Thomas; Born, Tom; Pruzinsky, Amanda; Resek, Elizabeth; Santoni, Amanda; Terry, Sara; Hetes, Bob; Steiner-Riley, Cara; Rexhepi, Doruntine; Fronczak, David (he/him/his); Varnado, Miriam; Jacobs, Brittany; Libelo, Laurence; Kirkland, Kim; Turner, Philip; Ghetu, Christine; Lambert, Paige; Hedrick, Elizabeth; Collins, Charlie; Forrest, Kesha; McLain, Jennifer L.; Nick Chamberlain; Ellenbogen, Victoria; Wadlington, Christina; Impellitteri, Christopher; Foster, Stiven; Braverman, Carole; Scheifele, Hans; DAgostino, Daniel; Lyssy, Gregory; Mackey, Cyndy; O'Connor, Daniel; Kidwell, JessicaL; Wooster-Brown, Catherine; Healy, Helena; Mindrup, Mary; Triantafillou, Kathy; Gaines, Linda; Speir, Jeffrey; Krasnic, Toni; Turk, David; Bushman, Daniel; Forbes, Thomas; Born, Tom; Pruzinsky, Amanda; Resek, Elizabeth; Santoni, Amanda; Terry, Sara; Hetes, Bob; Steiner-Riley, Cara; Rexhepi, Doruntine; Fronczak, David; Varnado, Miriam; Subramanian, Hema; Jacobs, Brittany; Libelo, Laurence; Kirkland, Kim; Turner, Philip; Kormondy, Charlene; Park, Susan; Gardenier, George; Greene, Ashley; Harmon, Molly; Zobrist, Marcus; Christopher, Rebecca; Pickrel, Jan; Pritts, Jesse; Crimmins, Allison; Zomer, Jessica; Martinez, Menchu; Griffin, Stephanie; Reisman, Larry; Poulos, Lauren; Lloyd, Tyler; Doolan, Stephanie; Queiroz, Gustavo; Davis, Natasha; Garnett, Becky; McKeePerez, Nancy; Barrette, Michael; Murphy, Elizabeth; Jenkins, Laura Flynn; Anderson-Carnahan, Linda; Bowden, Brenda; Simic, Melissa; Arnold, Elyssa; Newman, Sharon; Stanmyer, Ruby; Zedella, Leah; Hartzell, Sharon; Lloyd, Christine; Brinkerhoff, Chris; Euling, Susan; Perry, Samuel; Smith, Brian; Hall, Renea; Gorzelnik, Stanley; Skane, Elizabeth; Klasen, Matthew; McElhinney, Cary; Spalt, Nicholas; Strock, Troy; Aliu, Dorina; Campbell-Dunbar, Shawneille; Lindstrom, Andrew; Cantu, Theresa; Stanek, Lindsay; Gardner, Monica; Smith, Dominique; Daniels, Jason; Chamberlain, Eliodora; Lewis, Samantha; Tobias, David; Welch-White, Venus; Snyder, Rodney; Foreman, Katherine; Koberlein, Ivy; Morrison, Kendra; Gill, Jeff; Burgin, Deborah; Liles, Marisa; Huang, Bei; Mushkolaj, Iliriana; Pfohl, Marisa

Tentative Agenda for March 2022 Meeting

- Welcome (Alex)
- Updates from EPA PFAS Council (Matt K.)
- General Updates (Alex)
- Questions for round robin updates (All):
    - Which PFAS definition(s), if applicable, are currently being used within your program. Examples of commonly cited definitions include: OECD; Buck et al. (2011); definitions adopted from other EPA programs (e.g., OPPT); others?
    - Are you aware of any EPA or other federal funding sources for PFAS buy-back programs? See examples from Connecticut and Colorado.

Dear EPA PFAS Network,

This notice sets up the reoccurring invite for the EPA PFAS Network. The goal of this group is to ensure that we identify critical PFAS issues as they are unfolding and ensure consistency in approach across the programs and Regions. The PFAS Network will also facilitate our efforts to advance and resolve key issues through the Coordinating Committee. Network materials can be found on the MS Teams Page. To access the page, please visit the following link: https://teams.microsoft.com/l/channel/19%3a21378e22d6524af7bec814faea9abdda%40thread.tacv2/General?groupId=66d35b14-9f34-4879-abc5-27def4fa005a&tenantId=88b378b3-6748-4867-acf9-76aacbeca6a7

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Message

From: Williams, Antony [Williams.Antony@epa.gov]
Sent: 3/31/2020 6:04:01 PM
To: Richard, Ann [Richard.Ann@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Exactly right.....I have my own thoughts and frustrations around these situations and prefer to go directly to the scientists. Worked well for biosolids...

Antony J. Williams
Center for Computational Toxicology and Exposure
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Room D131I, Mail Drop D143-02
Research Triangle Park, NC 27711

Office Phone: 919-541-1033
Mobile Phone Ex. 6 Personal Privacy (PP)

Try out the CompTox Chemicals Dashboard and access data for almost 875,000 chemical substances

HOT OFF THE PRESS "Open-source QSAR models for pKa prediction using multiple machine learning approaches"

From: Richard, Ann <Richard.Ann@epa.gov>
Sent: Tuesday, March 31, 2020 12:51 PM
To: Williams, Antony <Williams.Antony@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Good, thanks, Tony. I confess, I really don't like these sorts of second-hand filtered conversations. Why not just let us directly communicate with the OCSPP folks, cc'ing people who want to be kept informed (like Annette). I think OCSPP could handle it.

From: Williams, Antony <Williams.Antony@epa.gov>
Sent: Tuesday, March 31, 2020 12:42 PM
To: Grulke, Chris <Grulke.Chris@epa.gov>; Richard, Ann <Richard.Ann@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Before losing the details in Annette's compilation I asked for the comments directly from Larry and Richard.

Antony J. Williams
Center for Computational Toxicology and Exposure
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Room D131I, Mail Drop D143-02

Research Triangle Park, NC 27711

Office Phone: 919-541-1033
Mobile Phone Ex. 6 Personal Privacy (PP)

Try out the CompTox Chemicals Dashboard and access data for almost 875,000 chemical substances

HOT OFF THE PRESS "Open-source QSAR models for pKa prediction using multiple machine learning approaches"

From: Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Sent: Tuesday, March 31, 2020 12:34 PM
To: Williams, Antony <Williams.Antony@epa.gov>
Cc: Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hi Tony –

No problem with sharing – Lawrence & I were responding through Gary. Hope all is well with you.

Take Care
Rick

From: Ankley, Gerald <Ankley.Gerald@epa.gov>
Sent: Monday, March 30, 2020 1:54 PM
To: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Cc: Hoff, Dale <Hoff.Dale@epa.gov>; Degitz, Sigmund <Degitz.Sigmund@epa.gov>; Hornung, Michael <Hornung.Michael@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Annette,

Attached are suggestions/comments from Lawrence and Rick.

Best,

Gary

From: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Sent: Thursday, March 26, 2020 5:54 PM
To: Williams, Antony <Williams.Antony@epa.gov>; Richard, Ann <Richard.Ann@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Cc: Devito, Michael <Devito.Michael@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>; Hoff, Dale <Hoff.Dale@epa.gov>; Chang, Daniel <chang.daniel@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Folks,

OCSPP has requested that ORD review their proposed definition of PFAS for the TSCA Section 8(a) rulemaking (attached) under the requirements of the National Defense Authorization Act (also attached). Your help is needed in doing so.

Per the notes below, can you review and send me comments by Tuesday March 31 at noon to make the OSAPE's COB deadline? I will review, compile and send along. **Let me know if you are not able to make this deadline.** Thanks.

Larry and Richard – I know that Gary contacted you separately. I suggest that you include me on your response to Gary. Thanks again.

All best, Annette (Mobile: 919.451.0621).

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini <Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

ORD/OSAPE is contacting you for assistance in conducting a wider ORD review of OCSPP's initial thoughts on their potential approaches to define what PFAS will be included in the **TSCA Section 8(a) Data Call** rulemaking that they are currently developing as required by the National Defense Authorization Act for Fiscal Year 2020 (NDAA). Please see the attached document - NDAA 2020 - Title LXXIII PFAS - Subtitle E – for the statutory background for this action.

NDAA does not provide a PFAS definition or specific list of PFAS for EPA to include in this TSCA Section 8(a) rulemaking. Therefore, OCSPP is trying to determine what PFAS it will include for the action and has currently come up with two potential approaches, as outlined in the attached document – PFAS TSCA 8a scope_workingcopy_for comment – i.e., (1) a PFAS definition or set of criteria; or (2) a discrete list of PFAS to include in the rule. OCSPP wants participating EPA offices to provide feedback on these potential approaches or suggestions for any other approaches to consider. OSAPE is reaching out to the ORD Center PFAS Leads to have the appropriate ORD experts review these potential approaches, and OSAPE will provide those comments to OCSPP for their consideration as they move forward with this rulemaking.

Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch

Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Gillespie, Andrew [Gillespie.Andrew@epa.gov]
Sent: 3/31/2020 9:57:28 PM
To: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
CC: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]
Subject: Re: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Colleagues - thank you very much for the fast and precise turnaround. I always learn new things when I read your comments. Much appreciated. Regards Andy.

Andrew J. R. Gillespie, Ph. D.
Associate Director, US EPA/ORD/CEMM
Executive Lead for PFAS R&D

On Mar 31, 2020, at 4:52 PM, Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov> wrote:

Good Afternoon Walter,

Please find attached feedback from CCTE per your request:
"TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action".

The CCTE team of Ann Richard, Antony Williams, Grace Patlewicz, Chris Grulke, Lawrence Burkhard and Richard Kolanczyk reviewed the draft proposed definitions provided by OCSPP.

Ex. 5 Deliberative Process (DP)

Specific comments relative to the draft text is provided in the attached.

Thanks for the opportunity to provide feedback. The team would appreciate being copied on the final comments sent to OCSPP. Thanks.

All best, Annette (Mobile: Ex. 6 Personal Privacy (PP)

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini

<Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

ORD/OSAPE is contacting you for assistance in conducting a wider ORD review of OCSPP's initial thoughts on their potential approaches to define what PFAS will be included in the **TSCA Section 8(a) Data Call** rulemaking that they are currently developing as required by the National Defense Authorization Act for Fiscal Year 2020 (NDAA). Please see the attached document - NDAA 2020 - Title LXXIII PFAS - Subtitle E – for the statutory background for this action.

NDAA does not provide a PFAS definition or specific list of PFAS for EPA to include in this TSCA Section 8(a) rulemaking. Therefore, OCSPP is trying to determine what PFAS it will include for the action and has currently come up with two potential approaches, as outlined in the attached document – PFAS TSCA 8a scope_workingcopy_for comment – i.e., (1) a PFAS definition or set of criteria; or (2) a discrete list of PFAS to include in the rule. OCSPP wants participating EPA offices to provide feedback on these potential approaches or suggestions for any other approaches to consider. OSAPE is reaching out to the ORD Center PFAS Leads to have the appropriate ORD experts review these potential approaches, and OSAPE will provide those comments to OCSPP for their consideration as they move forward with this rulemaking.

Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

<PFAS TSCA 8a scope - ORD_CCTE_Comments_2020.03.31.docx>

Message

From: Cybulski, Walter [Cybulski.Walter@epa.gov]
Sent: 4/23/2020 1:18:51 PM
To: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]; Lau, Chris [Lau.Christopher@epa.gov]; Lindstrom, Andrew [Lindstrom.Andrew@epa.gov]; Strynar, Mark [Strynar.Mark@epa.gov]
Subject: TSCA §8(a) PFAS Data Call Rulemaking - Quick turnaround for final comments on OPPT's PFAS Scope briefing paper - Please comment by Friday, 4/24 COB
Attachments: Attach2_PFAS scope_workingcopy new.docx

Hello, everyone.

At the workgroup meeting yesterday, OPPT discussed their preparation of a simplified, new draft of the PFAS Scope briefing paper that they have prepared for receiving input from their management and wider parties. After considering all comments on the prior version, OPPT developed this streamlined version more suitable for briefing decision makers. A major OPPT focus for the new draft was that the PFAS included in this rule have the statutory/regulatory constraint that the substances have to be limited to chemicals subject to TSCA (i.e., manufactured in/imported to the U.S. for TSCA-covered purposes). You will see this reflected in the latest draft.

OPPT is requesting any final comments on the document by Monday morning. Therefore, I am providing the attached version for your review and comment for any additional input on the PFAS scope for this rulemaking. Please provide any comments on the document to me by COB tomorrow, Friday 4/24. I will then compile those ORD comments for delivery to OPPT by Monday morning.

Thank you, as always, for your advice to aid the program office in development of this agency action.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

From: Cybulski, Walter
Sent: Monday, April 20, 2020 1:45 PM
To: Richard, Ann <Richard.Ann@epa.gov>; Williams, Antony <Williams.Antony@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>; Lau, Chris <Lau.Christopher@epa.gov>; Lindstrom, Andrew <Lindstrom.Andrew@epa.gov>; Strynar, Mark <strynar.mark@epa.gov>
Subject: TSCA Section 8(a) PFAS Data Call Workgroup Meeting - Wednesday, April 22, 2020 from 2:00 PM to 3:00 PM

Hello, everyone.

I am forwarding you the invite again for this week's TSCA Section 8(a) PFAS Data Call Workgroup Meeting (4/22 at 2 PM; see call-in instructions at bottom).

Please note per the agenda directly below that only one portion of this week's meeting will deal with the PFAS Scope topic, so if your time and schedule permits to participate this week, feel free. Otherwise, I can keep folks up to date on

that topic. Also, please do let me know if anyone in OPPT has been in contact with you to discuss PFAS scoping after last week's meeting. I want to make sure I am aware of any assistance that we have been providing to them.

At this week's PFAS Data Call Workgroup meeting (4/22), we are proposing the following agenda:

- PFAS Scope check-in
- Pre-early guidance document status
- Discussion about SISNOSE and ICR
- Outreach
- Wrap-up of action items

Thanks!

- Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

-----Original Appointment-----
From: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: 8(a) PFAS Data Call Workgroup
When: Wednesday, April 15, 2020 from 2:00 PM to 3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomEast4328B/DC-EPA-EAST-OCSPP-OPPT-CCD

Hello,

If you are calling in, please use Skype information at the bottom of this invitation.

Thank you,

Hannah Blaufuss, MHS
Environmental Protection Specialist
U.S. EPA Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-5614

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Message

From: Patlewicz, Grace [Patlewicz.Grace@epa.gov]
Sent: 4/1/2020 4:54:10 PM
To: Williams, Antony [Williams.Antony@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]
Subject: FW: 8(a) PFAS Data Call Workgroup 4/1/20 Meeting Agenda
Attachments: Attach2_PFAS scope_workingcopy 4-1-20.docx

FYI

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Wednesday, April 1, 2020 12:46 PM
To: Patlewicz, Grace <Patlewicz.Grace@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>
Subject: FW: 8(a) PFAS Data Call Workgroup 4/1/20 Meeting Agenda

Grace and Lawrence,

I am attaching the most up to date copy of the Scoping document with comments (most are ORD's comments), which will be discussed today.

There are a few other documents/topics that OPPT will be going over not specifically related to the scoping part as noted below.

Thanks.

- Walter

From: Tyree, JamesN <tyree.jamesn@epa.gov>
Sent: Wednesday, April 01, 2020 9:35 AM
To: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>; Smith, ThomasA <smith.thomasa@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Callahan, Leigh <Callahan.Leigh@epa.gov>; Ballard, Darryl <Ballard.Darryl@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Nguyen, Nhan <Nguyen.Nhan@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>
Cc: Lee, Virginia <Lee.Virginia@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: 8(a) PFAS Data Call Workgroup

Good morning all,
I hope everyone is staying healthy. Today we will cover

1. Early Guidance documents
2. Synergies between CDR and this effort
3. CBI implications

Note that in addition to the new OGC options paper (Attachment 3), there is an updated Attachment 2 scoping options with ORD comments. Please take a look at those and the others before our meeting today and come ready to discuss any lingering issues.

James

-----Original Appointment-----
From: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Sent: Tuesday, February 18, 2020 12:53 PM
To: Blaufuss, Hannah; Tyree, JamesN; Smith, ThomasA; Schechter, Kathryn; Callahan, Leigh; Ballard, Darryl; Gorder, Chris; Bushman, Daniel; Nguyen, Nhan; Sadowsky, Don; Schwarz, Stephanie; Cybulski, Walter
Cc: Lee, Virginia; Passe, Loraine; Sharkey, Susan
Subject: 8(a) PFAS Data Call Workgroup
When: Wednesday, April 01, 2020 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomEast4328B/DC-EPA-EAST-OCSPP-OPPT-CCD

Hello,

Welcome to the 8(a) PFAS Data Call-in workgroup. Meetings will be scheduled weekly, but can be canceled when there are no topics for discussion. An agenda will be provided before each meeting. If you are calling in, please use Skype information at the bottom of this invitation.

Thank you,

Hannah Blaufuss, MHS
Environmental Protection Specialist
U.S. EPA Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-5614

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Message

From: Cybulski, Walter [Cybulski.Walter@epa.gov]
Sent: 4/13/2020 5:36:42 PM
To: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]; Lau, Chris [Lau.Christopher@epa.gov]; Lindstrom, Andrew [Lindstrom.Andrew@epa.gov]; Strynar, Mark [Strynar.Mark@epa.gov]
Subject: TSCA Section 8(a) PFAS Data Call Workgroup Meeting - Wednesday, April 15, 2020 from 2:00 PM to 3:00 PM
Attachments: Attach2_PFAS scope_workingcopy.docx

Hello, everyone.

I am forwarding you the invite for this week's TSCA Section 8(a) PFAS Data Call Workgroup Meeting (4/15 at 2 PM), where the focus will be to discuss the PFAS scope details for the rule.

You had all commented on the draft scoping document the other week (see attached), so I am inviting you to join this specific conversation to help OPPT determine what PFAS will be included in this rulemaking. Please join us via the directions below if you are able to participate this Wednesday. Let me know if there are any questions. Thank you!

- Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

-----Original Appointment-----
From: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: 8(a) PFAS Data Call Workgroup
When: Wednesday, April 15, 2020 from 2:00 PM to 3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomEast4328B/DC-EPA-EAST-OCSPP-OPPT-CCD

Hello,

If you are calling in, please use Skype information at the bottom of this invitation.

Thank you,

Hannah Blaufuss, MHS
Environmental Protection Specialist
U.S. EPA Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-5614

Please do not print this email unless absolutely necessary

Join Skype Meeting

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Toll number: Ex. 6 Personal Privacy (PP) English (United States)

Find a local number

Conference ID: Ex. 6 Personal Privacy (PP)

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Message

From: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
Sent: 4/1/2020 2:55:10 PM
To: Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]
CC: Devito, Michael [Devito.Michael@epa.gov]; Hoff, Dale [Hoff.Dale@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Chang, Daniel [chang.daniel@epa.gov]; Linnenbrink, Monica [Linnenbrink.Monica@epa.gov]; Daniels, Rebecca [Daniels.Rebecca@epa.gov]
Subject: FYI - FW: TSCA Section 8(a) PFAS Data Call rulemaking - PFAS Scope Document - ORD Comments on Potential Approaches for PFAS Scope
Attachments: PFAS TSCA 8a scope_workingcopy_for comment_ORD.docx

---

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Wednesday, April 01, 2020 10:14 AM
To: Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Buckley, Timothy <Buckley.Timothy@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Subject: RE: TSCA Section 8(a) PFAS Data Call rulemaking - PFAS Scope Document - ORD Comments on Potential Approaches for PFAS Scope

Hello, ORD folks.

CEMM provided some comments this morning. I have added them to the master file and supplied the updated file to OPPT this morning. Here is a copy attached, so that you are aware of all that was submitted.

Regards,
Walter

From: Cybulski, Walter
Sent: Tuesday, March 31, 2020 6:09 PM
To: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Cc: Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Buckley, Timothy <Buckley.Timothy@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>
Subject: TSCA Section 8(a) PFAS Data Call rulemaking - PFAS Scope Document - ORD Comments on Potential Approaches for PFAS Scope

Hello, James and Hannah.

I provided OPPT's PFAS Scope document for the TSCA Section 8(a) PFAS Data Call rulemaking to a broader group of ORD experts for their consideration and input. Our experts reviewed the document and provided their carefully considered recommendations for how OPPT may want to approach determining what PFAS would be subject to this regulatory action. Please see the attached tracked comments on the document.

Our experts are ready and willing to assist OPPT in determining the best approach to take for this TSCA action and in developing the definition/criteria once it is chosen.

Please let us know if there are any questions.

- Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
Sent: 3/31/2020 8:52:10 PM
To: Cybulski, Walter [Cybulski.Walter@epa.gov]
CC: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]; Devito, Michael [Devito.Michael@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Hoff, Dale [Hoff.Dale@epa.gov]; Chang, Daniel [chang.daniel@epa.gov]; Daniels, Rebecca [Daniels.Rebecca@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Linnenbrink, Monica [Linnenbrink.Monica@epa.gov]
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31
Attachments: PFAS TSCA 8a scope - ORD_CCTE_Comments_2020.03.31.docx

Good Afternoon Walter,

Please find attached feedback from CCTE per your request:
"TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action".

The CCTE team of Ann Richard, Antony Williams, Grace Patlewicz, Chris Grulke, Lawrence Burkhard and Richard Kolanczyk reviewed the draft proposed definitions provided by OCSPP.

Ex. 5 Deliberative Process (DP)

Specific comments relative to the draft text is provided in the attached.

Thanks for the opportunity to provide feedback. The team would appreciate being copied on the final comments sent to OCSPP. Thanks.

All best, Annette (Mobile Ex. 6 Personal Privacy (PP)

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini <Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

ORD/OSAPE is contacting you for assistance in conducting a wider ORD review of OCSPP's initial thoughts on their potential approaches to define what PFAS will be included in the **TSCA Section 8(a) Data Call** rulemaking that they are

currently developing as required by the National Defense Authorization Act for Fiscal Year 2020 (NDAA). Please see the attached document - NDAA 2020 - Title LXXIII PFAS - Subtitle E – for the statutory background for this action.

NDAA does not provide a PFAS definition or specific list of PFAS for EPA to include in this TSCA Section 8(a) rulemaking. Therefore, OCSPP is trying to determine what PFAS it will include for the action and has currently come up with two potential approaches, as outlined in the attached document – PFAS TSCA 8a scope_workingcopy_for comment – i.e., (1) a PFAS definition or set of criteria; or (2) a discrete list of PFAS to include in the rule. OCSPP wants participating EPA offices to provide feedback on these potential approaches or suggestions for any other approaches to consider. OSAPE is reaching out to the ORD Center PFAS Leads to have the appropriate ORD experts review these potential approaches, and OSAPE will provide those comments to OCSPP for their consideration as they move forward with this rulemaking.

Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Cybulski, Walter [Cybulski.Walter@epa.gov]
Sent: 3/31/2020 10:17:23 PM
To: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
CC: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]; Daniels, Rebecca [Daniels.Rebecca@epa.gov]; Linnenbrink, Monica [Linnenbrink.Monica@epa.gov]
Subject: FW: TSCA Section 8(a) PFAS Data Call rulemaking - PFAS Scope Document - ORD Comments on Potential Approaches for PFAS Scope
Attachments: PFAS TSCA 8a scope_workingcopy_for comment_ORD.docx

Annette,

I kept the ORD parties copied on the email to the OPPT workgroup leads short. Here is a forward for the CCTE folks involved of what was sent, which also includes some comments from CPHEA. Many thanks for the carefully thought out comments on the potential approaches for determining what PFAS to include in the TSCA 8(a) PFAS Data Call. It is much appreciated!

- Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

From: Cybulski, Walter
Sent: Tuesday, March 31, 2020 6:09 PM
To: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Cc: Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Buckley, Timothy <Buckley.Timothy@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>
Subject: TSCA Section 8(a) PFAS Data Call rulemaking - PFAS Scope Document - ORD Comments on Potential Approaches for PFAS Scope

Hello, James and Hannah.

I provided OPPT's PFAS Scope document for the TSCA Section 8(a) PFAS Data Call rulemaking to a broader group of ORD experts for their consideration and input. Our experts reviewed the document and provided their carefully considered recommendations for how OPPT may want to approach determining what PFAS would be subject to this regulatory action. Please see the attached tracked comments on the document.

Our experts are ready and willing to assist OPPT in determining the best approach to take for this TSCA action and in developing the definition/criteria once it is chosen.

Please let us know if there are any questions.

- Walter

Walter J. Cybulski III, Ph.D.

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Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Williams, Antony [Williams.Antony@epa.gov]
Sent: 3/31/2020 4:41:40 PM
To: Grulke, Chris [Grulke.Chris@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31
Attachments: PFAS TSCA 8a scope_workingcopy_for comment_LPB.docx; PFAS TSCA 8a scope_workingcopy_for comment_RCK.docx

Before losing the details in Annette's compilation I asked for the comments directly from Larry and Richard.

Antony J. Williams
Center for Computational Toxicology and Exposure
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Room D131I, Mail Drop D143-02
Research Triangle Park, NC 27711

Office Phone: 919-541-1033
Mobile Phone Ex. 6 Personal Privacy (PP)

Try out the CompTox Chemicals Dashboard and access data for almost 875,000 chemical substances

HOT OFF THE PRESS "Open-source QSAR models for pKa prediction using multiple machine learning approaches"

From: Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Sent: Tuesday, March 31, 2020 12:34 PM
To: Williams, Antony <Williams.Antony@epa.gov>
Cc: Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hi Tony –

No problem with sharing – Lawrence & I were responding through Gary. Hope all is well with you.

Take Care
Rick

From: Ankley, Gerald <Ankley.Gerald@epa.gov>
Sent: Monday, March 30, 2020 1:54 PM
To: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Cc: Hoff, Dale <Hoff.Dale@epa.gov>; Degitz, Sigmund <Degitz.Sigmund@epa.gov>; Hornung, Michael <Hornung.Michael@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Annette,

Attached are suggestions/comments from Lawrence and Rick.

Best,

Gary

From: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Sent: Thursday, March 26, 2020 5:54 PM
To: Williams, Antony <Williams.Antony@epa.gov>; Richard, Ann <Richard.Ann@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Cc: Devito, Michael <Devito.Michael@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>; Hoff, Dale <Hoff.Dale@epa.gov>; Chang, Daniel <chang.daniel@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Folks,

OCSPP has requested that ORD review their proposed definition of PFAS for the TSCA Section 8(a) rulemaking (attached) under the requirements of the National Defense Authorization Act (also attached). Your help is needed in doing so.

Per the notes below, can you review and send me comments by Tuesday March 31 at noon to make the OSAPE's COB deadline? I will review, compile and send along. **Let me know if you are not able to make this deadline.** Thanks.

Larry and Richard – I know that Gary contacted you separately. I suggest that you include me on your response to Gary. Thanks again.

All best, Annette (Mobil Ex. 6 Personal Privacy (PP)

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini <Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

ORD/OSAPE is contacting you for assistance in conducting a wider ORD review of OCSPP's initial thoughts on their potential approaches to define what PFAS will be included in the **TSCA Section 8(a) Data Call** rulemaking that they are currently developing as required by the National Defense Authorization Act for Fiscal Year 2020 (NDAA). Please see the attached document - NDAA 2020 - Title LXXIII PFAS - Subtitle E – for the statutory background for this action.

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offices to provide feedback on these potential approaches or suggestions for any other approaches to consider. OSAPE is reaching out to the ORD Center PFAS Leads to have the appropriate ORD experts review these potential approaches, and OSAPE will provide those comments to OCSPP for their consideration as they move forward with this rulemaking.

Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
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Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Richard, Ann [Richard.Ann@epa.gov]
Sent: 3/4/2019 10:00:15 PM
To: Grulke, Chris [Grulke.Chris@epa.gov]
Subject: def

Even the designation "PFAS" is somewhat problematic it seems. I found the following definition on Wikipedia:

A **perfluorinated compound** (**PFC**) per- or polyfluoroalkyl chemical is an organofluorine compound containing only carbon-fluorine bonds (no C-H bonds) and C-C bonds but also other heteroatoms. PFCs have properties that represent a blend of fluorocarbons (containing only C-F and C-C bonds) and the parent functionalized organic species.

Strictly speaking, lots of the PFAS chemicals we are including in our lists are not entirely fluorinated. For instance, all the fluorotelemers have 1-3 (or more) hydrogenated carbons separating the perfluoroalkyl chain from the functional group(s). So, even here, the term PFAS could be considered a bit sketchy. I also have been applying the term "perfluoro" to the fully fluorinated alkyl chains portion of the chemical in trying to come up with more digestible and easily interpreted names. I've found that the on-line name-to-structure programs (like OPSIN) can interpret this, so I think this is acceptable nomenclature.

Appointment

From: Williams, Antony [Williams.Antony@epa.gov]
Sent: 10/7/2019 12:43:31 PM
To: Libelo, Laurence [Libelo.Laurence@epa.gov]; Lindstrom, Andrew [Lindstrom.Andrew@epa.gov]; Buckley, Timothy [Buckley.Timothy@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Born, Tom [Born.Tom@epa.gov]; Harman, John [Harman.John@EPA.GOV]; Andrew Stoeckle [Andrew.Stoeckle@erg.com]; Pruzinsky, Amanda [Pruzinsky.Amanda@epa.gov]; Abby Burton [abby.burton@erg.com]; Strum, Madeleine [Strum.Madeleine@epa.gov]; Albert, Ryan [Albert.Ryan@epa.gov]; Shumway, Laura [Shumway.Laura@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Vasu, Amy [Vasu.Amy@epa.gov]; Merrill, Raymond [Merrill.Raymond@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Steve Geil [steve.geil@erg.com]; Gaines, Linda [Gaines.Linda@epa.gov]; Holsinger, Hannah [Holsinger.Hannah@epa.gov]
CC: Gardenier, George [Gardenier.George@epa.gov]; Hirtz, James [Hirtz.James@epa.gov]; Spells, Charlene [Spells.Charlene@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Rexhepi, Doruntine [Rexhepi.Doruntine@epa.gov]; Hanley, Adrian [Hanley.Adrian@epa.gov]; Damico, Brian [Damico.Brian@epa.gov]

Subject: PFAS Analytical Tools Chemical Curation Discussions
Location: SKype Meeting and Tony's Office for CTTE-CCED-CCCB group (Chris and Ann)

Start: 10/7/2019 2:30:00 PM
End: 10/7/2019 4:00:00 PM
Show Time As: Tentative

Required Attendees: Libelo, Laurence; Lindstrom, Andrew; Buckley, Timothy; Gillespie, Andrew; Vendinello, Lynn; Krasnic, Toni; Born, Tom; Harman, John; Andrew Stoeckle; Pruzinsky, Amanda; Abby Burton; Strum, Madeleine; Albert, Ryan; Shumway, Laura; Grulke, Chris; Richard, Ann; Patlewicz, Grace; Vasu, Amy; Merrill, Raymond; Williamson, Tracy; 'Steve Geil'; Gaines, Linda; Holsinger, Hannah
Optional Attendees: Gardenier, George; Hirtz, James; Spells, Charlene; Lan, Alexis; Rexhepi, Doruntine; Hanley, Adrian; Damico, Brian

Ahead of the meeting please find attached links to the documents on Microsoft teams

PROJECT CHARTER document: https://tinyurl.com/y3vj6prm
TODAY'S PRESENTATION: https://tinyurl.com/y4fosbc7
PROJECT MEMBERS: https://tinyurl.com/yy6a44qz

Colleagues,

As a result of room reconstruction for D101 and lack of available meeting space I have to move this meeting to a Skype gathering. My apologies. If you dial into the phone line please remember to mute unless you are talking. Thank you.

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Ex. 6 Personal Privacy (PP)

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Colleagues,
I am putting a placeholder in your calendar for October 7th for a discussion regarding PFAS Chemical Curation and establishing a Workgroup.

A short Executive Summary of the charter for the group is as follows:

The PFAS Chemical List Curation workgroup is to be led by ORD NCCT to develop and maintain an authoritative list of per and polyfluoroalkyl Substances (PFAS) chemicals of interest. A regularly reviewed and updated list would benefit several activities under the PFAS Action Plan. One effort involves the development of a data inventory that seeks to provide pathways for entry of PFAS data into existing national data systems, and the related effort is the development of PFAS Analytic Tools that provide integration, visualization and analysis capabilities for PFAS data.

The workgroup is to:

- **Establish a definition and develop a master list of PFAS chemicals**
- **Establish rationale and flags for filtering the master list of PFAS chemicals to operational lists of specific PFAS chemicals of interest**
- **Establish updating procedure**

A tight timeline has been suggested for progress. "***PFAS Analytic Tools need a list of PFAS chemicals to retrieve records from databases that contain more than just PFAS chemicals. The PFAS Analytic Tools will need a preliminary list by October 16, 2019 and an updated list towards the end of November.***"

It is extremely difficult to find a time for everyone on the distribution list to attend this meeting but I have done my best with the short timeline available. Apologies in advance if you cannot attend. I will circulate a set of slides ahead of the meeting. Have a great weekend

Ex. 6 Personal Privacy (PP)

Message

From: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
Sent: 3/26/2020 10:53:45 PM
To: Williams, Antony [Williams.Antony@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Burkhard, Lawrence [Burkhard.Lawrence@epa.gov]; Kolanczyk, Richard [Kolanczyk.Rick@epa.gov]
CC: Devito, Michael [Devito.Michael@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Hoff, Dale [Hoff.Dale@epa.gov]; Chang, Daniel [chang.daniel@epa.gov]
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31
Attachments: NDAA 2020 - Title LXXIII PFAS - Subtitle E.docx; PFAS TSCA 8a scope_workingcopy_for comment.docx

Folks,

OCSPP has requested that ORD review their proposed definition of PFAS for the TSCA Section 8(a) rulemaking (attached) under the requirements of the National Defense Authorization Act (also attached). Your help is needed in doing so.

Per the notes below, can you review and send me comments by Tuesday March 31 at noon to make the OSAPE's COB deadline? I will review, compile and send along. **Let me know if you are not able to make this deadline.** Thanks.

Larry and Richard – I know that Gary contacted you separately. I suggest that you include me on your response to Gary. Thanks again.

All best, Annette (Mobile: Ex. 6 Personal Privacy (PP)

From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini <Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

ORD/OSAPE is contacting you for assistance in conducting a wider ORD review of OCSPP's initial thoughts on their potential approaches to define what PFAS will be included in the **TSCA Section 8(a) Data Call** rulemaking that they are currently developing as required by the National Defense Authorization Act for Fiscal Year 2020 (NDAA). Please see the attached document - NDAA 2020 - Title LXXIII PFAS - Subtitle E – for the statutory background for this action.

NDAA does not provide a PFAS definition or specific list of PFAS for EPA to include in this TSCA Section 8(a) rulemaking. Therefore, OCSPP is trying to determine what PFAS it will include for the action and has currently come up with two potential approaches, as outlined in the attached document – PFAS TSCA 8a scope_workingcopy_for comment – i.e., (1) a PFAS definition or set of criteria; or (2) a discrete list of PFAS to include in the rule. OCSPP wants participating EPA offices to provide feedback on these potential approaches or suggestions for any other approaches to consider. OSAPE is reaching out to the ORD Center PFAS Leads to have the appropriate ORD experts review these potential approaches, and OSAPE will provide those comments to OCSPP for their consideration as they move forward with this rulemaking.

Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency
Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]
Sent: 3/30/2020 7:52:10 PM
To: Richard, Ann [Richard.Ann@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; thank@q.com
CC: Devito, Michael [Devito.Michael@epa.gov]; Chang, Daniel [chang.daniel@epa.gov]
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Thank you. That sounds fine.

All best,, Annette (Mobile: Ex. 6 Personal Privacy (PP)

From: Richard, Ann <Richard.Ann@epa.gov>
Sent: Monday, March 30, 2020 3:45 PM
To: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Williams, Antony <Williams.Antony@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>
Cc: Devito, Michael <Devito.Michael@epa.gov>; Chang, Daniel <chang.daniel@epa.gov>
Subject: Re: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

I've looked at the document and wanted to coordinate response with others cc'd here before sending you comments. Will send you something by noon tomorrow at the latest, hopefully sooner.

From: Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>
Sent: Monday, March 30, 2020 3:42 PM
To: Williams, Antony <Williams.Antony@epa.gov>; Richard, Ann <Richard.Ann@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace <Patlewicz.Grace@epa.gov>
Cc: Devito, Michael <Devito.Michael@epa.gov>; Chang, Daniel <chang.daniel@epa.gov>
Subject: RE: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Folks,

Can you confirm if you are able to provide feedback on the proposed PFAS definition by tomorrow morning? I will consolidate whatever is sent but checking whether I should wait or not. Thanks.

All best, Annette (Mobile Ex. 6 Personal Privacy (PP)).

From: Guiseppi-Elie, Annette
Sent: Thursday, March 26, 2020 6:54 PM
To: Williams, Antony <Williams.Antony@epa.gov>; Richard, Ann <Richard.Ann@epa.gov>; Grulke, Chris <Grulke.Chris@epa.gov>; Patlewicz, Grace (Patlewicz.Grace@epa.gov) <Patlewicz.Grace@epa.gov>; Burkhard, Lawrence <Burkhard.Lawrence@epa.gov>; Kolanczyk, Richard <Kolanczyk.Rick@epa.gov>
Cc: Devito, Michael (Devito.Michael@epa.gov) <Devito.Michael@epa.gov>; Ankley, Gerald (Ankley.Gerald@epa.gov) <Ankley.Gerald@epa.gov>; Hoff, Dale (Hoff.Dale@epa.gov) <Hoff.Dale@epa.gov>; Chang, Daniel (chang.daniel@epa.gov) <chang.daniel@epa.gov>
Subject: FW: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Folks,

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Larry and Richard – I know that Gary contacted you separately. I suggest that you include me on your response to Gary. Thanks again.

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From: Cybulski, Walter <Cybulski.Walter@epa.gov>
Sent: Thursday, March 26, 2020 3:03 PM
To: Buckley, Timothy <Buckley.Timothy@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Schumacher, Brian <Schumacher.Brian@epa.gov>; Guiseppi-Elie, Annette <Guiseppi-Elie.Annette@epa.gov>; Ankley, Gerald <Ankley.Gerald@epa.gov>
Cc: Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Hartzell, Evelyn <hartzell.evelyn@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>; Ramasamy, Santhini <Ramasamy.Santhini@epa.gov>; Daniels, Rebecca <Daniels.Rebecca@epa.gov>; Linnenbrink, Monica <Linnenbrink.Monica@epa.gov>
Subject: TSCA 8(a) PFAS Data Call - NDAA Required Action - Seeking ORD Comments on How to Define PFAS for This Action - Please Provide Comments Back to Me by COB Tuesday, 3/31

Hello, PFAS Leads for ORD Centers.

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Please review the attached PFAS TSCA 8(a) Scope document and provide any comments from your Center back to me by COB Tuesday, 3/31. OSAPE will provide consolidated comments to OCSPP for consideration and continued workgroup discussions on the development of this TSCA Section 8(a) rulemaking.

Thank you in advance for your consideration in helping with this request. Please reach out to me if there are any questions.

Regards,
Walter

Walter J. Cybulski III, Ph.D.
U.S. Environmental Protection Agency

Office of Research and Development
Office of Science Advisor, Policy & Engagement, Regulatory Support Branch
Ronald Reagan Building -- Room 51120, Mail Code 8104R
1200 Pennsylvania Avenue NW, Washington, DC 20460
Telephone: (202) 564-2409 Email: cybulski.walter@epa.gov

Message

From: Lowe, Charles [lowe.charles@epa.gov]
Sent: 11/3/2020 8:33:23 PM
To: Chang, Daniel [chang.daniel@epa.gov]; Boyce, Matthew [Boyce.Matthew@epa.gov]; East, Alexander [East.Alexander@epa.gov]; Lougee, Ryan [lougee.ryan@epa.gov]; Richard, Ann [Richard.Ann@epa.gov]; Vallero, Dan [Vallero.Daniel@epa.gov]; Grulke, Chris [Grulke.Chris@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Tate, Tia [Tate.Tia@epa.gov]; Vegosen, Leora [vegosen.leora@epa.gov]; Fisher, Hunter [Fisher.Hunter@epa.gov]; Noel, James [Noel.James@epa.gov]; Kolmar, Scott [Kolmar.Scott@epa.gov]; Daniels, Rebecca [Daniels.Rebecca@epa.gov]; Kenneke, John [Kenneke.John@epa.gov]; Shobair,Mahmoud A. [shobair.mahmoud@epa.gov]; Swank, Adam [Swank.Adam@epa.gov]; Brady, Sydney [Brady.Sydney@epa.gov]; Sinclair, Gabriel [Sinclair.Gabriel@epa.gov]; Martin, Todd [Martin.Todd@epa.gov]; Harten, Paul [Harten.Paul@epa.gov]

Let everyone create their own PFAS definition, then a paper can be written comparing/contrasting what fits in each definition.....

Message

From: Bushman, Daniel [Bushman.Daniel@epa.gov]
Sent: 10/30/2019 4:30:38 PM
To: Hofmann, Angela [Hofmann.Angela@epa.gov]; Chun, Melissa [Chun.Melissa@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Turk, David [Turk.David@epa.gov]
Subject: Revised Responses to OMB comments on TRI PFAS ANPRM
Attachments: EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses 10 30 2019.docx; RIN2070-AK51_EO12866_TRI-PFAS ANPRM_EPA Responses_2_10 30 2019.docx; RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_10 30 2019.docx

Hi Angela, Melissa,
Attached are the updated OMB response files for the TRI PFAS ANPRM. In the draft email below, I note where the changes are located. Tala was OK with the text of the draft email but wanted to make sure Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.
Dan

Draft email to OMB:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Daniel R. Bushman, Ph.D.
TRI Petitions Coordinator and Chemical List Manager
202-566-0743
OCSPP/OPPT/TRI Program Division/Regulatory Development Branch
www.epa.gov/tri/chemicals

Message

From: Chun, Melissa [Chun.Melissa@epa.gov]
Sent: 10/23/2019 4:21:13 PM
To: Bushman, Daniel [Bushman.Daniel@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Turk, David [Turk.David@epa.gov]; Forbes, Thomas [Forbes.Thomas@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Clark, Katherine [Clark.Katherine@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Holsinger, Hannah [Holsinger.Hannah@epa.gov]; Cybulski, Walter [Cybulski.Walter@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Hofmann, Angela [Hofmann.Angela@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Attachments: RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses.docx; RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2.docx; EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1.docx

Hi all,

Attached are the following documents for your review.

1. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses (Interagency comments received on 10/15)
2. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2 (VA comments received on 10/17)
3. EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1 (Mark-up received on 10/15)

I am providing word versions of the documents because there have been problems accessing the PFAS SharePoint site (service is unavailable).

Any comments/concerns need to be relayed to us by tomorrow (10/24) by noon. Our goal is to get our responses to OMB by Friday.

Paper copies will be provided to Tala and David.

Please let me know if you have any questions.

-Melissa

Melissa L Chun | US EPA | Regulatory and Information Coordination Staff | Office of Chemical Safety and Pollution Prevention | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Building East Room 3425E, Mail Code 7101M | Washington DC 20460 | phone: (202) 564-1605

Appointment

From: Scott, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52DE4D2D6BC44938908CA2E010E9834A-SCOTT, ELIZABETH]
on behalf of Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 7/6/2020 2:34:27 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Lynn Vendinello [Vendinello.Lynn@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]; Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]; Fahning, Diana [Fahning.Diana@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Madison Le [Le.Madison@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Lynn Vendinello [Vendinello.Lynn@epa.gov]; Madison Le [Le.Madison@epa.gov]
CC: Alison Pierce [Pierce.Alison@epa.gov]; Ryan Schmit [schmit.ryan@epa.gov]; Weir, Harlan [weir.harlan@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Alison Pierce [Pierce.Alison@epa.gov]; Ryan Schmit [schmit.ryan@epa.gov]

Subject: TSCA section 8(a) PFAS Data Call
Attachments: PFAS rule_AGENDA_7-20-2020.docx; Questions on PFAS Scope_7-20-2020.docx; Tier 3 rule schedule_7.13.20.xlsx; Attach1_DataUsage_7-20-20.docx
Location: Skype Meeting

Start: 7/21/2020 3:00:00 PM
End: 7/21/2020 4:00:00 PM
Show Time As: Busy

Required Attendees: Passe, Loraine; Lynn Vendinello; Tyree, JamesN; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans; Madison Le; Schwarz, Stephanie; Schechter, Kathryn
Optional Attendees: Alison Pierce; Ryan Schmit; Weir, Harlan; Butler, Tristan

Per Tala, to move this meeting.

Thanks,
Liz

Purpose: Follow-up from our 6/29 meeting on items including:1) PFAS definition; 2) data use; 3) small business exemption; and 4) outreach.

BRIEFING MATERIALS:
Loraine Passe (CCD)
(202) 564-9064

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Appointment

From: Scott, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52DE4D2D6BC44938908CA2E010E9834A-SCOTT, ELIZABETH]
on behalf of Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 7/6/2020 3:14:55 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Lynn Vendinello [Vendinello.Lynn@epa.gov]; Weir, Harlan [weir.harlan@epa.gov]; Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]; Fahning, Diana [Fahning.Diana@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Madison Le [Le.Madison@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]
CC: Alison Pierce [Pierce.Alison@epa.gov]; Ryan Schmit [schmit.ryan@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]

Subject: PFAS Data Call Monthly Check-in
Attachments: Untitled Attachment
Location: Skype Meeting

Start: 8/20/2020 3:00:00 PM
End: 8/20/2020 4:00:00 PM
Show Time As: Busy

Recurrence: Monthly
day 20 of every 1 month(s) from 11:00 AM to 12:00 PM
Required Attendees: Henry, Tala; Passe, Loraine; Lynn Vendinello; Weir, Harlan; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans; Madison Le; Schwarz, Stephanie; Schechter, Kathryn
Optional Attendees: Alison Pierce; Ryan Schmit; Lee, Virginia

Purpose: To discuss status of PFAS Data Call rule development [monthly reoccurring meeting].

BRIEFING MATERIALS:
Loraine Passe (CCD)
(202) 564-9064

Join Skype Meeting

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Appointment

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 4/8/2021 5:31:43 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Camacho, Iris (Camacho.Iris@epa.gov) [Camacho.Iris@epa.gov]; Scarano Louis (Scarano.Louis@epa.gov) [Scarano.Louis@epa.gov]; Salazar, Keith [Salazar.Keith@epa.gov]

Subject: New Chems PFAS Analog Approach
Attachments: WPHA: feedback requested on PFAS grouping approaches; FW: WPHA: feedback requested on PFAS grouping approaches; FW: Newsroom: EPA Releases Updated PFBS Toxicity Assessment After Rigorous Scientific Review; New PFAS Chemicals_Briefing for OCSPP_Final_TH.pptx
Location: Microsoft Teams Meeting

Start: 4/13/2021 11:30:00 AM
End: 4/13/2021 12:00:00 PM
Show Time As: Busy

Required Attendees: Camacho, Iris (Camacho.Iris@epa.gov); Scarano Louis (Scarano.Louis@epa.gov); Salazar, Keith

There is an OECD 'survey' on approaches to grouping of PFAS... see attached; they then modified to add 'ongoing research'.
So, for NC, we will submit Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I will write up the response and ask you all to review.

I've already asked ORD to provide response for the research part.

Microsoft Teams meeting

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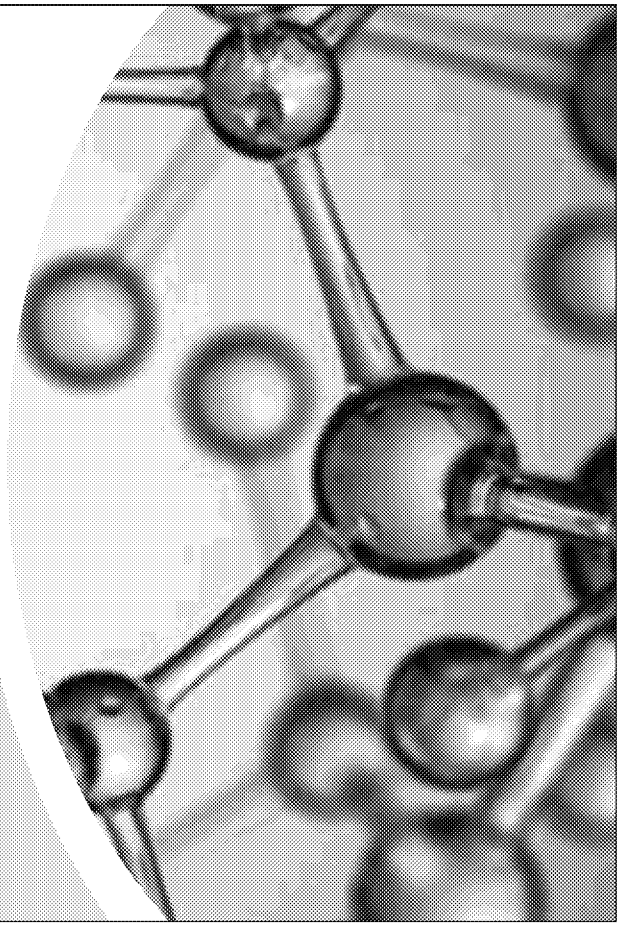
New PFAS Chemicals: Approaches and Path Forward



New Chemicals Division

February 22, 2021

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Appointment

From: Pierce, Alison [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=036313052E20472CA55F7733DE62F969-APIERCE]
on behalf of Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]
Sent: 2/17/2021 5:38:15 PM
To: Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]
CC: Hartman, Mark [Hartman.Mark@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Camacho, Iris [Camacho.Iris@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Hou, Ariel [Hou.Ariel@epa.gov]; Tobias, David [Tobias.David@epa.gov]; Gallagher, Jeffrey [Gallagher.Jeffrey@epa.gov]; Master, Barbora [Master.Barbora@epa.gov]; Snyderman, Steven [Snyderman.Steven@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Salazar, Keith [Salazar.Keith@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Hilton, Geraldine [Hilton.Geraldine@epa.gov]

Subject: OPPT-IO Pre-Brief: PFAS: New Chemicals
Attachments: New PFAS Chemicals_Pre-Brief for OPPT_2-17-21.pptx
Location: Microsoft Teams Meeting

Start: 2/17/2021 6:00:00 PM
End: 2/17/2021 7:00:00 PM
Show Time As: Busy

Required Attendees: Henry, Tala; Ryan Schmit (schmit.ryan@epa.gov); Madison Le
Optional Attendees: Hartman, Mark; Fehrenbacher, Cathy; Passe, Loraine; Williamson, Tracy; Camacho, Iris; Edelstein, Rebecca; Lee, Virginia; Scarano, Louis; Hou, Ariel; Tobias, David; Gallagher, Jeffrey; Master, Barbora; Snyderman, Steven; Pierce, Alison; Blair, Susanna; Salazar, Keith; Alwood, Jim; Hilton, Geraldine

---

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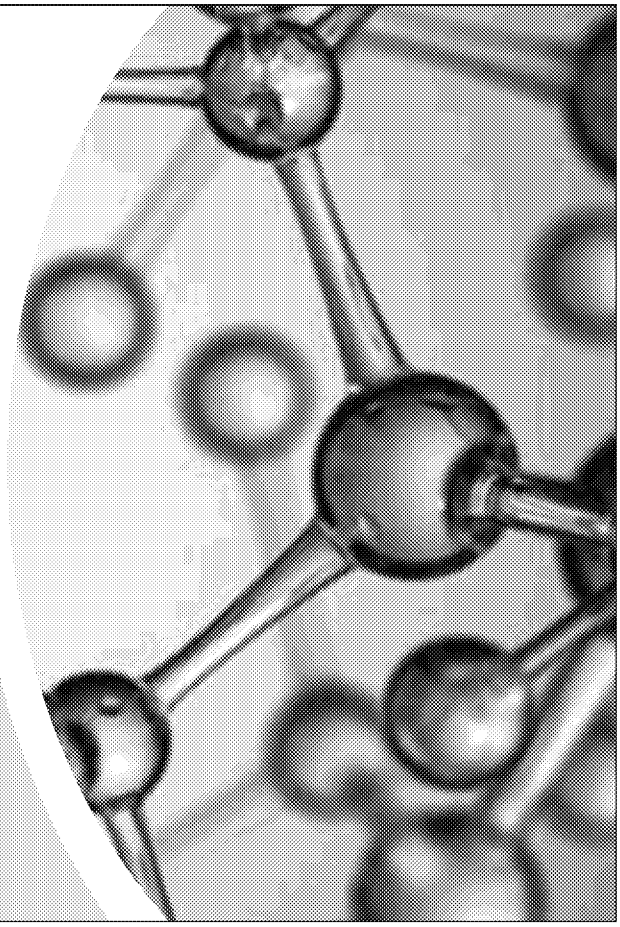
New PFAS Chemicals: Approaches and Path Forward



Pre-brief for OPPT

New Chemicals Division

February 17, 2021

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Appointment

From: Brown, KendraR [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DFA1099B8017452E9DF299A94E87D23A-BROWN, KEND]
on behalf of OCSPP IO Generals and Briefings [OCSPP-IO-Generals-and-Briefings@epa.gov]
Sent: 3/11/2022 5:12:33 PM
To: OCSPP IO Generals and Briefings [OCSPP-IO-Generals-and-Briefings@epa.gov]; Cope, Grant [Cope.Grant@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Clark, Sharon [Clark.Sharon@epa.gov]; Scott, Elizabeth [Scott.Elizabeth@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Smith, Peterj [Smith.Peterj@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Driscoll, Stacie [Driscoll.Stacie@epa.gov]; Keehner, Denise [Keehner.Denise@epa.gov]
CC: Blair, Susanna [Blair.Susanna@epa.gov]; Aunkst, Dana [aunkst.dana@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Huskey, Angela [Huskey.Angela@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Rebersak, Shannon [rebersak.shannon@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Varnado, Miriam [Varnado.Miriam@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Romer, Jennie [Romer.Jennie@epa.gov]; Berckes, Nicole [Berckes.Nicole@epa.gov]; Sleasman, Katherine [Sleasman.Katherine@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Giddings, Daniel [giddings.daniel@epa.gov]; Syed, Hamaad [Syed.Hamaad@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Barone, Stan [Barone.Stan@epa.gov]; Cole, Danielle [Cole.Danielle@epa.gov]
BCC: DCRoomEast3156/DC-EPA-EAST-OCSPP [DCRoomEast3156@epa.gov]

Subject: OPPT General
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; OPPT General; OPPT General; Untitled Attachment; OPPT General; OPPT General; OPPT General; OPPT General; OPPT General; OPPT General; Untitled Attachment; OPPT General; OPPT General; Untitled Attachment; OPPT General; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; OPPT General; OPPT General; Untitled Attachment; OPPT General; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; OPPT General; Untitled Attachment; OPPT General; Untitled Attachment; OPPT General; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment
Location: DCRoomEast3156/Microsoft Teams Meeting

Start: 3/16/2021 2:00:00 PM
End: 3/16/2021 2:50:00 PM
Show Time As: Busy

Recurrence: Weekly
every Tuesday from 10:00 AM to 10:50 AM
Required Attendees: Cope, Grant; Pierce, Alison; Clark, Sharon; Scott, Elizabeth; Kaiser, Sven-Erik; Dunton, Cheryl; Hanley, Mary; Hartman, Mark; Henry, Tala; Tyler, Tom; Keigwin, Richard; Freedhoff, Michal; Smith, Peterj; Hofmann, Angela; Driscoll, Stacie; Keehner, Denise
Optional Attendees: Blair, Susanna; Aunkst, Dana; Kaczmarek, Chris; Ryan Schmit (schmit.ryan@epa.gov); Hauff, Amanda; Fisher, Bethany; Huskey, Angela; Nguyen, Khanh; Diaz, Catherine; Sonia Altieri; Feustel, Ingrid; Scheifele, Hans; Rebersak, Shannon; Zapata, Cesar; Varnado, Miriam; Rodman, Sonja; romer.jennie@epa.gov; Berckes, Nicole; Sleasman, Katherine; Hughes, Hayley; Giddings, Daniel; Syed, Hamaad; Levine, Carolyn; Barone, Stan; Cole, Danielle

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Appointment

From: Scott, Elizabeth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52DE4D2D6BC44938908CA2E010E9834A-SCOTT, ELIZABETH]
on behalf of Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 6/4/2020 5:09:46 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Loraine Passe [Passe.Loraine@epa.gov]; Lynn Vendinello [Vendinello.Lynn@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]; Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]; Fahning, Diana [Fahning.Diana@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Alison Pierce [Pierce.Alison@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]

Subject: TSCA section 8(a) PFAS Data Call
Attachments: PFAS rule_AGENDA_062320.docx; Attach1_DataUsage_062320.docx; Attach2_PFAS scope_062320.docx; Attach3_SMexemption_062320.docx
Location: Skype Meeting

Start: 6/29/2020 5:00:00 PM
End: 6/29/2020 6:00:00 PM
Show Time As: Busy

Required Attendees: Loraine Passe; Lynn Vendinello; Tyree, JamesN; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans
Optional Attendees: Alison Pierce; Schechter, Kathryn; Fisher, Bethany; Schwarz, Stephanie

Purpose: Obtain input on decision items raised by EPA work group related to: 1) PFAS definition; 2) use of data; and 3) small business exemption.

Briefing Materials: Loraine Passe (CCD)/564-9064

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Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 10/23/2019 6:57:37 PM
To: Chun, Melissa [Chun.Melissa@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Turk, David [Turk.David@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Hofmann, Angela [Hofmann.Angela@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]
Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Attachments: RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_TH.docx; RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2_TH.docx; EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1_TH.docx

Importance: High

Here are my comments/edits on the materials…
It looks like I am reviewing at same time as workgroup??? If so, I will need to look at the FINAL that goes to OMB?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Chun, Melissa <Chun.Melissa@epa.gov>
Sent: Wednesday, October 23, 2019 12:21 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Clark, Katherine <Clark.Katherine@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Holsinger, Hannah <Holsinger.Hannah@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments

Hi all,

Attached are the following documents for your review.

1. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses (Interagency comments received on 10/15)
2. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2 (VA comments received on 10/17)
3. EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1 (Mark-up received on 10/15)

I am providing word versions of the documents because there have been problems accessing the PFAS SharePoint site (service is unavailable).

Any comments/concerns need to be relayed to us by tomorrow (10/24) by noon. Our goal is to get our responses to OMB by Friday.

Paper copies will be provided to Tala and David.

Please let me know if you have any questions.

-Melissa

Melissa L Chun | US EPA | Regulatory and Information Coordination Staff | Office of Chemical Safety and Pollution Prevention | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Building East Room 3425E, Mail Code 7101M | Washington DC 20460 | phone: (202) 564-1605

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 10/21/2019 7:07:42 PM
To: Frithsen, Jeff [Frithsen.Jeff@epa.gov]
Subject: RE: PFAS - By the numbers

No; I say hard copy fly by

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Sent: Monday, October 21, 2019 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: PFAS - By the numbers

Tala:

Do you have a copy of the Congressional Bill to which you are referring?

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) ll phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, October 21, 2019 12:46 PM
To: Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Lambert, Jason <Lambert.Jason@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>
Subject: FW: PFAS - By the numbers
Importance: High

Attached are the PFAS in Excel.

See below email from Tracy Williamson regarding chemicals OPPT would not define as PFAS and rationale (this is not necessarily comprehensive review of your list of 6000). For more discussion on this point, please work with **Tracy Williamson** in OPPT.

Also note, in the Bill I saw last week, there were 'definitions' of PFAS...some much broader than ours; so, it that passes, we may all be re-defining.

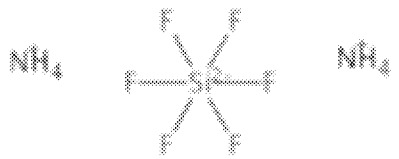
Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Williamson, Tracy <Williamson.Tracy@epa.gov>
Sent: Thursday, October 10, 2019 4:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: PFAS - By the numbers

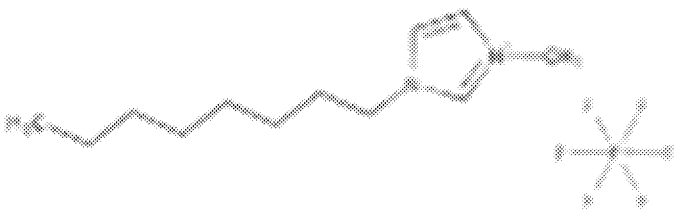
The ORD master file of PFAS has >6000, so we've been reviewing it In small chunks. Some of the types of chemicals that we have identified to date as not PFAS are:

The "A" (alkyl) is missing:

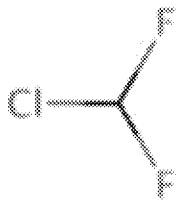


Ammonium hexafluorosilicate
DTXSID:DTXSID6047076
CASRN:16919-19-0
TOXCAST:1/79

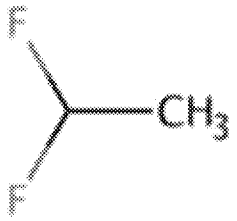
Similarly, the "FA" is missing (F needs to be on the A):



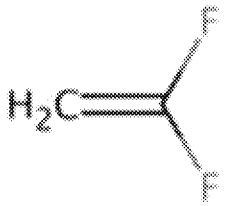
OPPT has a broad (broader than most) working definition for what is PFAS: contains R-CF2-CF2-R' where R & R' are not H. This includes some pretty small molecules, but some on the ORD list are a little too small with not enough F:



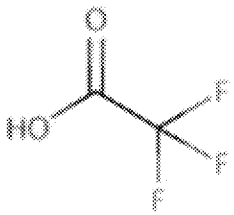
Chlorodifluoromethane
DTXSID:DTXSID6020001
CASRN:75-45-6
TOXCAST:-



1,1-Difluoroethane
DTXSID:DTXSID0024050
CASRN:75-37-6
TOXCAST:-

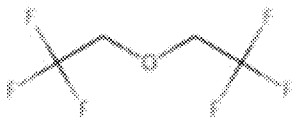


Vinylidene fluoride
DTXSID:DTXSID3021439
CASRN:75-38-7
TOXCAST:-

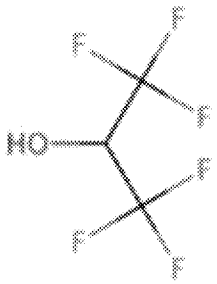


Trifluoroacetic acid
DTXSID:DTXSID9041578
CASRN:76-05-1
TOXCAST:-

We do not include substances like the following, because they do not contain any of the strong fluorinated-carbon-to-fluorinated-carbon bonds:



Flurothyl
DTXSID:DTXSID5046516
CASRN:333-36-8
TOXCAST:1/79



2H-Perfluoro-2-propanol
DTXSID:DTXSID1022134
CASRN:920-66-1
TOXCAST:-

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 10, 2019 11:44 AM
To: Scheifele, Hans <Scheifele.Hans@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: FW: PFAS - By the numbers

Are the lists below that we sent to the Hill "close enough" or should ICB 'run' new lists based on the very latest Inventory put out in Sept?

Also, Tracy =- they want to know which of their chems ICB thought are not PFAS?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Sent: Thursday, October 10, 2019 7:53 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Lambert, Jason <Lambert.Jason@epa.gov>
Subject: RE: PFAS - By the numbers

Tala:

Checking in on the PFAS list. Do you know when OPPT can provide to ORD? What we would like is a list of the TSCA active inventory (the 602) and the TSCA inventory (1223) PFAS chemicals. And we also would like to know about chemicals on our PFAS lists that OPPT doesn't think are PFAS chemicals.

Thanks.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) cell phone)

From: Frithsen, Jeff
Sent: Thursday, September 19, 2019 4:31 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>
Subject: RE: PFAS - By the numbers

Thanks Tala.

And yes, if we there are issues with any of the chemicals that ORD has included as PFAS, we want to know about it and would like to discuss.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) ell phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, September 19, 2019 4:30 PM
To: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>
Subject: RE: PFAS - By the numbers

Yes, we would be glad to provide. Our chemists have noted that some chemicals on your lists are not actually PFASs…do you want to know those too?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Sent: Thursday, September 19, 2019 2:15 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>
Subject: PFAS - By the numbers

Tala:

Thanks again for the update and clarification on PFAS chemicals. ORD is investing significant resources into the development of authoritative and curated lists for PFAS chemicals. It would be helpful if we could get a list of the TSCA active inventory (the 602) and TSCA inventory (1223) PFAS chemicals. This would assist with our PFAS inventory and library development and our tiered testing activities.

My understanding is that at least some portion of the two lists include CBI information. Assuming my understanding is correct, would it be possible to get redacted lists to avoid CBI issues?

Everyone is juggling much these days. However, what would be a reasonable expectation for timing?

Glad to discuss if needed.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) ll phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, September 9, 2019 1:58 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: EXACT # of PFAS (again)
Importance: High

The public PFAS Action Plan indicates there are **1,223** PFAS on the TSCA Inventory and of those **602** are "active" (i.e., in commerce at some point between June 2006 and June 2016). And, 621 are 'inactive'.
Of course these are the numbers at the time of the publication of the Action Plan and as such the only public numbers. There could have been a **few** that have commenced since then; however, the number of new PFAS coming through New Chems is significantly less since Lautenberg passes.

As I recall, the Tonko letter asked for a lot of other breakdowns, e.g., those with orders, testing, etc.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 1/29/2020 9:45:16 PM
To: Jeff Morris (Morris.Jeff@epa.gov) [Morris.Jeff@epa.gov]; Mark Hartman (Hartman.Mark@epa.gov) [Hartman.Mark@epa.gov]
Subject: FW: PFAS List Issues

Amazing how this is not working.

I am of the mind that the Industrial Chemistry Branch should be the final arbiter/definer of the list [an 'illustrative list' that went out with the SNUR is just that, illustrative, and can be explained as such]. It is increasingly important that OPPT **define** PFAS for at least our Program's purposes.

I had already planned to speak to David W about the 'errors' that were identified by industry and impress upon him the importance of CESSD/ICB ensuring quality work for the office; he is out all this week and Im out next week so will need to email him next week.

Concur? Or other ideas?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Reisman, Larry <Reisman.Larry@epa.gov>
Sent: Wednesday, January 29, 2020 3:58 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Turk, David <Turk.David@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>
Subject: FW: PFAS List Issues

Hi Tala,

As follow-up to the meeting we had on Monday, 01/27, about the TRI PFAS list, below please find the description of 4 issues that are preventing us from arriving at a final initial list of PFAS subject to TRI reporting for calendar year 2020 (reports due to EPA by July 1, 2021). Accordingly, we do not plan to issue a revision to the initial posting of 160 PFAS by tomorrow as discussed on Monday. Further, because there is still so much uncertainty regarding this list, we would like to wait until after the ANPRM comment period closes on February 3 to see if there are any comments related to the 160 PFAS already posted. As I'm sure you will agree, we do not want to revise the 160 PFAS listing more than once if possible. Of course, that concern needs to be balanced against posting a corrected list relatively soon as facilities are required to consider this year's activities for the TRI reports due in July 2021.

We met on Tuesday, 1/28, with CESSD. CCD did not attend the meeting despite accepting the invitation. Clearly, the resolution here requires coordination between these two divisions which we are starting to fear may only happen with OPPT IO involvement.

Please advise.

Thanks!

Larry

566-0751

From: Turk, David <Turk.David@epa.gov>
Sent: Wednesday, January 29, 2020 3:41 PM
To: Reisman, Larry <Reisman.Larry@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>
Subject: PFAS List Issues

Larry,

Dan drafted a summary of the issues that we're facing.

The following issues concern the PFAS covered by the structural definitions in the SNUR 721.10536:

1. In addition to the 2 PFAS that industry noticed should not have been on the list, TRI has identified at least 5 others that should not have been on the list and one other that should have been on the list. At this point we are not sure we have identified all the errors. ICB is also working to identify errors, with whom we shared what we have found thus far.

2. After reviewing a list of covered PFAS in the docket for the SNUR, ICB has indicated that there are additional PFAS that should be included under 721.10536 (we are awaiting their list).

3. There is some debate as to whether PFAS with unknown chain lengths are covered by the SNUR definition. The determination has been that if the PFAS could contain a chain length covered by the SNUR then it should be included. For example, one of the SNUR structural criteria is: $CF_3(CF_2)_m\text{-}CH_2\text{-}X$ where X is any chemical moiety where m is defined as $6 < m > 21$. The PFAS below has been included on the list even through there is no limit on its chain length.

Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-, sodium salt (1:2) (65530-72-5)

The question we have, is it correct to include these types of PFAS under 721.10536? Following TRI's publication of the 160 PFAS, we learned of an "illustrative list" of PFAS regulated by 721.10536. This illustrative list includes substances such as the one mentioned above; however, the illustrative list also appears to include substances that do not meet the 721.10536 so it is unclear to what extent we can rely on the illustrative list to inform our understanding of what is or is not regulated by 721.10536.

4. There is some question as to whether certain polymers should be covered. The text of the SNUR says that fluoropolymers are not covered since the chain length was limited to 20 carbons, however, certain types of polymers have been included on the list that contain PFAS groups that meet the structural criteria. We want to make sure that these polymers have been correctly listed as covered by 721.10536.

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 10/22/2020 7:31:53 PM
To: Schechter, Kathryn [Schechter.Kathryn@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]
CC: Le, Madison [Le.Madison@epa.gov]
Subject: RE: Are PAGs with a (per)fluoro component considered PFAS?

If PAGs with a per/poly fluoro component are PFASs, I don't think they were counted in the figures I was provided…

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Thursday, October 22, 2020 3:18 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>
Subject: RE: Are PAGs with a (per)fluoro component considered PFAS?

Are you asking about the number of PAGs, the number of PFAS or the number of PFAS PAGs?

Dr. Kathy Schechter
Chemist, Industrial Chemistry Branch (MC-7406M)
1201 Constitution Ave., NW
Washington, DC 20460
Telephone: (202) 564-8589
Fax: (202) 564-8679

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 22, 2020 3:03 PM
To: Schechter, Kathryn <Schechter.Kathryn@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>
Subject: RE: Are PAGs with a (per)fluoro component considered PFAS?

Didn't we get a bunch of PMNs for these this year?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Sent: Thursday, October 22, 2020 1:50 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>
Subject: RE: Are PAGs with a (per)fluoro component considered PFAS?

I have included them in the list if they meet our working definition...

Dr. Kathy Schechter
Chemist, Industrial Chemistry Branch (MC-7406M)
1201 Constitution Ave., NW
Washington, DC 20460
Telephone: (202) 564-8589
Fax: (202) 564-8679

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 22, 2020 1:01 PM
To: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>
Subject: Are PAGs with a (per)fluoro component considered PFAS?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 2/6/2021 5:04:44 PM
To: Pierce, Alison [Pierce.Alison@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]
Subject: RE: By 4 pm today: Review OCIR-drafted EPW QFR responses
Attachments: ALL Regan QFRs 2021-02-06 1100_TH Notes.docx; Program Table of Contents_TH Notes.docx

Importance: High

I went through all OCSPP/OPPT and all PFAS
My edits are in the compilation and my comments in the "outline"; the only one I didn't look at was the TCE one…

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Saturday, February 6, 2021 11:57 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: By 4 pm today: Review OCIR-drafted EPW QFR responses

I'm going through/pulling ours out now to see the scope of what we need to handle. Looks like it won't be too bad from the index:

Carper 11: TSCA→OCSPP
Carper 12: Methylene Chloride, TCE→OCSPP
Capito 203: TSCA→OCSPP
Wicker 257: Forest Products→OCSPP
Ernst 269: PIPs→OCSPP (could be us or OPP; need to see the question)

My proposal:

- I'll create a OneDrive document that folks can contribute to and send a link/assignments to the division as appropriate so that everything is in ***one*** place for ease of your review.
- Cut off for writing would be 1:30pm for first drafts so that Tala and Mark can review (and we can edit as needed/ask follow ups) and we can send to Michal by 3.

Does that work for folks?

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Saturday, February 6, 2021 11:52 AM
To: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: By 4 pm today: Review OCIR-drafted EPW QFR responses

How are organizing this within OPPT?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Sent: Saturday, February 6, 2021 11:48 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: Fwd: By 4 pm today: Review OCIR-drafted EPW QFR responses

Sent from my iPhone

Begin forwarded message:

> **From:** "Keigwin, Richard" <Keigwin.Richard@epa.gov>
> **Date:** February 6, 2021 at 11:43:11 AM EST
> **To:** "Collazo Reyes, Yvette" <CollazoReyes.Yvette@epa.gov>, "Messina, Edward" <Messina.Edward@epa.gov>, "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>
> **Cc:** "Freedhoff, Michal" <Freedhoff.Michal@epa.gov>, "Tyler, Tom" <Tyler.Tom@epa.gov>
> **Subject: FW: By 4 pm today: Review OCIR-drafted EPW QFR responses**
>
> I believe our responses are due back to OCIR by 4pm today. Perhaps if we could get our proposed input to Michal by NLT 3pm today?
>
> ---
>
> **From:** Freedhoff, Michal <Freedhoff.Michal@epa.gov>
> **Sent:** Saturday, February 06, 2021 11:40 AM
> **To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
> **Subject:** Fwd: By 4 pm today: Review OCIR-drafted EPW QFR responses
>
> Haven't opened these to ensure they are more than just the table of contents. Logging in now.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Adhar, Radha" <Adhar.Radha@epa.gov>
> > **Date:** February 6, 2021 at 11:13:19 AM EST
> > **To:** Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>
> > **Cc:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Thundiyil, Karen" <Thundiyil.Karen@epa.gov>, "Knapp, Kristien" <Knapp.Kristien@epa.gov>, "Moody, Christina" <Moody.Christina@epa.gov>, "Levine, Carolyn" <Levine.Carolyn@epa.gov>, "Haman, Patricia" <Haman.Patricia@epa.gov>, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
> > **Subject: By 4 pm today: Review OCIR-drafted EPW QFR responses**

Hey y'all,

Attached for your program is the set of Questions for the Record, along with OCIR-drafted responses. **We need your feedback by 4 pm this afternoon** in order to complete this process by Monday morning.

Pasted below and attached is a Table of Contents for the QFRs, which groups similar questions together and highlights the offices with equities in each question. **Please concentrate review on your program's specific questions.**

I defer to you for appropriate review and distribution within your programs, but I'll note that most responses are extremely high level, which reflect Secretary Regan's status as not yet an EPA employee. For QFRs in yellow, we are working in parallel to get specific input from Secretary Regan.

Please send your response (in Track Changes) to me, Robin Richardson and Matt Klasen, and OCIR will compile your comments as we move forward in the review process.

Please let Robin or me know if you have any questions or concerns, and thanks in advance for your help!

Thanks,

Radha

QFR Timeline
1. QFRs sent to EPA from the EPW committee *(4pm on Friday 2/5)*
2. OCIR screens QFRs, drafts responses (as appropriate), and identifies lead offices *(afternoon/evening of Friday 2/5 using SharePoint)*
3. OCIR distributes to offices (political and acting AAs) for review and additional drafting (as needed), with a request for AA level concurrence *(distributed by OCIR late Friday/early Saturday; offices return to OCIR by 4pm on Saturday 2/6)*
4. OCIR assembles responses *(using SharePoint on Sat 2/6 from 4-6pm)*
5. OGC Review *(OCIR sends to OGC by 6pm on Saturday 2/6)*
6. Chief of Staff Review *(OGC to COS by 7am on Sunday 2/7)*
7. Nominee Review *(to Nominee by noon on 2/7)*
8. White House Review *(to WH by 5 on Sunday 2/7)*
9. OCIR sends Secretary Regan's responses to the EPW committee *(by 9:30 am on Monday 2/8)*

Regan Confirmation – Program Table of Contents

Carper 1-4: LD/HFCs/Interstate Transport/Methane→OAR
Carper 5: PFAS→AO/OW
Carper 6: Scientific Integrity→ORD/OP
Carper 7: EJ→OP
Carper 8: RFS→OAR
Note: Carper 9-12 are from Booker:
Carper 9: MATS →OAR
Carper 10; PM NAAQS/EJ→OAR/OP
Carper 11: TSCA→OCSPP

Carper 12: Methylene Chloride, TCE→OCSPP

Whitehouse 13: RFS/E-RINs→OAR
Whitehouse 14: Nuclear→OAR
Whitehouse 15: RFS/REGS→OAR

Kelly 16: PFAS→AO/OW/R9
Kelly 17: WOTUS→OW/R9
Kelly 18: Nogales Sewage→OW/OITA/R9
Kelly 19: Navajo Uranium Mines→OLEM/R9/OITA/OW
Kelly 20: NAAQS→OAR/R9
Kelly 21: Rio Reimagined→OW/R9

Padilla 22: Cal Waiver→ OAR
Padilla 23: Exide Site→ OECA/R9
Padilla 24: PFAS→ AO/ORD/OW/R9
Padilla 25: DERA→ OAR/R9

Capito 26-29: EJ→OP
Capito 30: Regulatory Costs→OP
Capito 31: EJ Czar→OP
Capito 32-33: Jobs→OP
Capito 34: Enforcement→OECA
Capito 35: Jobs→OP
Capito 36: COVID Regulations→OP
Capito 37-38: EOs→OP/OAR
Capito 39: CPP→OAR/OCIR Oversight
Capito 40-47: Transparency→OP→OPA/OGC
Capito 48-50: Staffing→AO/OCIR
Capito 51-53: Ethics→OGC/OCIR Oversight
Capito 54-65, 67, 69: Regulations→OP + OAR on Capito 58 + OW on Capito 62 +ORD on Capito 65
Capito 66: FIP/SIP→OAR/OP/OCIR State+Local
Capito 67: Staffing→AO
Capito 68-71: Enforcement→OECA
Capito 72: WH Czars→AO/OCIR/OP/OPA
Capito 73-83: Nominee Background→AO/OCIROCIR/OGC-Ethics
Capito 84-92: WH Czars→AO/OCIR/OP/OPA
Capito 93-106→SABSO/ORD/OGC +AO (Avi) for 104
Capito 107: Nuclear→OAR/OP
Capito 108: LNT→OAR/OP/ORD
Capito 109: SCC→OP
Capito 110-124: Regs→OP +OGC for 122
Capito 125-135, 137: Paris/HFCs/LD/NAAQS/RFS→OAR
Capito 136: Class 6→OW/OCFO
Capito 138: CCUS and R/D→ORD/OP
Capito 139: Air Pollution→OAR
Capito 140: Goffman/McCarthy Role→AO/OCIR/OAR
Capito 141-142: Jobs→OP
Capito 143: Methane→OAR
Capito 144: Innovation→ORD/OP
Capito 145: EtO→OAR/ORD
Capito 146-147: EOs→OP
Capito 148-150 CPP→OAR
Capito 151-153 NC & CPP→ OAR/OCIR
Capito 154 MATS/CBA→OP/OAR

Capito 155-160 RFS→OAR
Capito 161: WOTUS→OW
Capito 162-163: WOTUS/NC→OCIR/OW
Capito 164: Ethics→OGC/OCIR
Capito 165-170: WOTUS→OW
Capito 171-195: *Maui*/WQS/WIFIA/Excess Nutrients & more→OW +172/R3 +182/OITA
Capito 196-202: Superfund, CCR, Brownfields→OLEM/OCIR for 198
Capito 203: TSCA→OCSPP
Capito 204-208: PFAS→AO/OW +OP for 207-208
Capito 209: PFAS→ AO/OLEM
Capito 210: PFAS→ AO/ORD
Capito 211: PFAS→AO/OCIR

Barrasso 212-215: Regan NC→OCIR
Barrasso 216: NRC MOU→OAR
Barrasso 217-218: KXL→OP
Barrasso 219-223: CCUS/USE IT→ORD/OCFO
Barrasso 224: LD→OAR
Barrasso 225: Natural Gas→OAR/OP

Rounds 226: RFS→OAR
Rounds 227: RFS→OAR
Rounds 228: Car Standards→OAR
Rounds 229: Oversight→OCIR

Inhofe 230: Pipelines→OP/OW/OAR
Inhofe 231: Natural Gas→OP/OAR
Inhofe 232: 111(b) Report + Southwest Power Pool→OAR/OCFO
Inhofe 233: EV Market→OAR
Inhofe 234-236: RFS→OAR
Inhofe 237: Nuclear Energy→OAR
Inhofe 238: Methane rulemaking→OAR/OP
Inhofe 239: Methane Voluntary Programs→OAR
Inhofe 240: CWA 401→OW
Inhofe 241: FIFRA→OCSPP
Inhofe 242: Pesticides + Ag→OCSPP
Inhofe 243: Small Water Utilities→OW
Inhofe 244: Mining Jobs→OP/OAR

Cramer 245: CWA 401→OW
Cramer 246: NSR→OAR
Cramer 247: *Maui* Guidance→OW
Cramer 248: Regulations, Federalism/BCA/SIPs→OP/OAR
Cramer 249: CAA 111(d), Costs→OAR/OP
Cramer 250: Methane Regs→OAR/OP
Cramer 251: WOTUS→OW
Cramer 252: CCUS/Pipelines→ORD/OAR

Boozman 253: Renewables, Reliability→OAR

Wicker 254: WOTUS/Ag→OW
Wicker 255: Mississippi MOU→R4/Ag/OCIR
Wicker 256: FIFRA→OCSPP
Wicker 257: Forest Products→OCSPP
Wicker 258: AWIA→OW

Wicker 259: RFS→OAR

Sullivan 260: Natural Gas/Methane Regs→OAR/OP
Sullivan 261: Natural Gas/Methane Regs→OAR/OP
Sullivan 262: EOs→OP
Sullivan 263: Critical Minerals/Energy→OAR/OP

Ernst 264: Biofuels→OAR
Ernst 265: McCarthy Role→OCIR/OP
Ernst 266: RFS→OAR
Ernst 267: Ag→OCSPP
Ernst 268: Biogenic CO2→OAR
Ernst 269: PIPs→OCSPP
Ernst 270: Ag→OCSPP
Ernst 271: RFS→OAR

Message

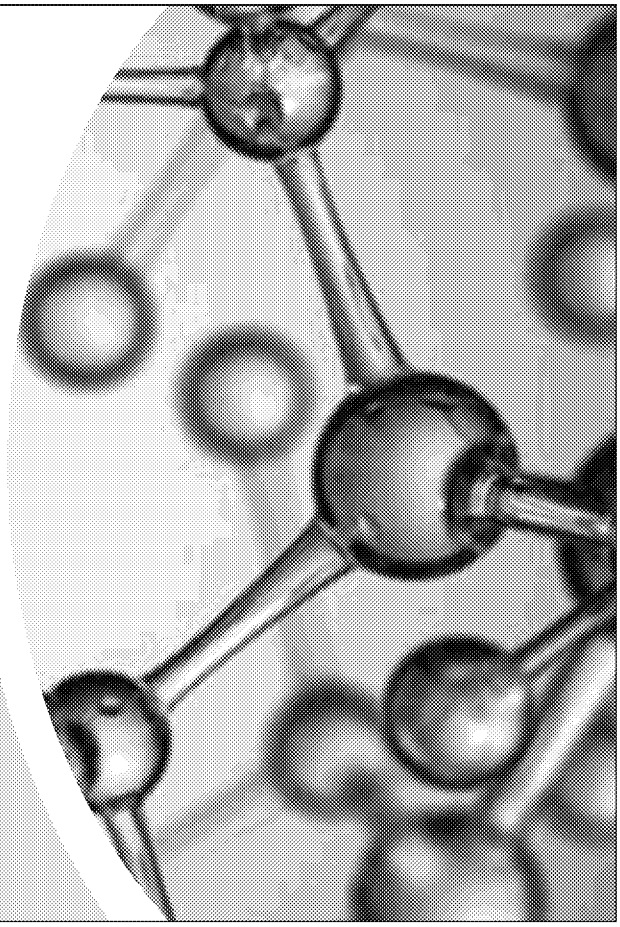
From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 2/19/2021 3:49:36 PM
To: Madison Le (Le.Madison@epa.gov) [Le.Madison@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Camacho, Iris (Camacho.Iris@epa.gov) [Camacho.Iris@epa.gov]; Tobias, David [Tobias.David@epa.gov]; Gallagher, Sarah [Gallagher.Sarah@epa.gov]
CC: Blair, Susanna [Blair.Susanna@epa.gov]; Pierce, Alison (Pierce.Alison@epa.gov) [Pierce.Alison@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: Didnt know who send this to...
Attachments: New PFAS Chemicals_Pre-Brief for OPPT_2-17-21_TH.pptx

Importance: High

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

New PFAS Chemicals: Approaches and Path Forward



Pre-brief for OPPT

New Chemicals Division

February 17, 2021

Ex. 5 Deliberative Process (DP)

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Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 3/1/2021 7:54:16 PM
To: Schmit, Ryan [schmit.ryan@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: 3 PFAS adds to CFR

Yes, but then I asked them to look at it and provided the SP link and download…I need someone else to put comments in the document due to the confusion

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Monday, March 1, 2021 2:43 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: 3 PFAS adds to CFR

Tala,
Did you see this from Dave on Friday re: the OW request on PFAS TA? I can't get into the SharePoint file, but can request access if you want me to make an OPPT comment/edit. I understand from Alison that OCSPP wants to see this (today) before it goes back to OW / OCIR.
Thanks,
Ryan

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

Tala,

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

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

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

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

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

Ex. 5 Deliberative Process (DP)

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

-Dave (and Tyler)

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

In some TA that OCIR is revisiting it says:

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

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

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

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

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

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

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 3/3/2021 5:14:21 PM
To: Burden, Susan [Burden.Susan@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Rose, Bob [Rose.Bob@epa.gov]
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

Really just looking to inform the group this is an ongoing effort, internationally, since "what is the definition of PFAS" comes up a lot.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burden, Susan <Burden.Susan@epa.gov>
Sent: Wednesday, March 3, 2021 11:13 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Rose, Bob <Rose.Bob@epa.gov>
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

I can get enough information from the ORD folks to give a high-level summary of the status, but I won't have enough details to be specific or answer questions. I would propose that we hold on this agenda topic until the next meeting, and I'll arrange to have the ORD folks present.

Thanks,

Susan

Susan Burden, Ph.D.
Scientific Support Advisor & ORD PFAS Executive Lead
Office of Science Advisor, Policy and Engagement
Office of Research and Development
US Environmental Protection Agency
Phone: (202) 564-6308 | (202) 740-0169
Email: burden.susan@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, March 03, 2021 10:35 AM
To: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Rose, Bob <Rose.Bob@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

The 'office coordinating the effort' (i.e., OCSPP transmits the USG comments and positions and represents USG in the OECD venue) has not been an active participant on the working group, only ORD and OLEM have – so, the participating workgroup members would be the ones with working knowledge of the effort.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Raffaele, Kathleen <raffaele.kathleen@epa.gov>
Sent: Wednesday, March 3, 2021 10:04 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Rose, Bob <Rose.Bob@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

If there is to be a presentation on the UNEP terminology effort, we think it should be by the office coordinating that effort. OLEM provided comments, but is not coordinating.

Kathleen Raffaele, Ph.D.

Senior Science Advisor
Policy Analysis and Regulatory Management Staff
Office of Land and Emergency Management (OLEM)
U.S. EPA

Telephone (202) 566-0301

Mailcode 5103T

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, March 03, 2021 8:46 AM
To: Rose, Bob <Rose.Bob@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

CORRECTION.... The PFAS nomenclature project is OECD & UNEP (not WHO)
Thx

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959

E: henry.tala@epa.gov

From: Henry, Tala
Sent: Wednesday, March 3, 2021 8:45 AM
To: Rose, Bob <Rose.Bob@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Subject: RE: Reminder: PFAS CC: Call for agenda for Thurs 3/4

OCSPP will give brief overview on

1) of the "PFAS in/on Containers" issue that is emerging

OCSPP requests an overview from ORD/OLEM (we understand they have been participating) on the OECD/WHO effort on PFAS nomenclature.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Rose, Bob <Rose.Bob@epa.gov>
Sent: Wednesday, March 3, 2021 8:35 AM
To: Burden, Susan <Burden.Susan@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Subject: Reminder: PFAS CC: Call for agenda for Thurs 3/4

Please let me know by noon today of any agenda items for tomorrow (thurs).

Thanks. Bob

Robert J. Rose
US EPA, Office of Water
Policy Office
1200 Pennsylvania Avenue, N.W.
Mail Code 4101M
Washington, DC 20460
Email: rose.bob@epa.gov
Ph: 202-564-0322

From: Rose, Bob
Sent: Monday, March 01, 2021 5:39 PM
To: Burden, Susan <Burden.Susan@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Subject: PFAS CC: Call for agenda for Thurs 3/4

I don't have any preliminary agenda items for this week, so please feel free to suggest items!

Thanks. Bob

Robert J. Rose
US EPA, Office of Water
Policy Office
1200 Pennsylvania Avenue, N.W.
Mail Code 4101M
Washington, DC 20460
Email: rose.bob@epa.gov
Ph: 202-564-0322

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 4/16/2021 4:04:02 PM
To: Passe, Loraine [Passe.Loraine@epa.gov]; Le, Madison [Le.Madison@epa.gov]
CC: Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: Letter re: EPA approval of new PFAS under TSCA
Attachments: EPA response to Earthjustice PFAS letter_DRAFT_v1_PTSLO CLEAN_4-5_TH.docx

Some edits;
If you agree and accept, this can move up to OCSPP via Ryan.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Passe, Loraine <Passe.Loraine@epa.gov>
Sent: Monday, April 5, 2021 2:37 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Lee, Virginia <Lee.Virginia@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Huskey, Angela <Huskey.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Tala-

Attached a draft response to the 3/26 letter from the NGOs regarding approval of new PFAS under TSCA. The draft response incorporates OGC input.

Please let us know if you have comments/questions.

Loraine

Loraine Passe
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Jonathan Kalmuss-Katz <jkalmusskatz@earthjustice.org>
Sent: Friday, March 26, 2021 12:25 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: Letter re: EPA approval of new PFAS under TSCA

Dear Assistant Administrator Freedhoff:

The 18 undersigned organizations submit this letter objecting to EPA's approval of new per- and polyfluoroalkyl substances (PFAS) and new uses of previously approved PFAS, as reflected most recently in EPA's March 10, 2021 Federal Register publication of "Certain New Chemicals or Significant New Uses; Statements of Findings for January through December 2020." For the reasons set forth in the letter, we urge EPA to stop approving PFAS under TSCA Section 5 and to address the flaws in EPA's new chemical review process that have facilitated the approval of prior PFAS.

If you have any questions about the attached letter, please don't hesitate to contact me.

Respectfully submitted,

Advance Carolina
Center for Environmental Health
Clean Cape Fear
Clean Haw River
Clean and Healthy New York
Defend Our Health
Democracy Green
Earthjustice
Environmental Defense Fund
Environmental Working Group
GreenCAPE
Merrimack Citizens for Clean Water
Mothers For Safe Air & Safe Water Force
Natural Resources Defense Council
Safer Chemicals Healthy Families
Sierra Club
Toxic Free North Carolina
Union of Concerned Scientists

Jonathan Kalmuss-Katz
Staff Attorney
Earthjustice Northeast Office
48 Wall Street, 15th Floor (note new floor)
New York, NY 10005
T: 212.823.4989
F: 212.918.1556
Pronouns: he/him/his
earthjustice.org

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If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.
If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 4/30/2021 7:30:48 PM
To: Schmit, Ryan [schmit.ryan@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: FOR TALA REVIEW: (Revised) Response to Earthjustice re: TSCA section 5
Attachments: EPA response to Earthjustice PFAS letter for AA signature v2 redline_TH_04-30-21.docx

One small edit

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Friday, April 30, 2021 1:21 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FOR TALA REVIEW: (Revised) Response to Earthjustice re: TSCA section 5

Hi Tala,
OCSPP asked that we revise this response to Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
Ryan

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 5/17/2021 1:51:00 PM
To: Le, Madison [Le.Madison@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]
Subject: RE: FOR ACTION MONDAY MORNING: QFR Outstanding Issues

Please put the below edited version into the QFR

EPA is also participating in an effort underway organized by the Organization for Economic Cooperation and Development (OECD) and the United Nations Environment Programme (UNEP) to review the existing universe of PFAS terminology and provide recommendations and guidance to stakeholders regarding PFAS terminology. When final, EPA will consider this guidance and applicability to TSCA regulatory programs.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, May 17, 2021 9:39 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: RE: FOR ACTION MONDAY MORNING: QFR Outstanding Issues

Alison/Tala,

For question #19, below is a few sentences on the OECD effort to harmonize PFAS nomenclature. Copied Tracy Williamson/ICB in case you have any questions. Thanks.

The OECD/UNEP global PFC group reviewed the most recent PFAS terminology and developed their own definition based on these results. According to this effort, OECD defines PFAS as "substances which contain at least one aliphatic carbon atom that is both saturated and fully fluorinated (without any H/Cl/Br/I atom attached to it), i.e. any chemical with at least a perfluorinated methyl group (–CF3) or a perfluorinated methylene group (–CF2–) is a PFAS."

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Sunday, May 16, 2021 9:57 PM
To: Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>

Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FOR ACTION MONDAY MORNING: QFR Outstanding Issues

Hi folks – Sharing the latest QFR document with a much smaller group of people, as there are only a few small issues left that need this groups attention remaining:

- Questions 9 and 14 – Need Numbers from NCD (**Madison** and team)
- Question 15 – **Susanna**
- Question 19 – **Tala**, who would you like us to reach out to for language on the OECD effort to harmonize PFAS nomenclature? Wasn't sure where that effort is being staffed in OPPT.

We owe this back to OCSPP IO (and OCIR Monday morning), so will need to close on these remaining issues quickly.

Best,
Alison

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Pierce, Alison
Sent: Sunday, May 16, 2021 9:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Subject: Pierce, Alison shared "05-16-21Freedhoff QFRs.OCIR - OCSPP Combined -- Comments on what needs to be addressed Monday ONLY" with you.

Pierce, Alison shared a file with you

Here's the document that Pierce, Alison shared with you.

05-16-21Freedhoff QFRs.OCIR - OCSPP Combined -- Comments on what needs to be addressed Monday ONLY

This link only works for the direct recipients of this message.

Open

Microsoft

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Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 5/21/2021 1:35:23 PM
To: Le, Madison [Le.Madison@epa.gov]
Subject: RE: OCSPP News for May 20, 2021

Cool!

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Friday, May 21, 2021 9:24 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: OCSPP News for May 20, 2021

We do intend to revamp the stats page, and we can aim increasing frequency of updates from monthly to every two weeks. We plan to brief you with the mock up webpage stats either at the next or following weekly.

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, May 21, 2021 9:03 AM
To: Le, Madison <Le.Madison@epa.gov>
Subject: FW: OCSPP News for May 20, 2021

See press below, setting expectation for more frequent NC stats updates

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: OCSPPNews <OCSPPNews@epa.gov>
Sent: Thursday, May 20, 2021 5:24 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Carlisle, Sharon <Carlisle.Sharon@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>;

Hanley, Mary <Hanley.Mary@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Harwood, Laura <Harwood.Laura@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Kramer, George <Kramer.George@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Nguyen, Khanh <Nguyen.Khanh@epa.gov>; OPP Branch Chiefs <OPP_Branch_Chiefs@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP IO <OPP_IO@epa.gov>; OPPT Managers <OPPT_Managers@epa.gov>; OPS CSID CB <OPS_CSID_CB@epa.gov>; Parsons, Doug <Parsons.Douglas@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Pinto, Ana <Pinto.Ana@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Romanovsky, Anna <Romanovsky.Anna@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Smith, Carolyn <smith.carolyn@epa.gov>; Sullivan, Melissa <sullivan.melissa@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Vernon, Jennifer <Vernon.Jennifer@epa.gov>
Subject: OCSPP News for May 20, 2021

OCSPP Daily News Round-Up

Toxics

- Chemical Watch 05/20; US litigation round-up
- Chemical Watch 05/20; US EPA round-up
- Chemical Watch 05/20; What would substance-wide TSCA risk determinations and other new approaches mean for stakeholders?
- E&E News 05/20; Dems tell EPA to do better on health warnings
- E&E News 05/20; Lawmakers pressure EPA, other agencies on PFAS
- E&E News 05/20; Greens threaten lawsuit over PVC waste management
- Inside TSCA 05/19; Industry Seeks Narrow New York Dioxane Rule, Ducking EPA Preemption
- Inside TSCA 05/19; Environmentalists Attack Industry's 'Negligence' In Call To Tighten PBT Rules
- Inside TSCA 05/19; Vermont Adopts Novel PFAS Ban As Industry Downplays Chemicals' Use

Pesticides

- Bloomberg Law 05/20; Bayer Questioned by Judge on Future Claims Settlement Plan (3)
- DTN Progressive Farmer 05/19; EPA Wants Roundup Redo
- EcoWatch (Common Dreams) 05/20; EPA Admits to Faulty Glyphosate Review Under Trump but Still Won't Take It off U.S. Market
- Law Week Colorado 05/20; Federal Appeals Court Directs EPA to Decide on Harmful Pesticide
- The Counter 05/20; Pesticide laws fail to protect the most vulnerable people in agriculture: children

Blog/OpEd/Other

- Bergeson & Campbell Blogs 05/20; EPA OPPT Strategic Plan for FYs 2021-2023 Outlines Six Priority Areas

++

US litigation round-up
N/A, Chemical Watch
https://chemicalwatch.com/268716/us-litigation-round-up

Industry groups weigh in on Prop 65 constitutionality challenge
Roughly two dozen industry groups and legal think tanks filed briefs this week asking the US Court of Appeals for the Ninth Circuit to uphold a lower court's decision barring California from requiring Proposition 65 warning labels for the herbicide glyphosate.

The American Chemistry Council (ACC) and the US Chamber of Commerce were part of a broad group of food, retail and business organisations to file briefs in support of Monsanto and other agricultural industry groups, in a case that could open new doors for industry to challenge the constitutionality of the state's controversial right-to-know scheme.

Last June, a federal district court said the Prop 65 warning requirement for glyphosate violated businesses' free speech rights because it compelled them to warn about the substance's carcinogenicity when the underlying science was disputed.

"This case is an example of the implementation of a law [Prop 65] expanding over time beyond the sensible boundaries of that law", the ACC said in its brief filed with more than ten other groups.

Anti-asbestos advocates want single judge overseeing cases
Public health groups involved in multiple legal challenges over the US EPA's actions on asbestos have asked for a single judge to oversee at least two of the proceedings.

The Asbestos Disease Awareness Organization (ADAO) and other groups suing the EPA to get a clear schedule for the completion of a supplemental TSCA risk evaluation of asbestos have asked that the case be assigned to the same federal judge presiding over a separate case calling on the EPA to expand company reporting requirements for asbestos.

That same judge, Ed Chen, is also overseeing a separate legal challenge over a TSCA petition related to water fluoridation.

US EPA round-up
N/A, Chemical Watch
https://chemicalwatch.com/268714/us-epa-round-up

Consultation begins on HFC phasedown proposal
The US EPA is consulting on a recently announced proposal that sets out how it will phase down the use of hydrofluorocarbons (HFCs) in a range of products.

Formal publication of the proposed rule in the Federal Register kicked off a 45-day comment period that is scheduled to end on 6 July.

The American Innovation and Manufacturing (AIM) Act, signed into law late last year, calls for an 85% cut in the production and consumption of 18 types of HFCs by 2036. A final rule is due by 23 September.

EPA to hold environmental justice consultations for TCE, Perc TSCA risk management rules
The agency has asked the public to share environmental justice considerations to inform the development of TSCA risk management rules for trichloroethylene (TCE) and perchloroethylene (Perc).

It will hold identical consultation webinars on 16 June and July 6, during which it will allow public comment and provide an overview of the substances' risk evaluation findings and outline potential regulatory responses for managing identified risks. It will also accept written comments until 20 August.

The EPA is due to propose a risk management rule by November to address unreasonable risk identified in its final risk evaluation for TCE, and by December for Perc.

While these risk management activities continue, the agency is also reviewing the evaluations to "ensure they use the best available science and protect human health and the environment".

Agency may share TSCA new chemical statistics more frequently

The EPA has said that it may begin updating its page of TSCA new chemicals programme statistics more frequently.

The agency has been updating the webpage once per month for at least two years. This week, however, it added additional data off that monthly cycle week to reflect activity in the first half of May.

"While the agency's goal is to update these statistics at least once per month, EPA is also committed to making updates more frequently as needed," a spokesperson told Chemical Watch.

TSCA PMN receipts for April
The EPA received 23 TSCA pre-manufacture notices (PMNs) in March and 15 amendments to past PMNs, according to a 19 May Federal Register notice.

The agency also notified that for March it received:

one significant new use notice (Snun);
14 notices of commencement (NOCs); and
test data in support of five PMNs.
EPA adds PFASs to drinking water treatability database
The EPA has added drinking water treatment options for eleven per- and polyfluoroalkyl substances (PFASs) to a database it maintains to support decision-makers in managing the persistent chemicals in their communities.

The additions cover:

perfluoropentanesulfonic acid (PFPeS);
perfluorohexanesulfonamide (PFHxSA);
perfluorobutylsulfonamide (PFBSA);
perfluoro-4-methoxybutanoic acid (PFMOBA);
perfluoro-3-methoxypropanoic acid (PFMOPrA);
perfluoro-3,5,7,9-butaoxadecanoic acid (PFO4DA);
fluorotelomer sulfonate 4:2 (FtS 4:2);
ammonium 4,8-dioxa-3H-perfluorononanoate (ADONA);
perfluoro-4-(perfluoroethyl)cyclohexylsulfonate (PFECHS);
F-53B: a combination of 9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid and 11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid; and
perfluoro-2-{[perfluoro-3-(perfluoroethoxy)-2-propanyl]oxy}ethanesulfonic acid, also known as Nafion BP2.
The update also incorporated 38 scientific references into the database's existing 26 PFAS entries.

"As EPA scientists and researchers evaluate technologies to remove PFASs from drinking water, we believe it's important to share this information," said Jennifer Orme-Zavaleta, acting assistant administrator for EPA's Office of Research and Development.

What would substance-wide TSCA risk determinations and other new approaches mean for stakeholders?
Kelly Franklin, Chemical Watch
https://chemicalwatch.com/267880/what-would-substance-wide-tsca-risk-determinations-and-other-new-approaches-mean-for-stakeholders

Recent policy shifts signalled by the US EPA on how it conducts TSCA risk evaluations could lead the agency to almost always determine that a substance poses an unreasonable risk and drive it to ban or severely restrict substances more frequently, several industry experts and former agency officials have said.

Moreover, the growing sense that the EPA will revisit some or all of its earlier risk evaluations is infusing a higher level of

uncertainty into the regulatory landscape.

The agency last week asked a federal appeals court overseeing a legal challenge to the EPA's final risk evaluation for methylene chloride to return the evaluation so it could "revisit" certain policy decisions made by the previous administration.

Most notably, the EPA's motion for voluntary remand, and accompanying declaration from acting chemicals office head Michal Freedhoff, spelled out that the agency would consider, at least in the context of methylene chloride:

transitioning to making a "binary determination" of whether the substance poses an unreasonable risk, rather than a use-by-use risk determination;
reconsidering assumptions made about workers' use of personal protective equipment (PPE); and
further examining certain potentially exposed or susceptible subpopulations or environmental exposure pathways previously excluded from the review.
The policy shifts, if enacted across the agency's existing chemicals programme, would reverse major Trump-era policy decisions and shift its approach towards a model that environmental and health advocates have supported for years.

And while industry experts who spoke to Chemical Watch agreed the move was not surprising in light of recent public statements and changes to the new chemicals programme, the adjustments could still have profound impacts on how the agency assesses and manages the risk that high-priority chemicals pose.

Ever-shifting landscape
The policy changes contemplated in the motion are largely consistent with the risk evaluation approaches that the petitioning organisations in the suit have previously asked the agency to follow.

Despite their general support for these measures, however, the petitioners have staked their opposition to the EPA's request for remand, according to the agency's motion.

The groups declined to comment on their position in advance of filing an opposition motion in the coming weeks.

But one reason they could be resisting the agency's move is to try to get the court to issue a ruling that will withstand the effects of future leadership shifts.

The agency's risk evaluation policies have fluctuated wildly in recent years, beginning with framework rules proposed under the Obama administration, final rules and the first ten risk evaluations issued under the Trump administration, and now a reassessment of those decisions in the Biden administration.

Erik Baptist, a partner at Wiley who previously held a leadership role in the chemicals office, said the pendulum only stops swinging "when the courts decide".

The decision for a new administration to take a look at past decisions is "wholly appropriate", said Alexandra Dunn, former assistant administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP) and currently a partner at Baker Bott. "These are policy-based decisions, and in most cases, the language of the statute doesn't direct the precise manner, for example, of how conditions of use should work. And the statute certainly doesn't address things like the role of PPE."

There is an open question as to which administration has correctly read the law, said Herb Estreicher, a partner at Keller and Heckman. "Only a court can decide."

Substance-wide risk determination
Among the most significant changes the EPA has floated is the concept of making a single risk determination for a substance as a whole, rather than a risk finding for each of its conditions of use. Industry attorneys agreed that with this shift, if the EPA finds...

Dems tell EPA to do better on health warnings
Sean Reilly, E&E News
https://www.eenews.net/eedaily/2021/05/20/stories/1063733075?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeedaily

Senate Democrats are prodding EPA to confront problems flagged by the agency's inspector general in communicating the health risks posed by ethylene oxide and other hazardous air pollutants.

In a letter released late yesterday, Sen. Tammy Duckworth (D-Ill.) and two other lawmakers called on EPA Administrator Michael Regan to address the inspector general's recommendations "that remain unresolved and update Congress on the development and implementation of these new critical operating standards and procedures."

The other signers were Senate Environment and Public Works Chair Tom Carper (D-Del.) and Senate Majority Whip Dick Durbin (D-Ill.)

They singled out three recommendations in particular, including one that urged creation of an interactive information forum for residents living near 25 "high priority" emitters of ethylene oxide, which EPA classifies as a carcinogen but is widely used to sterilize medical equipment.

While the agency has already agreed to some changes, the three lawmakers requested a briefing for their staffs by September on what steps have been taken, along with a discussion "on the resolution of any differences that remained between" the inspector general's recommendations and the "implemented corrective actions" taken by EPA's Office of Air and Radiation.

In a series of critical audits issued since last year, IG Sean O'Donnell's office has taken EPA to task for failure to adequately warn people of their potential risk from ethylene oxide inhalation and also faulted the agency's approach to updating air emission standards.

Particularly infuriating to Illinois lawmakers was a report released last month that found Trump administration appointees limited monitoring of plant emissions in the Chicago area and sat on information about residents' possible exposure to the toxic gas (E&E Daily, April 22).

But O'Donnell has run into resistance from the Biden administration in response to his most recent report urging new reviews of emission standards for ethylene oxide and another chemical to better account for their respective cancer risks. Acting EPA air chief Joe Goffman balked at fully accepting the report's four recommendations; as of early this month, the IG considered three of them unresolved (Greenwire, May 6).

Lawmakers pressure EPA, other agencies on PFAS
E.A. Crunden and Ariel Wittenberg, E&E News
https://www.eenews.net/eedaily/2021/05/20/stories/1063733043?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeedaily

Lawmakers are escalating their efforts to crack down on "forever chemicals" amid a surge in momentum around the issue on Capitol Hill.

A bipartisan group of 11 senators sent a letter to the Food and Drug Administration yesterday calling for limits on per- and polyfluoroalkyl substances (PFAS) in bottled water.

That move coincided with the introduction of two new bills in the House this week also geared toward reining in PFAS contamination.

Lawmaker focus has largely been aimed at EPA, which is currently working to set drinking water standards for two compounds, PFOA and PFOS — the most researched PFAS.

But the senators' letter yesterday expands scrutiny to FDA, which has jurisdiction over bottled water and other drinks sold to consumers.

FDA has already resisted calls from the International Bottled Water Association to set limits of 5 parts per trillion for a single type of PFAS and 10 ppt for multiple PFAS in bottled water.

The trade group, which represents Danone SA and Nestlé SA, already requires its own members to meet that limit, which is lower than EPA's current guidance of 70 ppt of PFOA or PFOS in tap water.

The nine Democratic senators, led by Sen. Richard Blumenthal (D-Conn.) and accompanied by Maine Sens. Angus King (I) and Susan Collins (R), are asking FDA to step in and not wait for EPA to limit PFAS in tap water.

"Given the widespread persistence of PFAS in our environment and drinking water, many people have turned to bottled water to avoid adding toxic chemicals to their bodies," the senators wrote. "Establishing Standards of Quality for bottled water is an important step that will help ensure consumer confidence and protect public health."

They also said that IBWA's self-imposed limits show that achieving strict standards is possible for industry — a key benchmark for FDA regulation of toxins and human-made chemicals in food products (Greenwire, April 8).

"However, consumers can't be expected to know which brands are IBWA members and meet this standard," the letter stated. "A national FDA Standard of Quality will ensure that all consumers have access to safe drinking water."

New bills

The "Protect Drinking Water From PFAS Act," H.R. 3267, led by Rep. Brendan Boyle (D-Pa.), would require EPA to publish and promulgate a maximum contaminant level for "total" PFAS in drinking water.

H.R. 3267, which passed the House in 2019 under H.R. 2377 as part of larger PFAS legislation, would go beyond EPA's focus on PFOA and PFOS in targeting the family of thousands of chemicals more broadly.

"Every day the EPA delays setting enforceable limits on these chemicals is another day of exposure to dangerous 'forever chemicals' for many Pennsylvanians," said Boyle in a statement. "The more we look, the more contamination we find. The more we wait, the more we learn about the seriousness of these contaminants."

Rep. Paul Tonko (D-N.Y.), chairman of the Energy and Commerce Subcommittee on Environment and Climate Change, introduced H.R. 3291, focused on providing assistance to schools and water systems grappling with PFAS and lead contamination.

Public utilities have struggled considerably with costs relating to PFAS (E&E Daily, June 11, 2020). The bill would allocate $500 million from 2022 through 2031 for that assistance.

Co-sponsored by Energy and Commerce Chair Frank Pallone (D-N.J.), the legislation would also compel EPA to impose drinking water standards for PFAS, along with other toxic substances like 1,4-dioxane and microcystins.

Rep. Debbie Dingell (D-Mich.) this year reintroduced the "PFAS Action Act," H.R. 2467, which would enact broad mandates regarding the chemicals.

Action at EPA

The flurry of movement on the Hill coincides with an uptick in attention at EPA, where Administrator Michael Regan has promised PFAS will be a "top priority."

Yesterday, the agency announced new PFAS have been added to its drinking water treatability database to help communities identify contaminants and assess potential...

Greens threaten lawsuit over PVC waste management
Jacob Wallace, E&E News
https://www.eenews.net/greenwire/2021/05/20/stories/1063733131?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

The Center for Biological Diversity said yesterday that it is preparing to sue EPA to trigger federal regulation of polyvinyl chloride, or PVC, as a hazardous waste.

The group first petitioned EPA to regulate PVC in 2014 and said it plans to sue the agency after it failed to respond in a timely manner. In the seven years since the group filed its initial petition, 49 billion pounds of PVC has been discarded in the United States, the center said.

"It's time to recognize PVC as one the most hazardous consumer products ever made," Emily Jeffers, an attorney with the center and former wildlife biologist, said in a statement. "People and wildlife are being harmed by toxic chemicals as this ubiquitous plastic is produced and degrades."

PVC is commonly used as plastic packaging and as a material for toys, building materials and other uses. The American Chemistry Council has called it one of the most widely used thermoplastics, alongside polyethylene.

But in its petition to EPA, the Center for Biological Diversity cited several studies that found that PVC leaches pthalate plasticizers and other chemicals over time, which can cause "developmental and behavioral abnormalities in humans and wildlife species."

EPA considers vinyl chloride itself to be carcinogenic to humans if inhaled.

The center's 2014 petition asked EPA to classify PVC as hazardous under the Resource Conservation and Recovery Act, which would trigger new waste management guidelines.

In its notice of intent to sue yesterday, the center said PVC is "managed in much the same way as food scraps and grass clippings after disposal."

EPA did not respond to a request for comment.

Judith Enck, a former EPA regional administrator and founder of Beyond Plastics, said regulating PVC as hazardous is a "long overdue" change.

She said the petition process that the center has been working through with EPA can be painfully slow but that a legal action would be a positive step toward change.

"What happens is as [petitions] sit there and time marches on, the science gets stronger," Enck said. "I'm glad they did this new filing."

The center's notice comes a week after Canada moved to classify all plastics as hazardous waste under its own environmental laws. The change could trigger a ban on certain kinds of single-use plastics in the country.

"As U.S. plastic production increases, federal officials urgently need to safeguard its disposal and protect our health," Jeffers said. "We can't keep ignoring this toxic time bomb."

Industry Seeks Narrow New York Dioxane Rule, Ducking EPA Preemption
David LaRoss, Inside TSCA
https://insideepa.com/tsca-news/industry-seeks-narrow-new-york-dioxane-rule-ducking-epa-preemption

Manufacturers of cleaning goods and personal-care products are each asking New York regulators to ease the path for companies to secure waivers from state limits on 1,4-dioxane in their products, sidestepping debate over whether the state rules are pre-empted by EPA.

Neither industry group that weighed in on the state's waiver process is raising the prospect of preemption based on EPA's Toxic Substances Control Act (TSCA) finding that 1,4-dioxane poses no "unreasonable risk" in consumer goods.

This continues the industry's focus on details of the New York State Department of Environmental Conservation's (DEC) program to limit the chemical to 2 parts per million (ppm) in certain consumer goods, which will go into effect at the end of 2022, rather than the prospect that it could be invalid under federal law.

For instance, the Personal Care Products Council (PCPC) in May 7 comments asks DEC to drop a proposed requirement for companies to provide documentation of their tests for 1,4-dioxane levels "as requested" in addition to separate requirements to certify "the concentration of 1,4-dioxane that is currently in each product for which a waiver is sought," and written "explanation" of each firm's approach to reducing those levels.

"Providing test results, test methods and laboratory names would add a third layer on top of these other requirements. And while it would only be 'if requested' by the agency, this additional requirement seems unnecessary and duplicative," PCPC writes.

Similarly, the American Cleaning Institute (ACI), the Consumer Brands Association (CBA), and the Household & Commercial Products Association, in joint April 30 comments, argue that product testing mandates would provide no insight into industry's ability to comply with the state's Environmental Conservation Law (ECL).

But as in past comment cycles on implementation of the ECL, both industry letters to DEC on the waiver issue avoid any mention of EPA's handling of 1,4-dioxane under TSCA, even though several groups that signed the comments backed the Trump administration's early steps toward preemption.

Specifically, the agency found that 1,4-dioxane poses no unreasonable risk to the general population, including in eight individual determinations related to "uses" of the chemical as a byproduct in consumer products like household cleaners. Under the 2016 reforms to TSCA, that finding sets up preemption of state laws or rules regulating those same uses, subject to some exclusions.

Several industry groups including ACI and CBA supported adding those uses to the evaluation, and the move was seen at the time as a way to preempt state-level regulations planned by New York and California.

However, even after EPA finalized its evaluation finding no risks warranting regulation from 1,4-dioxane in products, New York has gone ahead with implementing its limits for many of those products. That could set up the first-ever test of TSCA's preemption provisions, but stakeholders in the process have not overtly acknowledged the potential for that clash, and the trade groups themselves have declined to comment on it.

Meanwhile, EPA itself is weighing reopening some or all of the 10 Trump-era TSCA evaluations, which could allow it to overturn the risk findings on consumer products or replace the use-by-use risk determinations with a single "binary" finding for the chemical as a whole -- an approach officials plan to take for methylene chloride and which could muddy

any case for preemption.

Stakeholders' Comments

Instead, the industry groups use their comments to target specific elements of the waiver process they say are too stringent or impose an unreasonable compliance burden, such as PCDC's call for DEC "to remove any language that makes the granting of the waiver appear to be discretionary" and instead state that any manufacturer that submits a timely request with the required justification "will qualify for a waiver."

And the three trade groups' joint...

Environmentalists Attack Industry's 'Negligence' In Call To Tighten PBT Rules
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/environmentalists-attack-industry-s-negligence-call-tighten-pbt-rules

Environmental groups are pushing back on industry calls to loosen EPA's TSCA rules governing five persistent, bioaccumulative and toxic (PBT) chemicals, saying the widespread difficulty eliminating use of a key flame retardant is due to several sectors' "inexcusable negligence" in preparing for the new limits rather than any fault in the policy.

In joint May 17 comments, three groups argue that industry has shown "no evidence to date" to support calls for loosening or greatly delaying enforcement of its limits on the flame retardant phenol, isopropylated phosphate (3:1), or PIP, despite arguments from a variety of sectors that they will be unable to find a replacement before the agency's "no-action assurance" halting enforcement of many PIP restrictions is set to expire in mid-September.

"We have seen no evidence to date that the current compliance date (as extended by six months through the No Action Assurance) is 'impracticable' and urge EPA to reaffirm that date until and unless industry can make a compelling case for more time under section 6(d)" of the Toxic Substances Control Act (TSCA), reads the letter, which is signed by Safer Chemicals Health Families, Defend Our Health and Natural Resources Defense Council.

The groups argue that EPA should not have rewarded industry's "inexcusable negligence" by loosening implementation of the PIP rule, which was originally slated to take effect on March 8.

"We believe this application of enforcement discretion was unwarranted under EPA policies in light of industry's extreme lack of diligence in tracking, let alone complying with, these prohibitions and the risk of harm to health and the environment in delaying compliance, which EPA inexplicably ignored when issuing its No Action Assurance," the comments say.

EPA's PBT rules, which it finalized on Jan. 6, generally bar use or distribution of the five chemicals either on their own or as components in finished articles, subject to several exclusions. While there has been little industry opposition to phasing out four of the chemicals, the limits on PIP caught a host of sectors from retailers to equipment manufacturers by surprise, in part because the agency has rarely used TSCA to regulate chemicals in articles or products.

Officials responded to those objections by granting a six-month no-action assurance but also opening a new round of public input on all five PBT rules to inform potential changes, prompting the new comments from environmentalists as well as a renewed industry push for broader exclusions and long-term enforcement relief.

The environmentalists say industry's last-minute response to the rule is "unfathomable," and EPA should not reward the companies by loosening its policy.

Trade groups "made no effort to alert the Agency to its concerns until after a final rule was in place 7 years [after EPA placed PIP on its TSCA work plan of priority chemicals]. It is unfathomable why well-staffed industry associations based

in Washington DC should be excused from reading the Federal Register, filing comments and responding to EPA's requests for information -- elementary tasks that our underfunded organizations and other commenters had no trouble performing during the PBT rulemaking," the environmentalists say.

A 'Higher Level Of Evidence'

They continue that EPA should never have granted the original enforcement stay and should refuse any further requests as well.

"Our groups strongly oppose the exercise of enforcement discretion to further extend the rule's compliance date for PIP (3:1)-containing articles. This mechanism is not only unjustified under EPA policy but deprives the public of the opportunity to comment and seek judicial review," the comments say.

"EPA's reliance on enforcement discretion in this instance rewards industry for ignoring the rulemaking process and sets a precedent that will weaken future compliance with environmental laws."

Bob Sussman, counsel to Safer Chemicals Healthy Families and a...

Vermont Adopts Novel PFAS Ban As Industry Downplays Chemicals' Use
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/vermont-adopts-novel-pfas-ban-industry-downplays-chemicals-use

Vermont has adopted a first-in-the-nation law banning per- and polyfluoroalkyl substances (PFAS) in several categories of consumer products, just as manufacturers are claiming that PFAS are less widely used than supporters of such policies say -- citing figures that show hundreds, rather than thousands, of the substances in commerce.

The state's Gov. Phil Scott (R) on May 19 signed into law the bill that "bans PFAS chemicals from firefighting foam, food packaging, ski wax, and carpets, rugs, and stain-resistant treatments," according to a press release from environmental group Toxic-Free Future (TFF).

The bill defines bans products in those categories that incorporate PFAS, which it defines as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." That is the same language used by the international Organisation for Economic Co-operation and Development (OECD), which has emerged as a model for several state and private efforts to set a unified definition of PFAS.

Vermont's law drew unanimous support from its legislature, and goes beyond measures recently enacted in several states including Washington, New York, and Maine, which have advanced phaseouts of PFAS in food packaging that will start taking effect in December 2022.

It will instead ban PFAS in several categories of products, with effective dates beginning on July 1 of this year and ranging as far in the future as July 1, 2023 for restrictions on carpeting, ski wax and food packaging.

For each type of item, the law says, "A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State" products "to which PFAS have been intentionally added in any amount."

TFF and other environmental groups are already praising the measure as a model for other states, and an avenue to pressure manufacturers to drop perfluorinated chemicals even in states that do not restrict them.

"This ground-breaking policy has an impact beyond Vermont's borders. It sends a strong message to the chemical industry and manufacturers that PFAS have no place in products," Sarah Doll, national director of the Safer States

campaign for state-level chemical policies in TFF's press release. "Vermont's leadership is part of a growing movement around the country to act upstream and prevent PFAS contamination before it happens."

She added, "other states are well-positioned to join this movement in the future."

But even as PFAS opponents have built momentum for new limits on the substances' use, manufacturers are pushing back -- including through a new study that argues for a narrower definition of the chemical class than the OECD test that Vermont used, and claims that there are far fewer PFAS in active use than environmentalists say -- listing just 256 "commercially relevant" PFAS rather than the 4,730 other researchers have found.

'Too Vast'

The study, "Identification and Classification of Commercially Relevant Per- and Poly-fluoroalkyl Substances (PFAS)," was published May 14 in the journal Integrated Environmental Assessment and Management and argues that a 2018 report from OECD and the United Nations Environment Programme (UNEP) that found 4,730 PFAS in commerce is "too vast."

The report "inappropriately includes substances that were produced in miniscule amounts for research purposes, that were never commercialized, that have been phased out of production, or are regulated by other authorities (e.g. pesticides; pharmaceuticals, refrigerants)," says a joint release from chemicals makers AGC Inc., the Chemours Company, and Daikin America, Inc, which backed the new paper.

"The study identified and classified 256 commercially relevant PFAS as of December 2019 that were defined by the three company participants," a release from the companies about the paper says. "The authors stated that while this number does not reflect the totality of PFAS around the world, it does...

Bayer Questioned by Judge on Future Claims Settlement Plan (3)
Joel Rosenblatt, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/bayer-judge-questions-plan-for-resolving-future-roundup-claims?usertype=External&bwid=00000179-85c6-d891-a1f9-87ded82f0003&qid=7110745&cti=FGOV&uc=1320000080&et=NEWSLETTER&emc=neve_nl%3A7%3Fsource%3Dnewsletter&item=headline®ion=featured-story&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzktODVjNi1kODkxLWExZjktODdkZWQ4MmYwMDAzIiwic2lnIjoiWkpvT3piK3BHR1R6VmpkNEFPMVZBRzdYUmVzPSIsInRpbWUiOiIxNjIxNDU0NDM2IiwidXVpZCI6IlRRaTViYnFNYThPWlJSZzgxdkhmeGc9PXJBaTJyak5aL2s4eWdlcUduamF3d3c9PSIsInYiOiIxIn0%3D

Bayer AG faced probing questions from a judge over its plan to pay as much as $2 billion to resolve future lawsuits over claims that its Roundup weed killer causes cancer.

Bayer and lawyers representing consumers presented the deal Wednesday to U.S. District Judge Vince Chhabria in San Francisco, who last year rejected a $1.25 billion proposal.

The settlement is part of a broader $11.6 billion agreement to resolve Roundup lawsuits from about 125,000 consumers and farmers in the U.S. Another piece of the broader accord -- $650 million for hundreds of U.S. cities, counties and ports suing over toxic PCB contamination -- faced pushback from a federal judge in Los Angeles. There, too, Bayer and lawyers representing plaintiffs have been sent back to the drawing board multiple times.

The litigation over both Roundup and PCBs remains a lingering obstacle for Bayer from its purchase of Monsanto Co., as the settlement process drags on and more lawsuits over the weed killer pile up almost daily. Bayer shares showed little change Thursday in Frankfurt trading.

Before the hearing, Chhabria listed in a written order what he called "big-picture concerns" about the settlement. If

those are "meaningfully addressed," the judge wrote, he'll turn to "the many smaller questions" the deal presents at another hearing.

Bloomberg Intelligence: Bayer $2 Billion Roundup Proposal's Odds of Approval Look Dicey

Chhabria expressed concern about what happens to consumers who are exposed to Roundup but are not yet diagnosed with non-Hodgkins lymphoma – and may not be for a decade or longer. The judge expressed skepticism of a proposed medical monitoring program and compensation fund ending four years after the settlement.

"There's no reason for me to believe there's going to be any compensation for me as a result of this settlement," Chhabria said, referring to the not-yet diagnosed consumers.

Bayer said after the hearing it appreciates the court's direction.

"It is common for courts to request some adjustments to class settlement agreements like this and we are confident that, working with class counsel, we will be able to address the matters raised by the court," the German company said in an email.

The judge spent a large portion of the hearing trying to size up the threat of a U.S. Supreme Court ruling that could potentially wipe out outstanding Roundup lawsuits.

Read More: Bayer Deal Pays Roundup Plaintiff to Keep Fighting in Court (1).

"By far the greatest litigation risk is that the Supreme Court would rule at some point that these state law claims are preempted, and that they would have no claim whatsover."

Numerous consumers have objected to the settlement on a variety of grounds, saying that revisions to the earlier, rejected proposal aren't good enough.

One point of contention is whether consumers are being misled about the compensation they're entitled to receive.

Objectors say that while the deal touts a payoff of as much as $200,000 per person, the plan sets up "extensive roadblocks" to bar anyone from getting more than $65,000.

Under the terms of the settlement, all litigation is put on hold for four years while a science panel reviews the evidence linking Roundup to cancer.

Wednesday's Los Angeles hearing over PCBs marked the third time U.S. District Judge Fernando Olguin has declined to approve a proposed class settlement. He said he's still concerned about a claims filing deadline within the plan and $98 million slated for attorneys' fees and costs.

"We're getting much closer, but I still have some concerns," Olguin told lawyers in a teleconference. "We're getting there."

The suit was filed by a group of more than 2,500 local government entities, including the cities of Los Angeles, Seattle and Oakland, California. They sued in 2016, the same year Bayer bought Monsanto and found itself defending itself against a blizzard of lawsuits over the chemical company's production of PCB -- or polychlorinated biphenyl -- which...

EPA Wants Roundup Redo
Emily Unglesbee, DTN Progressive Farmer
https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/05/19/biden-epa-asks-court-chance-decision

ROCKVILLE, Md. (DTN) -- The Biden EPA has asked a federal court for a chance to review and possibly revise parts of the agency's 2020 interim decision to re-register glyphosate (Roundup) while leaving the herbicide on the market.

EPA's request was filed Tuesday in the U.S. Court of Appeals for the Ninth Circuit, where it is facing a combined lawsuit from a coalition of farmworker and environmental groups, who are asking the court to vacate the registration of glyphosate entirely.

Specifically, EPA wants to reconsider its analysis of glyphosate's ecological risks and other costs of the herbicide and re-weigh them against the herbicide's benefits. However, EPA was clear in the filing that the agency will not reconsider its analysis of glyphosate's human health risks -- the source of several successful lawsuits against glyphosate's primary registrant, Bayer. The agency says it is standing by its conclusions that, as registered, glyphosate doesn't pose major risks to human health and "believes that this component of its analysis should be sustained by this Court."

WHAT IT MEANS TO FARMERS

If EPA's request is granted by the court, it will not remove glyphosate from the market. The request is for "partial voluntary remand without vacatur," which means the herbicide would remain legally registered while the agency reviews and perhaps revises parts of its registration decision.

It's not clear how long this revision process would take, and it isn't certain that the court will grant it. First, the plaintiffs will get a chance to respond, and then the three-judge panel will decide.

HOW DID WE GET HERE?

Under the Trump administration, EPA had issued an interim decision in January 2020 to re-register glyphosate, with some minor changes to labels and use restrictions. By March, a group of farmworker and environmental groups -- including the Center for Food Safety, Natural Resources Defense Council, Beyond Pesticides, Rural Coalition, Farmworker Association of Florida and Organizacion en California de Lideres Campesinas -- had filed two (now combined) lawsuits, accusing the agency of neglecting to adequately assess the herbicide's risks to human health and endangered species. (See the DTN story here: .)

Later that year, in November, EPA released its own assessment of glyphosate's risk to endangered species, a draft biological evaluation that found that the herbicide is "likely to adversely affect" 1,676 listed species and 759 critical habitats, the vast majority of the species and habitats it considered. (See the DTN story here: .)

The lawsuit's plaintiffs immediately seized on those findings and cited them when they filed their opening brief a month later, just before Christmas. (See the DTN story here: .)

Now, EPA wants a chance to voluntarily reconsider its registration decision in light of a number of developments over the past year, including those draft biological evaluation findings. "While EPA cannot prejudge the outcome of its analysis, it may be that the results of EPA's biological evaluation lead it to adopt additional or different mitigation measures than those specified in the Interim Decision," the agency's petition to the court said.

EPA also asked to consider how its glyphosate registration might be affected by two other recent decisions by the Ninth Circuit. First, it cited the Ninth Circuit's ruling in July that upheld the Enlist Duo registration but ordered EPA to fix its assessment of the glyphosate-and-2,4-D premix's risk to monarch butterflies. (See the DTN story here: .)

The second decision that could affect EPA's glyphosate decision is the Ninth Circuit's June 2020 decision to vacate three dicamba herbicides' registrations, citing the environmental, social and economic costs of off-target movement of those herbicides. EPA was somewhat cryptic on how this decision -- which sent shockwaves through the ag industry last year -- might change its approach to glyphosate, stating only...

EPA Admits to Faulty Glyphosate Review Under Trump but Still Won't Take It off U.S. Market
Kenny Stancil, EcoWatch (Common Dreams)
https://www.ecowatch.com/epa-glyphosate-roundup-trump-biden-2653049045.html

The Center for Food Safety on Wednesday denounced the Biden administration's Environmental Protection Agency (EPA) for arguing that Roundup should remain on U.S. shelves for an undisclosed period of time even after admitting that the Trump-era review of glyphosate — the key ingredient found in Roundup, the world's most widely used herbicide — was flawed and requires a do-over.

In its federal court filing requesting to redo the Trump administration's faulty assessment of glyphosate, the EPA failed to provide a deadline for a new decision; instead, the agency maintained that Roundup — created by agrochemical giant Monsanto, which was acquired in 2018 by the German pharmaceutical and biotech company Bayer — should stay on the market in the meantime.

The EPA's request comes as it faces two lawsuits, including one brought by a coalition of farmworkers and environmentalists represented by the Center for Food Safety (CFS), that seek to reverse the Trump EPA's approval of glyphosate, a decision that was made despite evidence that the substance — described by the World Health Organization as "probably carcinogenic" — poses threats to human health and to pollinators such as bumblebees and monarch butterflies.

"Rather than defend its prior decision, at the 11th hour EPA is asking for a mulligan and indefinite delay, despite having previously spent far too long, over a decade, in re-assessing it," CFS legal director George Kimbrell said Wednesday in a statement. "Worse, EPA admits its approval risks harms to farmers and endangered species, but makes no effort to halt it."

According to CFS:

EPA is required by law to re-assess each pesticide every 15 years in a process known as registration review. EPA completed part of its registration review of glyphosate in 2020, designating it an "interim" decision because it had failed to assess glyphosate's impacts to endangered species, or complete other key assessments, such as glyphosate's potential to disrupt hormonal systems and harm pollinators. The 2020 interim decision represented EPA's first comprehensive assessment of the herbicide since 1993.
After the ongoing lawsuits and the agency's most recent biological evaluation identified the deleterious social and environmental impacts of glyphosate, the EPA "admits it can no longer affirm glyphosate's putative benefits outweigh its risks and costs, or that measures imposed to mitigate risks are at all effective," CFS noted.

Some of the harmful effects of glyphosate, according to CFS, include a heightened risk of cancer among farmworkers and others who spray glyphosate-based herbicides or are nonetheless subjected to it as a result of "off-field drift." Moreover, farmers must contend with the development of glyphosate-resistant superweeds, the organization said.

In addition, CFS noted, because Roundup kills the milkweed on which monarch butterflies rely for survival, it poses a danger to the once-ubiquitous pollinators. And before it suggested that Roundup continue to be sold in the U.S. for an unspecified period of time, the EPA found that the herbicide is likely to adversely affect 93% of exposed species under the Endangered Species Act as well as 96% of their critical habitats.

In his statement, Kimbrell said that "we will ask the court to deny this extraordinary request to paper over glyphosate's ecological harms only to approve it anyway down the road."

"Time to face the music, not run and hide," he added.

Federal Appeals Court Directs EPA to Decide on Harmful Pesticide
Hank Lacey, Law Week Colorado
https://lawweekcolorado.com/article/federal-appeals-court-directs-epa-to-decide-on-harmful-pesticide/

A federal appeals court has likely ended a decade-plus long battle over a commonly used pesticide linked to neurological defects in children. The 9th Circuit Court of Appeals ruled in late April that the Environmental Protection Agency must act promptly to deem chlorpyrifos safe for human exposure or ban the product.

The court in its April 29 decision held that the Federal Food, Drug, and Cosmetic Act requires EPA to examine existing scientific findings in deciding whether the substance poses any risk to human brain development. The import of the decision, said Shaun Goho, deputy director and senior staff attorney of the Emmett Environmental Law and Policy Clinic at Harvard Law School, is that EPA must decide whether chlorpyrifos pesticides should be banned without claiming that toxicological impacts are not sufficiently understood to make a determination.

Chlorpyrifos was first marketed in the U.S. in 1965 and belongs to a type of chemical substance called organophosphates, which have been used as pesticides for roughly 80 years but were also used as neurotoxins during WWII. During the 1990s, EPA began to restrict chlorpyrifos' uses, forbidding application for most residential purposes and on tomatoes by 2000, but the substance is still among the most commonly used pesticides in the country. It continues to be commonly used on corn crops but is also applied to broccoli, Brussels sprouts, cauliflower, cranberries and soybeans, as well as to fruit and nut trees, according to an EPA webpage. The pesticide is also used on golf courses and turf, to treat wood products, including fence posts and utility poles, and to control bark beetles and other tree pests. In some circumstances, it is applied as an anti-mosquito agent and as ant and cockroach bait.

"There's obviously some judgment in terms of how you determine what's safe," said Goho, who filed an amicus brief on behalf of several organizations of healthcare professionals. "You can never have 0% risk from anything in the world, so that can't be the level. ... The court is saying that, based on your standards for what counts as safe, you have to say if the exposures are safe," he continued. "If you can't say that they're safe, based on your standards, then you need to ban the uses on food crops."

Pesticides applied to food crops must receive a tolerance from EPA before they may be used because, without that exemption, the food would be "adulterated" under the FFDCA. The statute provides that EPA "may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if [it] determines that the tolerance is safe." In September 2007 a coalition of organizations led by Natural Resources Defense Council and Pesticide Action Network North America filed a petition to revoke all tolerances applicable to chlorpyrifos, arguing that EPA's allowance of uses failed to take account of medical research showing that damage to the developing brain occurs in the presence of a concentration of the pesticide far below the level authorized by the agency.

Procedural wrangling that included four 9th Circuit decisions followed as EPA avoided making a decision on the merits of that petition, but EPA eventually acknowledged the accuracy of that claim. The agency wrote in a 2016 revision of the Human Health Risk Assessment applicable to chlorpyrifos that nine medical studies are "sufficient evidence that there are neurodevelopmental effects occurring at chlorpyrifos exposure levels below that required for AChE inhibition." AChE — the enzyme acetylcholinesterase — is involved in the regulation of nervous system function.

EPA's Federal Insecticide, Fungicide, and Rodenticide Act Science Advisory Panel had also concluded in 2012 that "chlorpyrifos likely plays a role in impacting the neurodevelopmental outcomes" documented in three medical studies and, in 2008, determined that "maternal chlorpyrifos exposure would likely be associated with adverse neurodevelopmental...

Pesticide laws fail to protect the most vulnerable people in agriculture: children

Lela Nargi, The Counter
https://thecounter.org/pesticide-laws-fail-protect-agriculture-children-development-epa-wps/

Two new studies highlight the hazardous conditions inherent in farm work, and show the weakness in standards meant to protect kids from developmental disorders and disease.

As a child growing up on his family's subsistence farm in Puebla, Mexico, Abel Luna loved helping to plant corn and other crops. But in 2001, when he turned 13, his enthusiasm quickly evaporated. That's when Luna began traveling to New York's black dirt region to "sell his labor," working alongside his father in commercial vegetable crop fields. Where once he took pride in "growing [our] own food at [our] own pace," he now began working 14-hour or longer days from February through November. In addition to a grueling schedule and poor living conditions, Luna remembers "pretty much a lack of every kind of equipment that you need": gloves, glasses, and masks to protect him from contact with agricultural chemicals. A day spent picking tomatoes would end with his arms sticky from pesticide residue, hands burning, eyes itching. Furthermore, he said there was "no one from any health agency to talk about pesticide exposure or any rights that you have."

Luna's experience is hardly an anomaly. Two new studies, from the Vermont Law School's Center for Agriculture and Food Systems (CAFS) and the Johns Hopkins Center for a Livable Future (CLF), exhibit just how susceptible all migratory farm workers are to dangers like pesticide exposure. Some states, like Washington and California, have implemented legislation that's meant to better protect farm workers from such hazardous conditions. But a closer look reveals that existing laws at both state and federal levels largely fail to protect those most in need of intervention: the (likely under-)estimated 524,000 children, some as young as 10, many of whom are migrants, laboring every year on U.S. farms. Beyond that, Luna, who's now campaign coordinator at worker organizing non-profit Migrant Justice, said there's a huge disparity between what the laws we do have mandate and "making it happen on the ground. To make sure farms are compliant—it's impossible."

Young, non-worker children brought to farms by parents who can't afford daycare are also at risk, as are in utero fetuses of pregnant workers.

Children in farming can work as long and as hard as adults, often for less money. A 16-year-old can work pretty much any farm job, while in many states, 12-year-olds can legally work on any farm with a parent's permission as long as they don't miss school (Luna did not attend school while working, testament to how lax enforcement is). Generally speaking under the Fair Labor Standards Act, an employer can pay a youth minimum wage of no less than $4.25/hr to employees under the age of 20 for the first 90 consecutive days of work, although they might not even pay that.

Regardless of age, child farm workers are exposed to chemicals in the same ways as adults, inhaling them in the field and absorbing them through their skin. And it's not just working kids who are exposed. Young, non-worker children brought to farms by parents who can't afford daycare are also at risk, as are in utero fetuses of pregnant workers. At farm-adjacent migrant camps, children may inhale pesticide drift, or be exposed to chemical residue on their parents' clothing.

And yet, children, with their developing brains and metabolic rates that are slow to expel chemicals from their bodies, are significantly more sensitive to pesticides, and more prone to suffer their toxic effects. Organophosphates like chlorpyrifos have been linked to developmental disorders, while atrazine has been found to cause birth defects. Exposure to various pesticides both in utero and in children has also been linked to ADHD, autism spectrum disorder, and cancers like childhood leukemia. A recently published long-term study of now-banned DDT clearly indicates that some pesticides have the potential to affect children and grandchildren of those initially exposed, leading that...

EPA OPPT Strategic Plan for FYs 2021-2023 Outlines Six Priority Areas
Lynn Bergeson and Carla Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/epa-oppt-strategic-plan-for-fys-2021-2023-outlines-six-priority-areas

The U.S. Environmental Protection Agency (EPA) has prepared a strategic plan for the Office of Pollution Prevention and Toxics (OPPT) for fiscal years (FY) 2021-2023. The strategic plan outlines how OPPT intends to fulfill its obligations under the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Pollution Prevention Act (PPA), and related EPA policies and procedures "in ways that value science, protect people and the environment, and increase transparency for stakeholders and the general public." The strategic plan includes new vision, mission, and values statements for OPPT. Priority areas include:

New Chemicals: The New Chemicals Program manages potential risks to human health and the environment from chemicals new to the marketplace. The program identifies conditions to be placed on the use of new chemicals before they enter into commerce;
Existing Chemicals: TSCA requires EPA to evaluate the safety of existing chemicals through prioritization, risk evaluation, and risk management. Ensuring the safety of existing chemicals requires collecting and analyzing information about the chemicals, developing additional information, conducting analyses to evaluate risk, and taking regulatory action on proper conditions of use for each chemical;
Pollution Prevention/Safer Choice/Toxics Release Inventory (TRI): OPPT supports a suite of programs that are intended to reduce, eliminate, or prevent pollution at its source as an alternative to pollution control and waste disposal. Safer Choice helps consumers, businesses, and purchasers find products that contain ingredients that are safer for human health and the environment. The TRI Program collects information to track industry progress in reducing waste generation and moving toward safer waste management alternatives;
Transparency and Stakeholder Engagement: OPPT is committed to providing the public with the information needed to understand EPA's chemical evaluations. It continually seeks more productive means of engaging with interested stakeholders through public comment during rulemaking, Federal Advisory Committee Act (FACA) workgroups, and other means;
Human Capital: OPPT strives to provide a healthy and supportive working environment, support for career development, and communication on issues that are important to its colleagues. It closely collaborates with its partners in the Office of Chemical Safety and Pollution Prevention's (OCSPP) Office of Program Support to ensure that the basics of being an OPPT employee, such as timekeeping, personnel actions, and equipment, are easy to manage; and
Efficiency and Enabling Tools: OPPT's priority areas depend on a wide range of data from manufacturers, researchers, and the public. Its employees need to know how to work with these data and to have access to tools that facilitate access to and analysis of these data. OPPT is committed to increasing its ability to manage projects effectively through a unified approach that ensures timely deliverables, increases its ability to track its work, and simplifies its processes.

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For more news, visit:

- Inside EPA: https://insideepa.com/
- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

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

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 6/10/2021 7:19:26 PM
To: Pierce, Alison [Pierce.Alison@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Yes, I can talk to Michal at 3:30

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Thursday, June 10, 2021 3:09 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

One more volley back from Michal below – Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Might be worth just talking about at the 3:30 IO leadership meeting. There's some muddling that's happening here that it might be better to just talk through/directly with Michal about.

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 10, 2021 2:59 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Does this response work for OPPT?

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Thursday, June 10, 2021 2:57 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 10, 2021 2:49 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

OW is asking whether OCSPP has a preferred PFAS definition. I understand that OECD's may still be in flux and the suggestion is to have them check back going forward. Do you have a preference. Maybe say Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Thursday, June 10, 2021 1:58 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

1.
2.
3.

Ex. 5 Deliberative Process (DP)

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 10, 2021 1:49 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Subject: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Hi. OCSPP was enlisted yesterday afternoon to review this TA with a focus on the PFAS definition on page 3. This is due to OW by COB today to send to their DAA. The bill amends the SDWA and the Water Pollution Control Act to provide financial assistance to states for PFAS testing and to provide for remediation. OPPT's response below indicates that the Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

OPPT RESPONSE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 6/10/2021 7:55:48 PM
To: Pierce, Alison (Pierce.Alison@epa.gov) [Pierce.Alison@epa.gov]
CC: Ryan Schmit (schmit.ryan@epa.gov) [schmit.ryan@epa.gov]
Subject: FW: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Talked to Michal – here is what to send up (simplified)

- **Ex. 5 Deliberative Process (DP)**
-

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Thanking everyone and LMK if questions.

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 6/14/2021 2:22:49 PM
To: Pierce, Alison [Pierce.Alison@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: UPDATE for TH REVIEW/CONSIDERATION: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

I am confused…we saw this and clarified on it last week…what is "new"???

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Monday, June 14, 2021 9:41 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: UPDATE for TH REVIEW/CONSIDERATION: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Tala – This supersedes the earlier version of the Shaheen TA that I sent earlier today. OW/OCSPP have sent a new version, attached – and are looking for assistance this morning in reconciling our OCSPP and ORD's TA on page 3. -a

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Monday, June 14, 2021 9:22 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Here is the word version since you probably cannot access the SP version I sent. Please highlight any additional comments since this has gotten pretty messy

---

From: Hanley, Mary
Sent: Monday, June 14, 2021 9:18 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Ryan Schmit (schmit.ryan@epa.gov) <schmit.ryan@epa.gov>
Subject: FW: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi. Please see Greg's question on reconciling the definition after integrating our comments. Please let me know OPPT's response and I will run it by Michal. I know OW was trying to wrap this up by Friday so it would be great to have OPPT's feedback this morning if possible. Thanks.

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Monday, June 14, 2021 9:06 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the latest on the shared drive. I added comment bubbles to represent your TA. I am trying to reconcile your TA and ORD's TA on page 3. I could use your help with that. Please see the very busy section on page 3 related to the definitions and let me know if you have any additional input.

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Friday, June 11, 2021 5:19 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Hi Greg. Is this still the latest draft attached that we were looking at? I will circle back on Monday with our shop to confirm on the section 3 definitions.

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Hi Mary – OPPT's response below.

Best,
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CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: UPDATE for TH REVIEW/CONSIDERATION: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.OCSPP_06-14-21.docx

I don't really understand what the 'ask' was on this but added two additional comments

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
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FYI, Michal is the source of Ex. 5 Deliberative Process (DP)
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FYI, I'm trying to resolve with Mary. There doesn't appear to be an issue for OPPT – the question is how to package up the TA for transmittal and resolve conflicting comments across offices.

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Importance: High

Tala – Another Shaheen volley back from OCSPP IO below. I don't believe that we (read: staff) are being very value added in this process – might be worth a quick discussion with Michal on the sidelines of the general…?

Alison Pierce
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Hi. I copied Michal's feedback below. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Please take a look at the comments in light of Michal's comments and make any needed changes. I

reached out to OCIR about possibly elevating or the best path forward and will hear back early this AM. But we will need to have one set of comments ready to move.

Michal's feedback:

Ex. 5 Deliberative Process (DP)

If it would be helpful, I'd be happy to spend some time talking to OCIR or whoever.

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All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Henry, Tala [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8BFC0A617A4A43BAA8856541C70622BE-THENRY02]
Sent: 6/17/2021 3:58:48 PM
To: Schmit, Ryan [schmit.ryan@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: FOR TALA REVIEW: by 4pm today FW: One more time - really last call - review Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Ex. 5 Deliberative Process (DP)

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Thursday, June 17, 2021 11:30 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FOR TALA REVIEW: by 4pm today FW: One more time - really last call - review Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Tala,
Sharing with you in case you want to look yet again. From a quick review, I'd just note that the Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Let me know how you'd like me to respond.
Thanks,
Ryan

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 17, 2021 10:10 AM
To: Schmit, Ryan <schmit.ryan@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: Review by 4pm today FW: One more time - really last call - review Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi. This is the reworked TA for a last call review. Please review by 4pm (or earlier ☺) so that we have time if needed to discuss any comments before I send to Rick and Michal. Our deadline to OW and OCIR is noon tomorrow. Thank you!

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Thursday, June 17, 2021 9:48 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>

Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: One more time - really last call - review Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Sen. Shaheen PFAS bill TA Team,

Thanks again for all of your work on this TA. After getting additional input from OCSPP, we received some intel that the
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Attached as a shared file link is my attempt to consolidate all of your great input into a version that is ready to transmit to Shaheen's office. Attributions are removed. Several comments are combined. Additional spacing is added so the reader can see all of the comments on the screen without having to click an arrow.

Please read through this TA again and if you have edits please make them by showing deletions with the strikeout font and additions with red font. I know this is tedious, but it's the only way to show the changes in a way that everyone can see and that can be done in a bubble. Again, please read through.

Please make your edits by noon tomorrow.

From: Spraul, Greg
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
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Sent: 6/29/2021 6:50:09 PM
To: Schmit, Ryan [schmit.ryan@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: when/where did Michal first speak to the "PFAS Test Strategy" -- can you send the speech text?
Attachments: 2021-06-30_OCSPP RDDs Meeting_PFAS Session_T.Henry.pptx

Alison,
Here are my slides for RDDs tomorrow …
Before you send, Ryan, pls look…don't think I 'revealed' too much, do you?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Tuesday, June 29, 2021 1:28 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: when/where did Michal first speak to the "PFAS Test Strategy" -- can you send the speech text?

K&L Gates – 1 sentence:

- More broadly, EPA is contemplating the creation of a national testing strategy on PFAS to require, in a targeted way, the development of data and other information we need to bridge the data gaps across the sub-classes of these chemicals. Doing this would also help inform our future monitoring and regulatory efforts.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Tuesday, June 29, 2021 1:25 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>
Subject: when/where did Michal first speak to the "PFAS Test Strategy" -- can you send the speech text?
Importance: High

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

TSCA Section 8(a)(7) PFAS Proposed Rule, PFAS Terminology & PFAS Testing

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGIONAL DIVISION DIRECTOR'S MEETING

JUNE 30, 2021

Overview of TSCA 8(a)(7) Proposed Rule

TSCA 8(a)(7): Rulemaking Authority

- The Fiscal Year 2020 National Defense Authorization Act (NDAA) amended the Toxic Substances Control Act (TSCA) section 8(a) by adding section 8(a)(7).

- TSCA section 8(a)(7) requires EPA to promulgate a rulemaking by January 1, 2023, requiring manufacturers (including importers) of a PFAS in any year since January 1, 2011, to submit a report to EPA containing information outlined in section 8(a)(2) for each year since January 1, 2011.

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Schechter, Kathryn [Schechter.Kathryn@epa.gov]
Sent: 10/15/2019 2:46:47 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
Subject: RE: PFAS - By the numbers

The spreadsheet of information can be found on the CBI lan at J:/Inventory/PFAS-TSCA Inv...

Dr. Kathy Schechter
Chemist, Industrial Chemistry Branch (MC-7406M)
1201 Constitution Ave., NW
Washington, DC 20460
Telephone: (202) 564-8589
Fax: (202) 564-8679

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Tuesday, October 15, 2019 7:38 AM
To: Williamson, Tracy <Williamson.Tracy@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: PFAS - By the numbers

Someone please provide the "full" CBI and non-CBI lists of 'Actives' . thx

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

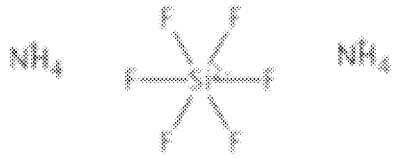
T: 202-564-2959
E: henry.tala@epa.gov

From: Williamson, Tracy <Williamson.Tracy@epa.gov>
Sent: Thursday, October 10, 2019 4:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: PFAS - By the numbers

We can send ORD the list(s) that we sent to the Hill – they are close enough.

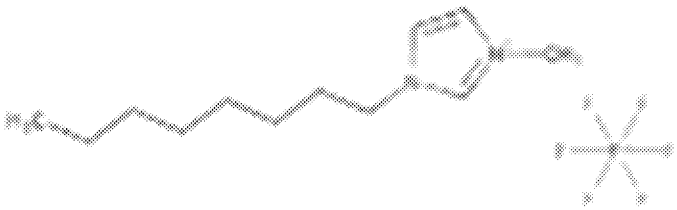
The ORD master file of PFAS has >6000, so we've been reviewing it In small chunks. Some of the types of chemicals that we have identified to date as not PFAS are:

The "A" (alkyl) is missing:

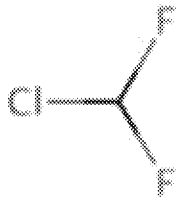


Ammonium hexafluorosilicate
DTXSID:DTXSID6047076
CASRN:16919-19-0
TOXCAST:1/79

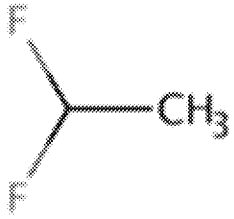
Similarly, the "FA" is missing (F needs to be on the A):



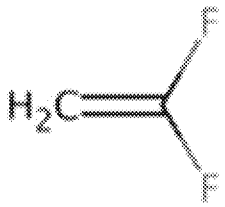
OPPT has a broad (broader than most) working definition for what is PFAS: contains R-CF2-CF2-R' where R & R' are not H. This includes some pretty small molecules, but some on the ORD list are a little too small with not enough F:



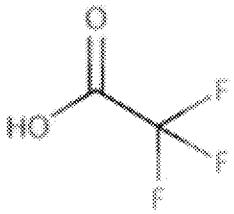
Chlorodifluoromethane
DTXSID:DTXSID4020301
CASRN:75-45-6
TOXCAST:-



1,1-Difluoroethane
DTXSID:DTXSID0024050
CASRN:75-37-6
TOXCAST:-

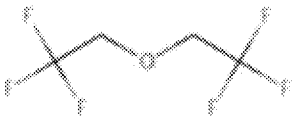


Vinylidene fluoride
DTXSID:DTXSID7021439
CASRN:75-38-7
TOXCAST:-

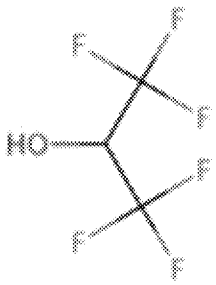


Trifluoroacetic acid
DTXSID:DTXSID9041578
CASRN:76-05-1
TOXCAST:-

We do not include substances like the following, because they do not contain any of the strong fluorinated-carbon-to-fluorinated-carbon bonds:



Flurothyl
DTXSID:DTXSID5046516
CASRN:333-36-8
TOXCAST:1/79



2H-Perfluoro-2-propanol
DTXSID:DTXSID1022134
CASRN:920-66-1
TOXCAST:-

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 10, 2019 11:44 AM
To: Scheifele, Hans <Scheifele.Hans@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: FW: PFAS - By the numbers

Are the lists below that we sent to the Hill "close enough" or should ICB 'run' new lists based on the very latest Inventory put out in Sept?

Also, Tracy =- they want to know which of their chems ICB thought are not PFAS?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Sent: Thursday, October 10, 2019 7:53 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Lambert, Jason <Lambert.Jason@epa.gov>
Subject: RE: PFAS - By the numbers

Tala:

Checking in on the PFAS list. Do you know when OPPT can provide to ORD? What we would like is a list of the TSCA active inventory (the 602) and the TSCA inventory (1223) PFAS chemicals. And we also would like to know about chemicals on our PFAS lists that OPPT doesn't think are PFAS chemicals.

Thanks.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) cell phone)

From: Frithsen, Jeff
Sent: Thursday, September 19, 2019 4:31 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>
Subject: RE: PFAS - By the numbers

Thanks Tala.

And yes, if we there are issues with any of the chemicals that ORD has included as PFAS, we want to know about it and would like to discuss.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director

Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) ell phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, September 19, 2019 4:30 PM
To: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>
Subject: RE: PFAS - By the numbers

Yes, we would be glad to provide. Our chemists have noted that some chemicals on your lists are not actually PFASs...do you want to know those too?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

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Sent: Thursday, September 19, 2019 2:15 PM
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Subject: PFAS - By the numbers

Tala:

Thanks again for the update and clarification on PFAS chemicals. ORD is investing significant resources into the development of authoritative and curated lists for PFAS chemicals. It would be helpful if we could get a list of the TSCA active inventory (the 602) and TSCA inventory (1223) PFAS chemicals. This would assist with our PFAS inventory and library development and our tiered testing activities.

My understanding is that at least some portion of the two lists include CBI information. Assuming my understanding is correct, would it be possible to get redacted lists to avoid CBI issues?

Everyone is juggling much these days. However, what would be a reasonable expectation for timing?

Glad to discuss if needed.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
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To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: EXACT # of PFAS (again)
Importance: High

The public PFAS Action Plan indicates there are **1,223** PFAS on the TSCA Inventory and of those **602** are "active" (i.e., in commerce at some point between June 2006 and June 2016). And, 621 are 'inactive'.
Of course these are the numbers at the time of the publication of the Action Plan and as such the only public numbers. There could have been a **few** that have commenced since then; however, the number of new PFAS coming through New Chems is significantly less since Lautenberg passes.

As I recall, the Tonko letter asked for a lot of other breakdowns, e.g., those with orders, testing, etc.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

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Message

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To: Henry, Tala [Henry.Tala@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Schechter, Kathryn [Schechter.Kathryn@epa.gov]
Subject: RE: PFAS - By the numbers
Attachments: PFAS - TSCA INV - ACTIVES (no CBI) 2019-1.xlsx

See attached – just the active CBI and non-CBI chems. File is not CBI.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Tuesday, October 15, 2019 7:38 AM
To: Williamson, Tracy <Williamson.Tracy@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: PFAS - By the numbers

Someone please provide the "full" CBI and non-CBI lists of 'Actives' . thx

Tala R. Henry, Ph.D.
Deputy Director
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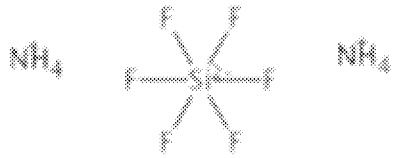

Ammonium hexafluorosilicate
DTXSID:DTXSID6047076
CASRN:16919-19-0
TOXCAST:1/79

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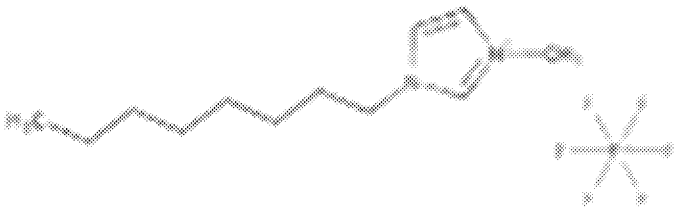

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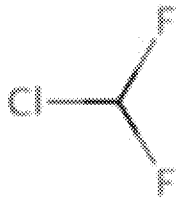
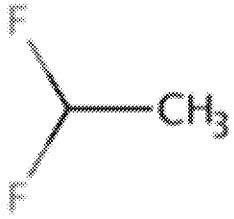
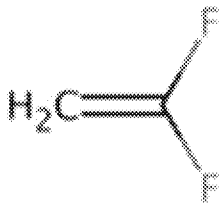


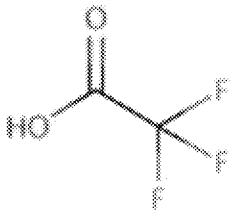
Chlorodifluoromethane
DTXSID:DTXSID4020301
CASRN:75-45-6
TOXCAST:-



1,1-Difluoroethane
DTXSID:DTXSID0024050
CASRN:75-37-6
TOXCAST:-

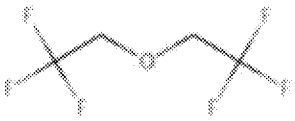


Vinylidene fluoride
DTXSID:DTXSID7021439
CASRN:75-38-7
TOXCAST:-

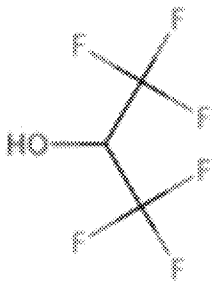


Trifluoroacetic acid
DTXSID:DTXSID9041578
CASRN:76-05-1
TOXCAST:-

We do not include substances like the following, because they do not contain any of the strong fluorinated-carbon-to-fluorinated-carbon bonds:



Flurothyl
DTXSID:DTXSID5046516
CASRN:333-36-8
TOXCAST:1/79



2H-Perfluoro-2-propanol
DTXSID:DTXSID1022134
CASRN:920-66-1
TOXCAST:-

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 10, 2019 11:44 AM
To: Scheifele, Hans <Scheifele.Hans@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: FW: PFAS - By the numbers

Are the lists below that we sent to the Hill "close enough" or should ICB 'run' new lists based on the very latest Inventory put out in Sept?

Also, Tracy =- they want to know which of their chems ICB thought are not PFAS?

Tala R. Henry, Ph.D.
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U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

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Sent: Thursday, October 10, 2019 7:53 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Lambert, Jason <Lambert.Jason@epa.gov>
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Checking in on the PFAS list. Do you know when OPPT can provide to ORD? What we would like is a list of the TSCA active inventory (the 602) and the TSCA inventory (1223) PFAS chemicals. And we also would like to know about chemicals on our PFAS lists that OPPT doesn't think are PFAS chemicals.

Thanks.

Jeff

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National Program Director
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202-564-3512 (office phone)
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Thanks Tala.

And yes, if we there are issues with any of the chemicals that ORD has included as PFAS, we want to know about it and would like to discuss.

Jeff

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National Program Director

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Subject: RE: PFAS - By the numbers

Yes, we would be glad to provide. Our chemists have noted that some chemicals on your lists are not actually PFASs...do you want to know those too?

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From: Frithsen, Jeff <Frithsen.Jeff@epa.gov>
Sent: Thursday, September 19, 2019 2:15 PM
To: Henry, Tala <Henry.Tala@epa.gov>
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My understanding is that at least some portion of the two lists include CBI information. Assuming my understanding is correct, would it be possible to get redacted lists to avoid CBI issues?

Everyone is juggling much these days. However, what would be a reasonable expectation for timing?

Glad to discuss if needed.

Jeff

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National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)

202-564-3512 (office phone)
410-336-8535 (cell phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, September 9, 2019 1:58 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: EXACT # of PFAS (again)
Importance: High

The public PFAS Action Plan indicates there are **1,223** PFAS on the TSCA Inventory and of those **602** are "active" (i.e., in commerce at some point between June 2006 and June 2016). And, 621 are 'inactive'.
Of course these are the numbers at the time of the publication of the Action Plan and as such the only public numbers. There could have been a **few** that have commenced since then; however, the number of new PFAS coming through New Chems is significantly less since Lautenberg passes.

As I recall, the Tonko letter asked for a lot of other breakdowns, e.g., those with orders, testing, etc.

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U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

Message

From: Frithsen, Jeff [Frithsen.Jeff@epa.gov]
Sent: 10/21/2019 4:56:37 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Thomas, Russell [Thomas.Russell@epa.gov]; Lambert, Jason [Lambert.Jason@epa.gov]
CC: Morris, Jeff [Morris.Jeff@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]
Subject: RE: PFAS - By the numbers

Thanks Tala. We will follow-up with Tracy (and copy you) should we have additional questions.

Jeff

Jeffrey B. Frithsen, Ph.D.
National Program Director
Chemical Safety for Sustainability Research Program
Office of Research and Development (8101R)
202-564-3512 (office phone)
Ex. 6 Personal Privacy (PP) (cell phone)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, October 21, 2019 12:46 PM
To: Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Lambert, Jason <Lambert.Jason@epa.gov>
Cc: Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>
Subject: FW: PFAS - By the numbers
Importance: High

Attached are the PFAS in Excel.

See below email from Tracy Williamson regarding chemicals OPPT would not define as PFAS and rationale (this is not necessarily comprehensive review of your list of 6000). For more discussion on this point, please work with **Tracy Williamson** in OPPT.

Also note, in the Bill I saw last week, there were 'definitions' of PFAS…some much broader than ours; so, it that passes, we may all be re-defining.

Tala R. Henry, Ph.D.
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Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

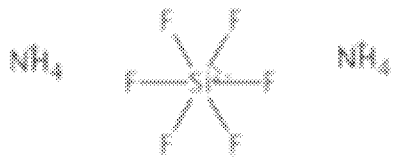
T: 202-564-2959
E: henry.tala@epa.gov

From: Williamson, Tracy <Williamson.Tracy@epa.gov>
Sent: Thursday, October 10, 2019 4:24 PM

To: Henry, Tala <Henry.Tala@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Subject: RE: PFAS - By the numbers

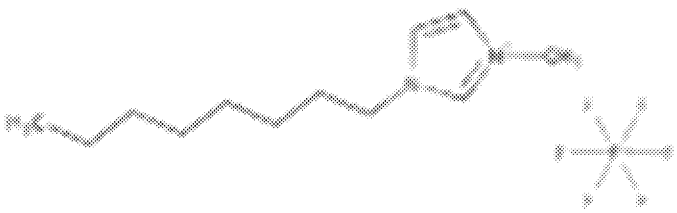
The ORD master file of PFAS has >6000, so we've been reviewing it In small chunks. Some of the types of chemicals that we have identified to date as not PFAS are:

The "A" (alkyl) is missing:

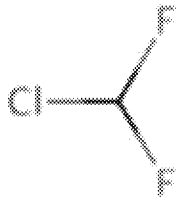


Ammonium hexafluorosilicate
DTXSID:DTXSID6047076
CASRN:16919-19-0
TOXCAST:1/79

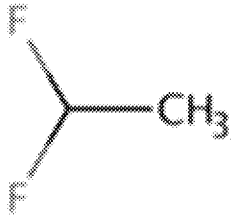
Similarly, the "FA" is missing (F needs to be on the A):



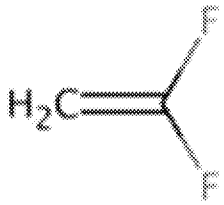
OPPT has a broad (broader than most) working definition for what is PFAS: contains R-CF2-CF2-R' where R & R' are not H. This includes some pretty small molecules, but some on the ORD list are a little too small with not enough F:



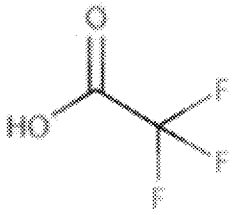
Chlorodifluoromethane
DTXSID:DTXSID4020301
CASRN:75-45-6
TOXCAST:-



1,1-Difluoroethane
DTXSID:DTXSID0024030
CASRN:75-37-6
TOXCAST:-



Vinylidene fluoride
DTXSID:DTXSID3021439
CASRN:75-38-7
TOXCAST:-



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CASRN:76-05-1
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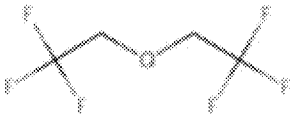

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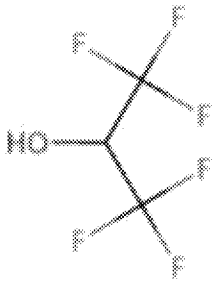
CASRN:333-36-8
TOXCAST:1/79



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DTXSID:DTXSID1022134
CASRN:920-66-1
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Cc: Henry, Tala <Henry.Tala@epa.gov>
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Message

From: Turk, David [Turk.David@epa.gov]
Sent: 10/24/2019 1:38:17 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Chun, Melissa [Chun.Melissa@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Hofmann, Angela [Hofmann.Angela@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]
Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Attachments: RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2_10 24 2019.docx; EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses 10 24 2019.docx; RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_10 24 2019.docx

Tala,

We've incorporated your feedback, as well as the handful on minor edits provided by workgroup members. I've attached the current versions of the documents. Once you've reviewed these versions, RICS can provide them (w/ any additional edits you might requested) to OMB. We're providing a TRI 101 presentation to Danielle at 1pm today, so our goal would be to provide these materials to OMB between 1 and COB (today), assuming no surprises arise during today's meeting with OMB.

One comment you provided was in a comment box that has been stripped from the clean version of the document that is attached. Specifically, you asked whether we can Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Dave, 202-566-1527

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, October 23, 2019 2:58 PM
To: Chun, Melissa <Chun.Melissa@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Importance: High

Here are my comments/edits on the materials…
It looks like I am reviewing at same time as workgroup??? If so, I will need to look at the FINAL that goes to OMB?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Chun, Melissa <Chun.Melissa@epa.gov>
Sent: Wednesday, October 23, 2019 12:21 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Clark, Katherine <Clark.Katherine@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Holsinger, Hannah <Holsinger.Hannah@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments

Hi all,

Attached are the following documents for your review.

1. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses (Interagency comments received on 10/15)
2. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2 (VA comments received on 10/17)
3. EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1 (Mark-up received on 10/15)

I am providing word versions of the documents because there have been problems accessing the PFAS SharePoint site (service is unavailable).

Any comments/concerns need to be relayed to us by tomorrow (10/24) by noon. Our goal is to get our responses to OMB by Friday.

Paper copies will be provided to Tala and David.

Please let me know if you have any questions.

-Melissa

Melissa L Chun | US EPA | Regulatory and Information Coordination Staff | Office of Chemical Safety and Pollution Prevention | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Building East Room 3425E, Mail Code 7101M | Washington DC 20460 | phone: (202) 564-1605

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 10/24/2019 7:06:32 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Chun, Melissa [Chun.Melissa@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
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Attachments: RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_10 24 2019.docx; EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses 10 24 2019.docx; RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2_10 24 2019.docx

Pursuant to David Fischer's request for us to discuss Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

In terms of a meeting with David Fischer to discuss this topic, it would be useful to invite Larry Reisman, Daniel Bushman, David Turk, Tala Henry, Erin Koch, Katherine Clark, and Sharon Cooperstein, among whoever else. I'd view it as essential to have at least one or two people from TRI/OPPT present; whereas, the remainder of this list can be viewed as optional.

-Dave, 202-566-1527

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, October 24, 2019 10:46 AM
To: Turk, David <Turk.David@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Importance: High

I have reviewed and approve these documents going to the next step.

Thanks for the quick work all.
Tala

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Turk, David <Turk.David@epa.gov>
Sent: Thursday, October 24, 2019 9:38 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>

Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments

Tala,

We've incorporated your feedback, as well as the handful on minor edits provided by workgroup members. I've attached the current versions of the documents. Once you've reviewed these versions, RICS can provide them (w/ any additional edits you might requested) to OMB. We're providing a TRI 101 presentation to Danielle at 1pm today, so our goal would be to provide these materials to OMB between 1 and COB (today), assuming no surprises arise during today's meeting with OMB.

One comment you provided was in a comment box that has been stripped from the clean version of the document that is attached. Specifically, you asked whether we can Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

-Dave, 202-566-1527

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, October 23, 2019 2:58 PM
To: Chun, Melissa <Chun.Melissa@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>

Subject: RE: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments
Importance: High

Here are my comments/edits on the materials…
It looks like I am reviewing at same time as workgroup??? If so, I will need to look at the FINAL that goes to OMB?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Chun, Melissa <Chun.Melissa@epa.gov>
Sent: Wednesday, October 23, 2019 12:21 PM
To: Bushman, Daniel <Bushman.Daniel@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Clark, Katherine <Clark.Katherine@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Holsinger, Hannah <Holsinger.Hannah@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: EO 12866 Interagency Review: TRI-PFAS ANPRM - EPA's Draft Responses to Interagency Comments

Hi all,

Attached are the following documents for your review.

1. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses (Interagency comments received on 10/15)
2. RIN2070-AK51_EO12866_TRI-PFAS_ANPRM_EPA Responses_2 (VA comments received on 10/17)
3. EO 12866 Interagency Redline TRI PFAS ANPRM RIN 2070-AK51 EPA Responses Ver. 1 (Mark-up received on 10/15)

I am providing word versions of the documents because there have been problems accessing the PFAS SharePoint site (service is unavailable).

Any comments/concerns need to be relayed to us by tomorrow (10/24) by noon. Our goal is to get our responses to OMB by Friday.

Paper copies will be provided to Tala and David.

Please let me know if you have any questions.

-Melissa

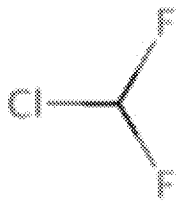
Melissa L Chun | US EPA | Regulatory and Information Coordination Staff | Office of Chemical Safety and Pollution Prevention | 1200 Pennsylvania Ave., NW | William Jefferson Clinton Building East Room 3425E, Mail Code 7101M | Washington DC 20460 | phone: (202) 564-1605

Message

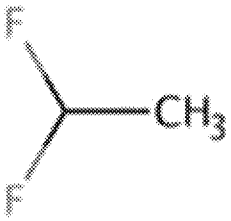
From: Widawsky, David [Widawsky.David@epa.gov]
Sent: 10/25/2019 4:10:15 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Christian, Myrta [Christian.Myrta@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]
CC: Tillman, Thomas [Tillman.Thomas@epa.gov]
Subject: RE: Need a Chemist...
Attachments: FW: Developing a PFAS list

Tracy is out today, and I haven't checked if Kathy is in today. But, from Tracy's note to you on Oct. 10 (recent thread attached), it seems that a single fluorinated carbon is not likely to meet the definition our ICB chemists use to define a PFAS: R-CF2-CF2-R'

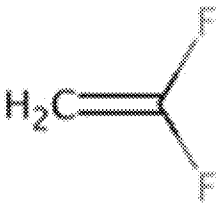
OPPT has a broad (broader than most) working definition for what is PFAS: contains R-CF2-CF2-R' where R & R' are not H. This includes some pretty small molecules, but some on the ORD list are a little too small with not enough F:



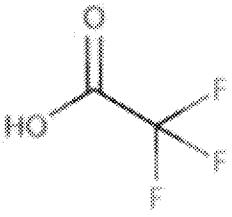
Chlorodifluoromethane
DTXSID:DTXSID6020301
CASRN:75-45-6
TOXCAST:-



1,1-Difluoroethane
DTXSID:DTXSID0024050
CASRN:75-37-6
TOXCAST:-

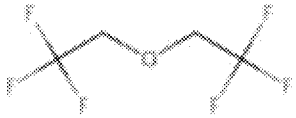


Vinylidene fluoride
DTXSID:DTXSID3021439
CASRN:75-38-7
TOXCAST:-

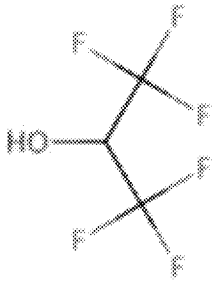


Trifluoroacetic acid
DTXSID:DTXSID9041578
CASRN:76-05-1
TOXCAST:-

We do not include substances like the following, because they do not contain any of the strong fluorinated-carbon-to-fluorinated-carbon bonds:



Flurothyl
DTXSID:DTXSID5046516
CASRN:333-36-8
TOXCAST:1/79



2H-Perfluoro-2-propanol
DTXSID:DTXSID1022134
CASRN:920-66-1
TOXCAST:-

****
David Widawsky, PhD
Director - Chemistry, Economics, and Sustainable Strategies Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
mailing: 1200 Pennsylvania Ave., NW (7406M)
Washington DC 20460
(202) 566-2215
widawsky.david@epa.gov
****
Check out EPA's pollution prevention initiatives:
>> www.epa.gov/p2
>> www.epa.gov/greenchemistry
>> www.epa.gov/SaferChoice
>> www.epa.gov/epp

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, October 25, 2019 12:02 PM
To: Williamson, Tracy <Williamson.Tracy@epa.gov>; Christian, Myrta <Christian.Myrta@epa.gov>; Schechter, Kathryn <Schechter.Kathryn@epa.gov>
Cc: Widawsky, David <Widawsky.David@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>
Subject: Need a Chemist...
Importance: High

is the below definition consistent with how we define PFAS...or much broader???

a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

Message

From: Passe, Loraine [Passe.Loraine@epa.gov]
Sent: 5/13/2020 7:44:07 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Le, Madison [Le.Madison@epa.gov]; Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: PFAS data call PRE-early guidance decision items
Attachments: PFAS rule - Pre-EarlyGuidance_Draft_051220-lp.docx; Attach1_DataUsage_Draft_051220.docx; Attach2_PFAS scope_Draft_051220 (002)-lp.docx; Attach3_8(a) applicability_DRAFT_051220.docx

Hi Tala-

The PFAS Data-Call workgroup has been meeting since March and has lined up three discussion/decision items for your input.

The first attachment, "PFAS rule-Pre-Early Guidance" one-pager provides a summary of the three issues.

Attachment 1 – Describes the workgroups ideas for how to use the information obtained via the Data Call.

Attachment 2 – Proposes options for how to define "PFAS" when requiring reporting from manufacturers under the Data Call

Attachment 3 – Presents OGC's interpretation of the small business exemption under the new amendment and how the Data Call should handle reporting by small business.

James Tyree and Hannah Blaufuss are the CCD leads. We are happy to meet and talk and answer any questions you have.

Thanks,

Loraine

Loraine Passe, Chief
Chemical Information and Testing Branch
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-9064

Message

From: Scott, Elizabeth [Scott.Elizabeth@epa.gov]
Sent: 7/20/2020 4:22:15 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]
CC: Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

ok

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, July 20, 2020 12:21 PM
To: Passe, Loraine <Passe.Loraine@epa.gov>; Scott, Elizabeth <Scott.Elizabeth@epa.gov>
Cc: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

Liz,
Lets move Section 8 to tomorrow at 11 and Biotech to 12-12:30.
Also, check when the last Biotech meeting was...seems like just had one

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Passe, Loraine <Passe.Loraine@epa.gov>
Sent: Monday, July 20, 2020 12:19 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Scott, Elizabeth <Scott.Elizabeth@epa.gov>
Cc: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

Hi Liz-

Can you please reschedule the PFAS meeting for another time that works for Tala? Hannah (the PFAS lead) has a meeting with a company tomorrow from 1-2 that can't be moved. Thanks.

Loraine Passe, Chief
Chemical Information and Testing Branch
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-9064

-----Original Appointment-----
From: Scott, Elizabeth <Scott.Elizabeth@epa.gov> **On Behalf Of** Henry, Tala
Sent: Monday, July 20, 2020 12:04 PM
To: Passe, Loraine; Vendinello, Lynn; Tyree, JamesN; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans; Le, Madison; Schwarz, Stephanie; Schechter, Kathryn
Cc: Pierce, Alison; Schmit, Ryan; Weir, Harlan; Butler, Tristan
Subject: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

When: Tuesday, July 21, 2020 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Skype Meeting

Per Tala, to move this meeting – Tuesday, July 21st at 1-2. Please let me know this time is good for you.

Thanks,
Liz

Purpose: Follow-up from our 6/29 meeting on items including:1) PFAS definition; 2) data use; 3) small business exemption; and 4) outreach.

BRIEFING MATERIALS:
Loraine Passe (CCD)
(202) 564-9064

Join Skype Meeting

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Message

From: Scott, Elizabeth [Scott.Elizabeth@epa.gov]
Sent: 7/20/2020 4:39:35 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]
CC: Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

Hi Tala,

This has been done, and I've checked on Biotech meetings – they are monthly/are okay.

Thanks,
Liz

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, July 20, 2020 12:21 PM
To: Passe, Loraine <Passe.Loraine@epa.gov>; Scott, Elizabeth <Scott.Elizabeth@epa.gov>
Cc: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

Liz,
Lets move Section 8 to tomorrow at 11 and Biotech to 12-12:30.
Also, check when the last Biotech meeting was...seems like just had one

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Passe, Loraine <Passe.Loraine@epa.gov>
Sent: Monday, July 20, 2020 12:19 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Scott, Elizabeth <Scott.Elizabeth@epa.gov>
Cc: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>
Subject: RE: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)

Hi Liz-

Can you please reschedule the PFAS meeting for another time that works for Tala? Hannah (the PFAS lead) has a meeting with a company tomorrow from 1-2 that can't be moved. Thanks.

Loraine Passe, Chief
Chemical Information and Testing Branch
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-9064

-----Original Appointment-----
From: Scott, Elizabeth <Scott.Elizabeth@epa.gov> **On Behalf Of** Henry, Tala

Sent: Monday, July 20, 2020 12:04 PM
To: Passe, Loraine; Vendinello, Lynn; Tyree, JamesN; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans; Le, Madison; Schwarz, Stephanie; Schechter, Kathryn
Cc: Pierce, Alison; Schmit, Ryan; Weir, Harlan; Butler, Tristan
Subject: TSCA section 8(a) PFAS Data Call (RESCHEDULING THIS MEETING)
When: Tuesday, July 21, 2020 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Skype Meeting

Per Tala, to move this meeting – Tuesday, July 21st at 1-2. Please let me know this time is good for you.

Thanks,
Liz

Purpose: Follow-up from our 6/29 meeting on items including:1) PFAS definition; 2) data use; 3) small business exemption; and 4) outreach.

BRIEFING MATERIALS:
Loraine Passe (CCD)
(202) 564-9064

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Find a local number

Conference ID: Ex. 6 Personal Privacy (PP)

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Message

From: Passe, Loraine [Passe.Loraine@epa.gov]
Sent: 7/23/2020 12:35:40 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]; Blaufuss, Hannah [Blaufuss.Hannah@epa.gov]; Fahning, Diana [Fahning.Diana@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Le, Madison [Le.Madison@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Schechter, Kathryn [Schechter.Kathryn@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Weir, Harlan [weir.harlan@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]
Subject: RE: TSCA section 8(a) PFAS Data Call
Attachments: PFAS 8(a) Decision Meeting OPPT IO 7-21-2020.docx

Tala-

Thanks for another productive PFAS meeting. Attached is a meeting summary prepared by the team.

Action items are the following:

1. CCD will prioritize/cut back data use document
2. CCD to work with Scott Sherlock and CBI substantiation team to determine how many non-fluoro containing generic names need to be declassified
3. CCD to work with Kathy S. on PFAS Scope document options
4. CCD will look at language in Mercury rule about reducing duplicative data
5. CCD will make outreach options into a 1-pager

Loraine Passe, Chief
Chemical Information and Testing Branch
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Phone: (202) 564-9064

-----Original Appointment-----
From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, July 6, 2020 10:35 AM
To: Henry, Tala; Passe, Loraine; Vendinello, Lynn; Tyree, JamesN; Blaufuss, Hannah; Fahning, Diana; Scheifele, Hans; Le, Madison; Schwarz, Stephanie; Schechter, Kathryn
Cc: Pierce, Alison; Schmit, Ryan; Weir, Harlan; Butler, Tristan
Subject: TSCA section 8(a) PFAS Data Call
When: Tuesday, July 21, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Skype Meeting

Per Tala, to move this meeting.

Thanks,
Liz

Purpose: Follow-up from our 6/29 meeting on items including:1) PFAS definition; 2) data use; 3) small business exemption; and 4) outreach.

BRIEFING MATERIALS:
Loraine Passe (CCD)
(202) 564-9064

Join Skype Meeting

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Message

From: Thomas, Russell [Thomas.Russell@epa.gov]
Sent: 10/14/2020 3:51:31 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: NASEM slides on class-based approaches
Attachments: NASEM_Session 5_Class Approaches_10_13_20_v3.pptx

I made most of your suggested changes. The exception is on Slide 2 where I tried to rework your bullets into the format/type of wording requested by the organizing committee. Can you see if I got that right?

I was a bit confused by the wording of your bullets and the notes in the bottom. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Can you clarify?

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, October 14, 2020 11:23 AM
To: Thomas, Russell <Thomas.Russell@epa.gov>
Subject: RE: NASEM slides on class-based approaches

When is it; presumably Virtual…I would be willing to co-lead or at least attend as wing(wo)man.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Thomas, Russell <Thomas.Russell@epa.gov>
Sent: Wednesday, October 14, 2020 11:21 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: NASEM slides on class-based approaches

Thank you! Very helpful. Wanna be the lead instead of me? 😊 I'll buy wine next time we are in Paris!

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, October 14, 2020 11:17 AM
To: Thomas, Russell <Thomas.Russell@epa.gov>
Subject: RE: NASEM slides on class-based approaches

Here are my comments/additions

Another thing…I think Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Thomas, Russell <Thomas.Russell@epa.gov>
Sent: Tuesday, October 13, 2020 11:56 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: NASEM slides on class-based approaches

Tala,

Thanks for chatting today. Attached are the slides I told you about. Please let me know of any suggested edits.

Rusty

==========
Russell S. Thomas, Ph.D.
Director, Center for Computational Toxicology and Exposure
109 TW Alexander Drive, MC D143-02
Research Triangle Park, NC 27711
Voice: 919-541-5776
Mobile: 919-475-4583
Email: thomas.russell@epa.gov
==========

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 11/10/2020 9:05:18 PM
To: Garcia, Beth [garcia.beth@epa.gov]
CC: Blair, Susanna [Blair.Susanna@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Reminder: OCSPP/RDD Meeting Nov. 18th: Session #6- OPPT OECA Session Meeting Materials due TODAY!
Attachments: 11.10 - OPPT OD Presentation for RDD Meeting - November 2020 - FINAL (clean).pptx

Hi Beth –

Attached are the slides that Yvette plans to use during next Wednesday's session, and which can be shared with the RDDs. As I mentioned earlier, OPPT ***may*** have an additional handout to support that session. Susanna Blair, copied, will advise on Thursday morning regarding status in my absence.

Best,
Alison

N.B. A quick catch on the agenda – if a new version goes out, you may simply want to capture Yvette's presentation as follows:

- TSCA Implementation
- 2019 TRI National Analysis
- Emerging issues- e.g. PFAS 8(a)(7) rulemaking

Just a suggestion. "TSCA21" isn't a phrase that folks use in headquarters anymore, so it may just help cut down on confusion going forward.

From: Garcia, Beth <garcia.beth@epa.gov>
Sent: Tuesday, November 10, 2020 11:25 AM
To: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Miles, James <miles.james@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Burns, Mike <Burns.Mike@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Engle, Kelly <Engle.Kelly@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Devito, Steve <Devito.Steve@epa.gov>; Turk, David <Turk.David@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; Kendall, Judith <Kendall.Judith@epa.gov>
Subject: Reminder: OCSPP/RDD Meeting Nov. 18th: Session #6- OPPT OECA Session Meeting Materials due TODAY!

Greetings,

Please send your Session #6 meeting materials today so I can post them ASAP. I'd like to give folks as much time as possible to prepare for the meeting next week.

Thank you for your assistance!

Sincerely,
Beth

From: Garcia, Beth
Sent: Thursday, November 05, 2020 4:59 PM
To: 'Yvette Collazo Reyes' <CollazoReyes.Yvette@epa.gov>; Miles, James <miles.james@epa.gov>; Segall, Martha

<Segall.Martha@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Burns, Mike <Burns.Mike@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Engle, Kelly <Engle.Kelly@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Devito, Steve <Devito.Steve@epa.gov>; Turk, David <Turk.David@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; Kendall, Judith <Kendall.Judith@epa.gov>
Subject: OCSPP/RDD Meeting Nov. 18th: Session #6- OPPT OECA Session Updated time @1:45; Meeting materials by Fri. Nov. 6th

Greetings,

We will be starting later on Nov. 18th so everyone can attend OCSPP's Honor Award ceremony. This session will now start the Nov. 18th agenda at 1:45pm although I request that all session leaders be online by 1:30 in case the previous session runs short. Please confirm that this new time slot works for you.

A friendly reminder that meeting materials for all sessions are due tomorrow, Fri. Nov. 6th.

Thank you for your assistance!

Sincerely,
Beth

Nov. 18th

1:45 AM	2:45PM	**Session #6: OPPT/OECA Updates**
		
		Session Leaders:
		Yvette Collazo-Reyes, Director, OPPT
		James Miles, Acting Associate Director, WCED, OCE, OECA
		Martha Segall, Acting Director, MAMPD, OC, OECA
			Objectives: Program Update
			• OPPT
			  ○ Overall Update
			  ○ TSCA21 update
			  ○ 2019 TRI National Analysis
			  ○ Emerging issues- e.g. PFAS 8(a)(7) rulemaking
			• OECA Program Enforcement and Compliance
			  ○ Overview TRI, Core SANE updates; 2020 enforcement summary; TRI/TSCA Civil Enforcement Priorities (OCE)
			  ○ Compliance Assistance (OC)
			  ○ OECA TSCA STAG Update (OC)

From: Garcia, Beth
Sent: Monday, November 02, 2020 5:36 PM
To: 'Yvette Collazo Reyes' <CollazoReyes.Yvette@epa.gov>; Miles, James <miles.james@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Burns, Mike <Burns.Mike@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Engle, Kelly <Engle.Kelly@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Devito, Steve <Devito.Steve@epa.gov>; Turk, David <Turk.David@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; Kendall, Judith <Kendall.Judith@epa.gov>
Subject: OCSPP/RDD Meeting Nov. 17th: Session #6- OPPT OECA Session Outline- Meeting materials by Fri. Nov. 6th

Greetings,

Thank you for your input at this morning's session meeting, please find updated session outline attached/sharepoint/Teams and the agenda below. Please let me know if you need to make further edits. I've also

attached the SANE memo from Feb. meeting but I don't know if this has been updated. Please send all the session materials by Friday, Nov. 6th and I will upload them accordingly.

Also as part of this teams meeting, I would like each of you to share your respective presentations (I will have them as a backup in case of technical difficulties) and I would like to record each session. I will ask your permission before the session as well in the event that anything has changed. This meeting is an internal EPA meeting.

Please let me know if you have any questions.

11:45 AM	12:45PM	**Session #6: OPPT/OECA Updates**
		
		Session Leaders:
		Yvette Collazo-Reyes, Director, OPPT
		James Miles, Acting Associate Director, WCED, OCE, OECA
		Martha Segall, Acting Director, MAMPD, OC, OECA
			Objectives: Program Update
			• OPPT
			  ○ Overall Update
			  ○ TSCA21 update
			  ○ 2019 TRI National Analysis
			  ○ Emerging issues- e.g. PFAS 8(a)(7) rulemaking
			• OECA Program Enforcement and Compliance
			  ○ Overview TRI, Core SANE updates; 2020 enforcement summary; TRI/TSCA Civil Enforcement Priorities (OCE)
			  ○ Compliance Assistance (OC)
			  ○ OECA TSCA STAG Update (OC)

Sincerely,
Beth

Beth Garcia
Office of Chemical Safety & Pollution Prevention
Lead Region Coordinator
U.S. EPA Region 3 | Philadelphia, PA
(215) 814-5243 | garcia.beth@epa.gov

From: Garcia, Beth
Sent: Tuesday, October 27, 2020 8:58 PM
To: Yvette Collazo Reyes <CollazoReyes.Yvette@epa.gov>; Miles, James <miles.james@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Burns, Mike <Burns.Mike@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Engle, Kelly <Engle.Kelly@epa.gov>; Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Devito, Steve <Devito.Steve@epa.gov>; Turk, David <Turk.David@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; Kendall, Judith <Kendall.Judith@epa.gov>
Subject: OCSPP/RDD Meeting Nov. 17th: Session #6- OPPT OECA Session Outline- Meeting materials by Fri. Nov. 6th

Greetings Yvette, James, and Martha:

I wanted to touch base on Session #6, the OPPT OECA Session for the OCSPP/RDD Fall National Virtual Teams meeting on Nov. 18th.

I've set up Sharepoint folders and a Team site for this meeting with separate channels for each session. Please review the draft session outline on sharepoint or Teams that will serve as a road map to help facilitate this session. As you prepare, please consider what regional input would be useful from the DD's to help tee up the discussion e.g. TSCA21: long-term regional role in regulating chemicals, regional input in PFAS 8(a)(7) rulemaking, enforcement/compliance.

I will send an invite for Mon. Nov. 2nd from 9:30-10:00am to discuss any feedback on timing/topics/speaker roles and materials for session. I'm requesting meeting materials (powerpoints, handouts) no later than **Friday, Nov. 6, 2020**. I've attached the session materials from Feb. 2020 OCSPP/RDD meeting for your reference and cc'd folks as a heads up of possible incoming information requests to help prepare this session.

Please feel free to call/chat via Teams/email me with any questions, clarifications. I look forward to working with you to make this a robust session!

Nov. 18, 2020- 11:45-12:45pm(EST)

11:45 AM	12:45PM	**Session #6: OPPT/OECA Updates**
		
		Session Leaders:
		Yvette Collazo-Reyes, Director, OPPT
		James Miles, Acting Associate Director, WCED, OCE, OECA
		Martha Segall, Acting Director, MAMPD, OC, OECA
			Objectives: Program Update
			• OPPT
			  ○ TSCA21 update
			  ○ 2019 TRI National Analysis
			  ○ Emerging issues- PFAS 8(a)(7) rulemaking
			• OECA Program Enforcement and Compliance
			  ○ 2019 TRI, TSCA enforcement summary, TSCA Civil Enforcement Priorities (OCE)
			  ○ OECA TSCA STAG Update (OC)

Sincerely,
Beth

Beth Garcia
Office of Chemical Safety & Pollution Prevention
Lead Region Coordinator
U.S. EPA Region 3 | Philadelphia, PA
(215) 814-5243 | garcia.beth@epa.gov

Sincerely,
Beth
Beth Garcia
Lead Region Coordinator for OCSPP
EPA Region 3
(215) 814-5243

TSCA Update

Regional Division Director's Meeting

Yvette T. Collazo
Office Director
Office of Pollution Prevention and Toxics

November 18, 2020

Existing Chemicals

Assessment to Action

Prioritization

- 20 Highs (December 2019)
- 20 Lows (February 2020)

Assessment

- Risk Evaluations
  - Status of Initial 10
  - 20 High-priority
    - Scopes and Initial List of Manufacturers Subject to Fees released in September
  - Manufacturer-Requested

Action

- Risk Management in 2020
  - Must begin immediately after final risk evaluation if unreasonable risks identified for any conditions of use

Risk Management Requirements

- Under TSCA, EPA is required to take action to address chemicals that pose unreasonable risks to human health or the environment
- EPA must issue a TSCA section 6(a) rule following risk evaluation to address all identified unreasonable risks within two years:
  - Proposed rule one year after risk evaluation
  - Final rule two years after risk evaluation
- Required under TSCA to address all unreasonable risks
- Specific requirements on consideration of alternatives, selecting among options and statement of effects apply to risk management rules
- Input from all stakeholders is critical to the process, including but not limited to agency workgroups, small businesses, chemical users, NGOs, etc.
- Final risk evaluations published for methylene chloride, 1-bromopropane, HBCD, and carbon tetrachloride. All identified unreasonable risks.
- Six more risk evaluations in final stages of completion.
- Aggressive rulemaking timelines

Regional Engagement in Risk Management

- Given the aggressive timelines for rulemaking, OPPT is, by necessity, leading change in how this work is done.
- Stakeholder engagement is a critical element of the effort, to ensure any future regulations are based on timely information and are practical and implementable.
- Regions can play a role in helping identify stakeholders and in amplifying our outreach, e.g., to the environmental justice community.
  - Formal consultations are ongoing for Federalism, Tribal governments, small businesses, and EJ
  - We routinely meet with interested stakeholders from industry and NGOs
- Regions may also choose to have staff participate in rulemaking workgroups
  - Workgroups are operating under tight timelines
- Contact ECRMD for more information.

Other Actions

PBT Rules

- Proposed rule covering all five PBTs was signed statutory deadline of June 22, 2019
- Each PBT will have its own final action which we are aiming to finalize later this year.

Lead Rules

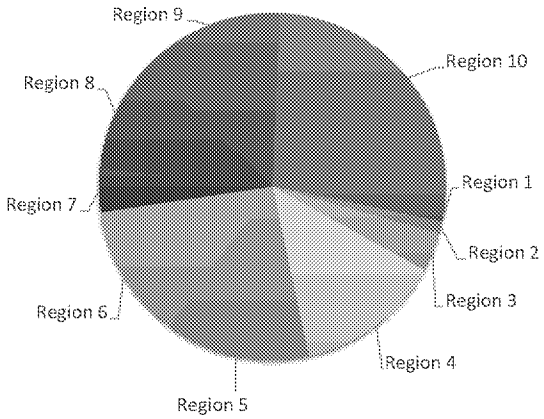
- Revised Dust Lead Hazard Standards
  - Finalized July 2019
- Revised Dust Lead Clearance Levels
  - Proposed Rule published in June, working to finalize the Rule shortly
- Thank you for significant regional work for the lead-based paint program

RY 2019 TRI National Analysis

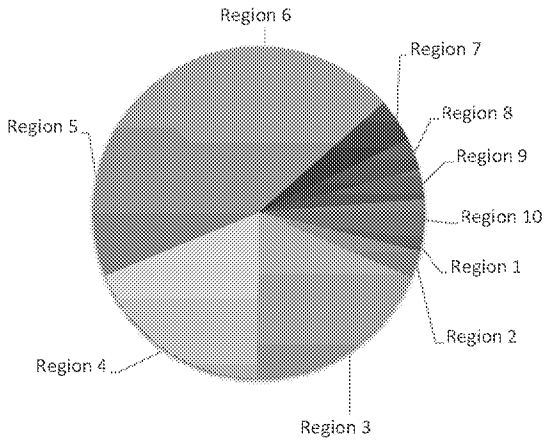
- Production-related waste managed decreased 3% from 2018-2019
- Total disposal or other releases decreased 9% from 2018-2019 to 3.4 billion lb
- New this year:
  - Profile of fabricated metals manufacturing sector
  - Infographic illustrating how TRI fits into the larger picture of EPCRA
  - Comparative analysis of impact of late filers and revisions
  - Expanded regional breakdown of national data (next slide)

2019 NA – Regional Comparison of National Data

Releases by Region, 2019



Production-Related Waste by Region, 2019



New regional comparison added to landing page for regional profiles section of the 2019 National Analysis

Regional Support for 2019 National Analysis Publication

- Assistance with data quality calls to facilities (all)
- Participation on National Analysis workgroup by regional coordinators (R5 and R8)
- Support in development of Spanish search tool on TRI homepage (R4)
- Review of each regional profile for inclusion in NA website (all)
- Assistance in planning communications roll out activities which could include developing regionally-specific press releases and planning/executing regional media calls or events (all)

PFAS

- NDAA
  - NDAA automatically added 172 PFAS to the TRI
  - Section 8 rule for PFAS data required by January 2023
- Long chain PFAS Significant New Use Rule
  - Signed June 2020
  - To account for articles provision in TSCA, the final rule requires review for new or phased out uses that could otherwise begin without review/restrictions
  - Supplemental Guidance on Surface Coatings
- New Chemicals Program
  - Review and restrictions to address any unreasonable risk for new PFAS

TSCA Section 8(a)(7) PFAS Data Call

- EPA must finalize a rule by January 1, 2023 to require manufacturers (including importers) of PFAS in any year since January 1, 2011 to submit a report to EPA containing certain information for each year since January 1, 2011.
- The scope of PFAS for this rulemaking will be presented as a list and as a definition with structural examples in order to capture any PFAS without specific chemical identities.
- Rule will collect data on amounts manufactured or processed, descriptions of byproducts, all *existing* info on environmental and health effects, worker exposure, disposal, among other data elements.

Pollution Prevention (P2)

- FY 20-21 P2 STAG grants
  - 42 grants across 39 states
- FY 20-21 Source Reduction Assistance (SRA) grants
  - 11 grants across 9 states
- Both programs require substantial participation from regions – thank you for all your efforts!

Thank You!

Thank you for all the regional engagement in TSCA, EPCRA, and P2 Act work!

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 11/16/2020 5:31:35 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Lalley, Thomas [Lalley.Thomas@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]
Subject: UPDATE from ICB: Concurrence on PFAS Inquiry [Response Due Today]

Tala – Per discussion this morning, Tom L reached out to ICB on that PFAS press inquiry that's due today. NCD/ICB's concurrence and response to your questions, below. Please let us know if the original response is now okay to go to OCSPP IO/OPA/etc.

Thanks!
Alison

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, November 16, 2020 11:55 AM
To: Lalley, Thomas <Lalley.Thomas@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: RE: Press inquiry: PFAS

Tom,

Please see response from ICB below that provides concurrence of the draft response and additional explanation to respond to Tala's request. Tracy Williamson can provide any follow you may need. I'll be tied up in meetings between 12-2pm.

Ex. 5 Deliberative Process (DP)

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Lalley, Thomas <Lalley.Thomas@epa.gov>
Sent: Monday, November 16, 2020 10:52 AM
To: Le, Madison <Le.Madison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Press inquiry: PFAS

2pm today.

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, November 16, 2020 10:52 AM
To: Lalley, Thomas <Lalley.Thomas@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Press inquiry: PFAS

Tom,

What's the deadline for this response?

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Lalley, Thomas <Lalley.Thomas@epa.gov>
Sent: Monday, November 16, 2020 10:03 AM
To: Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Press inquiry: PFAS

Hi Tracy – I am a new public affairs officer in OCSPP/OPPT. Please see below an inquiry from a reporter and the proposed response. Tala Henry asked to run this by you to make sure that you agree with the response. Also, Tala asked for an explanation of how ICB made the determination that these chemicals are PFAS since OPPT does not consider everything on the ORD Dashboard as PFAS.

INCOMING: Greetings. I am hoping you can tell me which of the chemicals in the Chemical Data Reporting data for 3M's Cottage Grove plant in Minnesota (attachment) are considered chemicals in the PFAS family. Can you tell me?

RESPONSE: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Tom Lalley
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
202-997-0899

Message

From: Hofmann, Angela [Hofmann.Angela@epa.gov]
Sent: 2/12/2021 5:32:03 PM
To: Freedhoff, Michal [Freedhoff.Michal@epa.gov]
CC: Tyler, Tom [Tyler.Tom@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Smith, Peterj [Smith.Peterj@epa.gov]; Sleasman, Katherine [Sleasman.Katherine@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Malloy, Ruth [malloy.ruth@epa.gov]; Brown, KendraR [Brown.KendraR@epa.gov]
Subject: For Awareness / Review: PFAS 8(a) NPRM Going to OP for OMB EO12866 Review (+ eBinder)
Attachments: RIN2070-AK67_EO12866_PFAS-TSCA 8a_NPRM_FRdocument_2021-02-11.docx; clean_RIN2070-AK67_EO12866_PFAS-TSCA 8a_NPRM_FRdocument_2021-02-11.docx

Importance: High
Flag: Read

Hi Michal,

As promised, here is the draft of the proposed TSCA 8(a) rule for PFAS that is going to OP for OMB/EO 12866 review submission (clean version). I've also attached the redline with the comments and edits that were made to the earlier version – in case that is what you already reviewed. A few very quick notes for you about the draft proposed rule:

-
-

Ex. 5 Deliberative Process (DP)

-

In terms of **expected next steps**, the package goes to OP for review and approval to send to OMB. Under the ADP guidance, OP asks offices to give them at least 15 work days to process the package, and has often completed the process in less time – especially if there are legal deadlines. OP will notify us when it is approved for submission, as well as when they complete the upload to the OMB system (ROCIS).

OMB must accept the package in ROCIS for review – In addition to starting the 90-day review clock, their acceptance will promote the entry that identifies the rule as under EO12866 on the OMB public website (Click here). To facilitate timely OMB acceptance of the package, as well as to begin earnest planning for the review with OMB, we notify OMB of our submission to OP and when it has been added to ROCIS. We also work with OMB to schedule an introductory briefing for the interagency reviewers, which is usually scheduled to occur the 1st week of OMB review.

Question: Do you want to review and/or approve the materials being prepared for the Interagency Introductory Briefing?

Let Peter or I know if there are any questions.
[Ruth & Kendra – Please include in the eBinder tonight. Thanks.]
- Angela
Angela Hofmann
202-564-0258
OCSPP/OPS/MSD/RSB

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 2/17/2021 4:27:08 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: PFAS New Chemicals Presentation
Attachments: New PFAS Chemicals_Pre-Brief for OPPT_2-17-21.pptx

We'll get this attached to the invite too, but wanted to pass your way soonest since you expressed interest. -a

---

From: Passe, Loraine <Passe.Loraine@epa.gov>
Sent: Wednesday, February 17, 2021 11:26 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Subject: RE: HOLD: OPPT Pre-Brief: PFAS

Hi Alison-

Thanks for your patience. Here's the presentation for 1:00.

Loraine Passe, Chief
Risk Management Branch 1
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Wednesday, February 17, 2021 9:38 AM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: HOLD: OPPT Pre-Brief: PFAS

No worries – I know you guys are busy. Thanks much for the update – and I'll keep an eye out for the presentation from Loraine.

Best,
Alison

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, February 17, 2021 9:36 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Passe, Loraine <Passe.Loraine@epa.gov>
Subject: FW: HOLD: OPPT Pre-Brief: PFAS

Alison,

Loraine is incorporating last minute edits from the team this morning. She will send it to you as soon as it's done. We have an NCD All Hands at 10am, so we are scrambling a bit. Sorry for the delay.

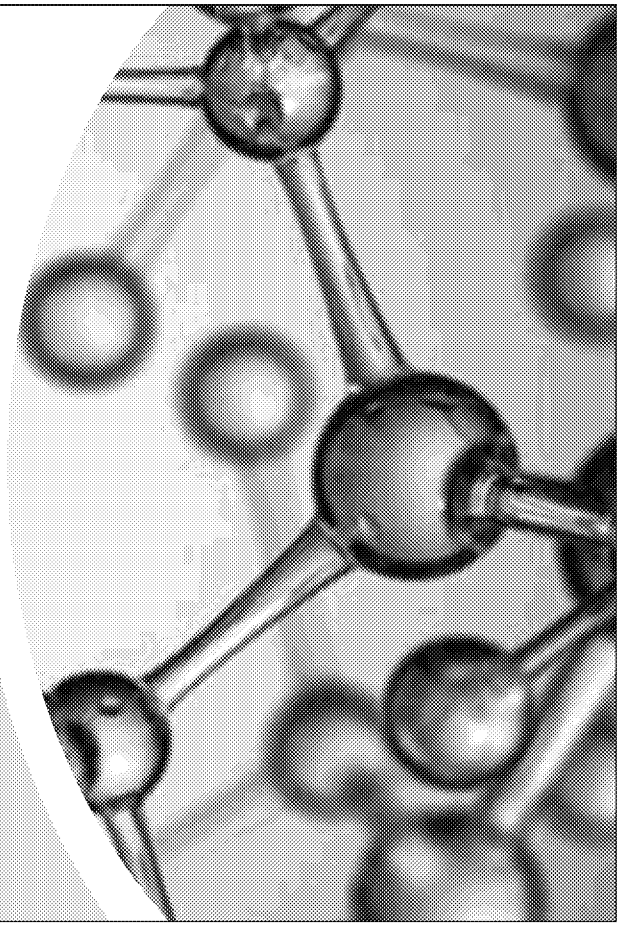
Madison H. Le
Division Director
New Chemicals Division

USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Wednesday, February 17, 2021 9:33 AM
To: Le, Madison <Le.Madison@epa.gov>; Clark, Sharon <Clark.Sharon@epa.gov>
Subject: RE: HOLD: OPPT Pre-Brief: New Chemicals (PMN Process)

Gently checking – any materials here yet that we can share with Tala?

New PFAS Chemicals: Approaches and Path Forward



Pre-brief for OPPT

New Chemicals Division

February 17, 2021

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Message

From: Le, Madison [Le.Madison@epa.gov]
Sent: 2/19/2021 9:10:06 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]
CC: Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Camacho, Iris [Camacho.Iris@epa.gov]; Tobias, David [Tobias.David@epa.gov]; Gallagher, Jeffrey [Gallagher.Jeffrey@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Hou, Ariel [Hou.Ariel@epa.gov]
Subject: New PFAS Chemicals Briefing
Attachments: New PFAS Chemicals_Briefing for OCSPP_Final.pptx

Tala and Susanna,

Attached is the final version of the new PFAS chemicals briefing that should addresses/incorporates most of Tala's edits/comments. Please use this version for final review and transmission to OCSPP.

Thanks to the Loraine for managing this overall briefing and the NCD team for developing these slides and addressing Tala's edits. Have a great Friday and weekend everyone.

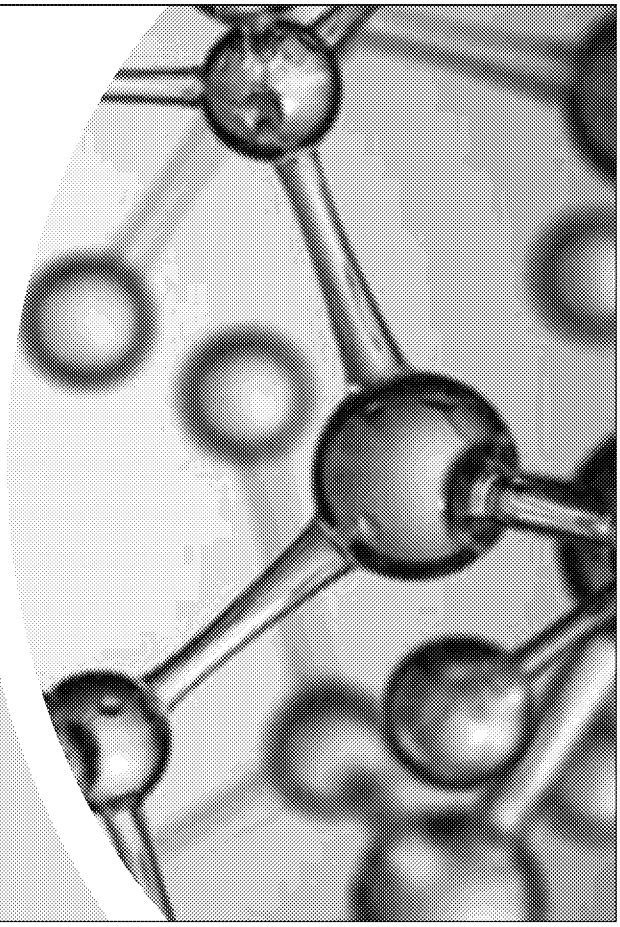
Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, February 19, 2021 10:50 AM
To: Le, Madison <Le.Madison@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>; Camacho, Iris <Camacho.Iris@epa.gov>; Tobias, David <Tobias.David@epa.gov>; Gallagher, Sarah <Gallagher.Sarah@epa.gov>
Cc: Blair, Susanna <Blair.Susanna@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: Didnt know who send this to...
Importance: High

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

New PFAS Chemicals: Approaches and Path Forward



New Chemicals Division

February 22, 2021

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Passe, Loraine [Passe.Loraine@epa.gov]
Sent: 4/5/2021 6:37:19 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Le, Madison [Le.Madison@epa.gov]
CC: Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Payne, Allison [Payne.Allison@epa.gov]; Thaler, Elizabeth [thaler.elizabeth@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Chandrasekaran, Devi [Chandrasekaran.Devi@epa.gov]; Huskey, Angela [Huskey.Angela@epa.gov]
Subject: RE: Letter re: EPA approval of new PFAS under TSCA
Attachments: EPA response to Earthjustice PFAS letter_DRAFT_v1_PTSLO CLEAN_4-5.docx; 2021.03.26 - Letter re EPA PFAS approvals.pdf

Tala-

Attached a draft response to the 3/26 letter from the NGOs regarding approval of new PFAS under TSCA. The draft response incorporates OGC input.

Please let us know if you have comments/questions.

Loraine

Loraine Passe
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Jonathan Kalmuss-Katz <jkalmusskatz@earthjustice.org>
Sent: Friday, March 26, 2021 12:25 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: Letter re: EPA approval of new PFAS under TSCA

Dear Assistant Administrator Freedhoff:

The 18 undersigned organizations submit this letter objecting to EPA's approval of new per- and polyfluoroalkyl substances (PFAS) and new uses of previously approved PFAS, as reflected most recently in EPA's March 10, 2021 Federal Register publication of "Certain New Chemicals or Significant New Uses; Statements of Findings for January through December 2020." For the reasons set forth in the letter, we urge EPA to stop approving PFAS under TSCA Section 5 and to address the flaws in EPA's new chemical review process that have facilitated the approval of prior PFAS.

If you have any questions about the attached letter, please don't hesitate to contact me.

Respectfully submitted,

Advance Carolina
Center for Environmental Health
Clean Cape Fear
Clean Haw River
Clean and Healthy New York
Defend Our Health

Democracy Green
Earthjustice
Environmental Defense Fund
Environmental Working Group
GreenCAPE
Merrimack Citizens for Clean Water
Mothers For Safe Air & Safe Water Force
Natural Resources Defense Council
Safer Chemicals Healthy Families
Sierra Club
Toxic Free North Carolina
Union of Concerned Scientists

Jonathan Kalmuss-Katz
Staff Attorney
Earthjustice Northeast Office
48 Wall Street, 15th Floor (note new floor)
New York, NY 10005
T: 212.823.4989
F: 212.918.1556
Pronouns: he/him/his
earthjustice.org

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If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Williamson, Tracy [Williamson.Tracy@epa.gov]
Sent: 4/5/2021 11:20:46 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Butler, Tristan [Butler.Tristan@epa.gov]
Subject: PFAS meeting today

Hi Tala,

We do not have much to report out from our 3 PM PFAS meeting today with OPP.

- OPP had some basic questions for us, for example, new versus existing chemical PFAS (e.g., which have been assessed) and where the PFAS added to TRI came from.
- We provided our non-CBI TSCA Inventory PFAS spreadsheet to OPP which might be helpful in their effort to revisit pesticide ingredients, especially since they are using the OPPT working PFAS definition.
- We'll stay coordinated on definitions, including what the impacts might be for TSCA and FIFRA programs if we were to switch to the OECD definition.

Message

From: Schmit, Ryan [schmit.ryan@epa.gov]
Sent: 4/6/2021 3:45:17 PM
To: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: TALA REVIEW: Press inquiry on PFAS 8(a) rule due today
Attachments: RIN2070-AK67_EO12866_PFAS-TSCA 8a_NPRM_FRdocument_2021-02-17.docx

Here's the NPRM sent to OMB. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Tuesday, April 6, 2021 11:35 AM
To: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: TALA REVIEW: Press inquiry on PFAS 8(a) rule due today

Ex. 5 Deliberative Process (DP)

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Tuesday, April 6, 2021 11:08 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: TALA REVIEW: Press inquiry on PFAS 8(a) rule due today

Ex. 5 Deliberative Process (DP)

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Tuesday, April 6, 2021 11:04 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: TALA REVIEW: Press inquiry on PFAS 8(a) rule due today

To address almost all the questions, could be useful lto Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Tuesday, April 6, 2021 9:19 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: TALA REVIEW: Press inquiry on PFAS 8(a) rule due today

Hi Tala – Chem Watch is asking about the 8(a) rule. I took what Michal said at Global Chem and added the language in red. I was thinking Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Let me know what you think. Thanks.

INCOMING:

1) Will the rule affect manufacturers, processors and importers?
2) What will companies need to do to comply?
3) How should they prepare for the rule?
4) What will the EPA do with the reported information?
5) When exactly can we expect the proposed rule this month?
6) Could the agency declare a moratorium on new PFASs?

RESPONSE:

Ex. 5 Deliberative Process (DP)

From: Julia John <julia.john@chemicalwatch.com>
Sent: Monday, April 5, 2021 10:49 AM
To: Blaufuss, Hannah <Blaufuss.Hannah@epa.gov>; weir.harlan@epa.gov
Subject: A few questions for story about PFAS reporting rule

Hi there,

I'm a Chemical Watch reporter working on a story about the one-time PFAS reporting rule expected to be proposed this month. I have a few questions for the EPA that I'd appreciate responses to.
Here they are:
1) Will the rule affect manufacturers, processors and importers?
2) What will companies need to do to comply?
3) How should they prepare for the rule?
4) What will the EPA do with the reported information?
5) When exactly can we expect the proposed rule this month?
6) Could the agency declare a moratorium on new PFASs?
My deadline is tomorrow afternoon.

Thank you,

Julia John

Message

From: Passe, Loraine [Passe.Loraine@epa.gov]
Sent: 4/19/2021 2:32:28 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Le, Madison [Le.Madison@epa.gov]
CC: Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

I believe it is done – OGC reviewed (covers 2012 to present).

We will get it to RSB.

Loraine Passe
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Monday, April 19, 2021 10:00 AM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Yes, she is asking Peter & Angela.
Do you know a 'a big' backlog of FRNs for NC notices?

Also, what is status of the TME FRN? We should get that one to RSB.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, April 19, 2021 9:59 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: Fwd: Letter re: EPA approval of new PFAS under TSCA

Tala,

I assume Michal email is for Peter but if She asking NCD a question then can you coordinate with Loraine on this and she can help. Thanks.

Madison

Sent from my iPhone

Begin forwarded message:

From: "Freedhoff, Michal" <Freedhoff.Michal@epa.gov>
Date: April 19, 2021 at 9:41:32 AM EDT
To: "Smith, Peterj" <Smith.Peterj@epa.gov>, "Le, Madison" <Le.Madison@epa.gov>, "Henry, Tala" <Henry.Tala@epa.gov>
Cc: "Collazo Reyes, Yvette" <CollazoReyes.Yvette@epa.gov>, "Hofmann, Angela" <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Good morning

Sorry to bump up an old email chain, but the question of the FR delays/backlog just came up on a call related to transparency litigation. Any sense for whether that analysis we chatted about a few weeks ago is doable?

Thanks!
Michal

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Freedhoff, Michal
Sent: Friday, March 26, 2021 6:32 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks

I think next week sometime or the following week would be fine. I'm guessing we will continue to get inquiries.

As to your concern on policy, what we are talking about re PFAS fits squarely within additional changes to the new chemicals approach we have all concluded is not guidance. I think it's fine. ☺

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Smith, Peterj <Smith.Peterj@epa.gov>
Sent: Friday, March 26, 2021 5:38 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks Michal!

We'll be happy work the backlog ask. We're a little short on staff next week because of spring break (Angela will also be out). Do you have an ETA in mind for this so that I can focus the team's time and resources to meet your request?

I also need to chime in with some policy development considerations. Policy statements qualify as "guidance documents" under the EPA guidance rule and, even if the guidance rule goes away tomorrow, *may* be "significant regulatory actions" under EO 12866. If EPA finds that the policy would meet definitional criteria for "significance" in EO 12866, the policy statement would need to be developed under the Action Development Process. (The ADP specifically sets forth expectations significant guidance documents, including cross-agency participation in the development effort, the establishment of a docket, and a public comment opportunity.) OP would also notify OMB that the policy statement is significant and subject to interagency review.

I am not suggesting whether the policy statement would need extra process. However, given recent IG attention on ADP adherence, I just want to make sure that (1) the OCSPP leadership team approaches this with eyes open, and (2) RSB has sufficient information to support the leadership team's determination if our counterparts across EPA as well as at OMB, SBA/Office of Advocacy, and other agencies start asking questions and raising any process concerns.

Best,
Peter

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, March 26, 2021 3:18 PM
To: Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thank you – totally understood that the section 4 rule would be a longer term endeavor, and could be wrapped into other PFAS/other information gathering activities we've been discussing.

I wonder whether the Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

But I'm also copying Peter here because I think it could be Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you
Michal

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Friday, March 26, 2021 2:10 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Tala - The letter seems to be referencing two submissions (P-18-0058 and SN-17-0011) which were issued in January 2020 (which was over a year ago, and not "recent" per se). Also, these two chemicals do not meet our working definition of PFAS (i.e., doesn't have 2 consecutive fluorinated carbons), and one is considered to have low persistence and bioaccumulation. I'll send more details on the CBI side. I'll have the team start prepping the draft response and work with OGC on it.

Michal – Tala is right that we have multi-facet plan, and are executing on the low hanging fruit right now. Below is an update on the near and long-term options we discussed at the last 2/22 briefing on NC PFAS policy approaches for PFAS LVEs and PMNs.

LVEs

- 2 LVEs pending – we have denied one and prepping the denials for other three. We have good legal and technical standing to deny these LVEs (per
- 700 previously granted LVEs – we are prepared to start contacting companies to see if they will voluntary withdraw their LVEs (we've had some success in the past in 2018 effort, and we know of a one company connected to the Solvay issue that plans with withdraw 2 LVEs by this summer). We are still prepping what a "stewardship" program could look like to get more companies to withdraw and prioritize this effort,
- **Draft policy statement** on discontinuing PFAS LVEs: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

PMNs/SNUNs

- 24 PMNs and 2 SNUNs pending – we have not completed these cases but we expect to issue orders (with testing) and potentially limiting/prohibiting manufacturer depending on the outcome of the risk assessment
    - One case is C8, handful are PF ethers, the rest are short chain PFC
    - Most are used for coatings or as intermediate to other PFAS
    - Three of the LVEs were submitted in 2020 and one in 2021

- The PMNs and SNUNs range from recent submissions to cases under suspension for "rework" for many years
- Ex. 5 Deliberative Process (DP)
- **Policy statement** (to be developed) – I'm not aware of any policy statements drafted, but we

Ex. 5 Deliberative Process (DP)

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, March 26, 2021 1:59 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

As with the overall approach to changes, (i.e., incremental, starting with the most straight-forward, easiest to implement), there are multiple facets to the plan.
NCD is already implementing the LVEs approach as LVE PFAS come in…not sure if any have since we landed on the approach. Also, NCD has begun to reach out to those with older (long-chain) LVEs to suggest 'withdrawing'. Similarly, I believe new PMNs would be subject to the new thinking re: COs.

The 'bigger ticket' items, like revoking prior granted LVEs and writing a Section 4 rule require additional resourcing and we have to plan those out within that context.

We do have a handful of cases, which have specific 'circumstances'/long-standing history around them, which we are ready to have a discussion with you about…planned on working into an upcoming OPPT General or Wed General with you.

Madison: Re: the letter – I did not look up the specific notice the letter writers were referencing, but realize it also could have been SNUR following 5e Orders.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, March 26, 2021 1:30 PM

To: Henry, Tala <Henry.Tala@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks Tala

How close would you all say we are to landing on a new chemicals PFAS policy approach?

Michal

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, March 26, 2021 1:25 PM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Subject: FW: Letter re: EPA approval of new PFAS under TSCA

Madison,
Many/most/all of the signers of the letter are litigants in the PFAS Section 21 Petition.
Please have you team prepare a Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Jonathan Kalmuss-Katz <jkalmusskatz@earthjustice.org>
Sent: Friday, March 26, 2021 12:25 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: Letter re: EPA approval of new PFAS under TSCA

Dear Assistant Administrator Freedhoff:

The 18 undersigned organizations submit this letter objecting to EPA's approval of new per- and polyfluoroalkyl substances (PFAS) and new uses of previously approved PFAS, as reflected most recently in EPA's March 10, 2021 Federal Register publication of "Certain New Chemicals or Significant New Uses; Statements of Findings for January through December 2020." For the reasons set forth in the letter, we urge EPA to stop approving PFAS under TSCA Section 5 and to address the flaws in EPA's new chemical review process that have facilitated the approval of prior PFAS.

If you have any questions about the attached letter, please don't hesitate to contact me.

Respectfully submitted,

Advance Carolina
Center for Environmental Health
Clean Cape Fear
Clean Haw River
Clean and Healthy New York
Defend Our Health
Democracy Green
Earthjustice
Environmental Defense Fund
Environmental Working Group
GreenCAPE
Merrimack Citizens for Clean Water
Mothers For Safe Air & Safe Water Force
Natural Resources Defense Council
Safer Chemicals Healthy Families
Sierra Club
Toxic Free North Carolina
Union of Concerned Scientists

Jonathan Kalmuss-Katz
Staff Attorney
Earthjustice Northeast Office
48 Wall Street, 15th Floor (note new floor)
New York, NY 10005
T: 212.823.4989
F: 212.918.1556
Pronouns: he/him/his
earthjustice.org

EARTHJUSTICE

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If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Freedhoff, Michal [Freedhoff.Michal@epa.gov]
Sent: 4/19/2021 2:09:25 PM
To: Smith, Peterj [Smith.Peterj@epa.gov]; Le, Madison [Le.Madison@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
CC: Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks very much – I think if the FR was in process – ie it was on its way and just happened to land during the transition but took the normal amount of time to publish – exclude it. If it was something that the incoming Admin asked to be held back, also exclude it. But if it was like those odd ones where they were months-old receipts of information, months-old summaries of PMNs and SNURs and pesticide stuff that just sat here for months etc – we should include it.

I remember Angela sent me a spreadsheet with hundreds of items that needed clearing.

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Smith, Peterj <Smith.Peterj@epa.gov>
Sent: Monday, April 19, 2021 10:00 AM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Hi Michal,

I think we can get there. I met with key NCD staff and RSB's Terry Green, and together we uncovered the need for some clarification. I'm sorry that I didn't loop back with you sooner!

The group's uncertainty rests with the narrative - and whether the backlogs we're looking to characterize are for post-signature OP/OFR publication delays, pre-signature OPPT FR production lags for section 5 notices, or a combination of both. I'm confident that we can get at least the information of post-signature delays with RSB information, but based on my discussion with the group, it appears we may need to rely on NCD for information about delays related to FR development.

Best,
Peter

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Monday, April 19, 2021 9:42 AM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Good morning

Sorry to bump up an old email chain, but the question of the FR delays/backlog just came up on a call related to transparency litigation. Any sense for whether that analysis we chatted about a few weeks ago is doable?

Thanks!
Michal

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Freedhoff, Michal
Sent: Friday, March 26, 2021 6:32 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks

I think next week sometime or the following week would be fine. I'm guessing we will continue to get inquiries.

As to your concern on policy, what we are talking about re PFAS fits squarely within additional changes to the new chemicals approach we have all concluded is not guidance. I think it's fine. ☺

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Smith, Peterj <Smith.Peterj@epa.gov>
Sent: Friday, March 26, 2021 5:38 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks Michal!

We'll be happy work the backlog ask. We're a little short on staff next week because of spring break (Angela will also be out). Do you have an ETA in mind for this so that I can focus the team's time and resources to meet your request?

I also need to chime in with some policy development considerations. Policy statements qualify as "guidance documents" under the EPA guidance rule and, even if the guidance rule goes away tomorrow, *may* be "significant regulatory actions" under EO 12866. If EPA finds that the policy would meet definitional criteria for "significance" in EO 12866, the policy statement would need to be developed under the Action Development Process. (The ADP specifically sets forth expectations significant guidance documents, including cross-agency participation in the development effort, the establishment of a docket, and a public comment opportunity.) OP would also notify OMB that the policy statement is significant and subject to interagency review.

I am not suggesting whether the policy statement would need extra process. However, given recent IG attention on ADP adherence, I just want to make sure that (1) the OCSPP leadership team approaches this with eyes open, and (2) RSB has sufficient information to support the leadership team's determination if our counterparts across EPA as well as at OMB, SBA/Office of Advocacy, and other agencies start asking questions and raising any process concerns.

Best,
Peter

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, March 26, 2021 3:18 PM
To: Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thank you – totally understood that the section 4 rule would be a longer term endeavor, and could be wrapped into other PFAS/other information gathering activities we've been discussing.

I wonder whether the Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

But I'm also copying Peter here because I think it could be Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you
Michal

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Friday, March 26, 2021 2:10 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Tala - The letter seems to be referencing two submissions (P-18-0058 and SN-17-0011) which were issued in January 2020 (which was over a year ago, and not "recent" per se). Also, these two chemicals do not meet our working definition of PFAS (i.e., doesn't have 2 consecutive fluorinated carbons), and one is considered to have low persistence and bioaccumulation. I'll send more details on the CBI side. I'll have the team start prepping the draft response and work with OGC on it.

Michal – Tala is right that we have multi-facet plan, and are executing on the low hanging fruit right now. Below is an update on the near and long-term options we discussed at the last 2/22 briefing on NC PFAS policy approaches for PFAS LVEs and PMNs.

LVEs

- 2 LVEs pending – we have denied one and prepping the denials for other three. We have good legal and technical standing to deny these LVEs (per
- 700 previously granted LVEs – we are prepared to start contacting companies to see if they will voluntary withdraw their LVEs (we've had some success in the past in 2018 effort, and we know of a one company connected to the Solvay issue that plans with withdraw 2 LVEs by this summer). We are still prepping what a "stewardship" program could look like to get more companies to withdraw and prioritize this effort,
- **Draft policy statement** on discontinuing PFAS LVEs: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

PMNs/SNUNs

- 24 PMNs and 2 SNUNs pending – we have not completed these cases but we expect to issue orders (with testing) and potentially limiting/prohibiting manufacturer depending on the outcome of the risk assessment
  - One case is C8, handful are PF ethers, the rest are short chain PFC
  - Most are used for coatings or as intermediate to other PFAS
  - Three of the LVEs were submitted in 2020 and one in 2021
  - The PMNs and SNUNs range from recent submissions to cases under suspension for "rework" for many years
- We are continuing to explore with OGC the option to issue a section 4 rule that would require submission of additional information in PMN submissions (effectively would discourage submission of PFAS PMNs unless they have test data to submit with it) – this is much longer term effort since it's rule making
- **Policy statement** (to be developed) – I'm not aware of any policy statements drafted, but we pull something

Ex. 5 Deliberative Process (DP)

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, March 26, 2021 1:59 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

As with the overall approach to changes, (i.e., incremental, starting with the most straight-forward, easiest to implement), there are multiple facets to the plan.
NCD is already implementing the LVEs approach as LVE PFAS come in…not sure if any have since we landed on the approach. Also, NCD has begun to reach out to those with older (long-chain) LVEs to suggest 'withdrawing'. Similarly, I believe new PMNs would be subject to the new thinking re: COs.

The 'bigger ticket' items, like revoking prior granted LVEs and writing a Section 4 rule require additional resourcing and we have to plan those out within that context.

We do have a handful of cases, which have specific 'circumstances'/long-standing history around them, which we are ready to have a discussion with you about…planned on working into an upcoming OPPT General or Wed General with you.

Madison: Re: the letter – I did not look up the specific notice the letter writers were referencing, but realize it also could have been SNUR following 5e Orders.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, March 26, 2021 1:30 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Thanks Tala

How close would you all say we are to landing on a new chemicals PFAS policy approach?

Michal

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, March 26, 2021 1:25 PM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Subject: FW: Letter re: EPA approval of new PFAS under TSCA

Madison,
Many/most/all of the signers of the letter are litigants in the PFAS Section 21 Petition.

Please have you team prepare a Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Jonathan Kalmuss-Katz <jkalmusskatz@earthjustice.org>
Sent: Friday, March 26, 2021 12:25 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: Letter re: EPA approval of new PFAS under TSCA

Dear Assistant Administrator Freedhoff:

The 18 undersigned organizations submit this letter objecting to EPA's approval of new per- and polyfluoroalkyl substances (PFAS) and new uses of previously approved PFAS, as reflected most recently in EPA's March 10, 2021 Federal Register publication of "Certain New Chemicals or Significant New Uses; Statements of Findings for January through December 2020." For the reasons set forth in the letter, we urge EPA to stop approving PFAS under TSCA Section 5 and to address the flaws in EPA's new chemical review process that have facilitated the approval of prior PFAS.

If you have any questions about the attached letter, please don't hesitate to contact me.

Respectfully submitted,

Advance Carolina
Center for Environmental Health
Clean Cape Fear
Clean Haw River
Clean and Healthy New York
Defend Our Health
Democracy Green
Earthjustice
Environmental Defense Fund
Environmental Working Group
GreenCAPE
Merrimack Citizens for Clean Water
Mothers For Safe Air & Safe Water Force
Natural Resources Defense Council
Safer Chemicals Healthy Families
Sierra Club
Toxic Free North Carolina

Union of Concerned Scientists

Jonathan Kalmuss-Katz
Staff Attorney
Earthjustice Northeast Office
48 Wall Street, 15th Floor (note new floor)
New York, NY 10005
T: 212.823.4989
F: 212.918.1556
Pronouns: he/him/his
earthjustice.org

EARTHJUSTICE

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Message

From: Passe, Loraine [Passe.Loraine@epa.gov]
Sent: 4/16/2021 4:38:06 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Le, Madison [Le.Madison@epa.gov]
CC: Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: Letter re: EPA approval of new PFAS under TSCA
Attachments: EPA response to Earthjustice PFAS letter_DRAFT_4-16.docx

Thanks Tala. In response to your first comment, we Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Ryan, attached is a clean version (that still includes the comment flagging the PFAS plan paragraph for Michal).

Loraine Passe
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, April 16, 2021 12:04 PM
To: Passe, Loraine <Passe.Loraine@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Lee, Virginia <Lee.Virginia@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Some edits;
If you agree and accept, this can move up to OCSPP via Ryan.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Passe, Loraine <Passe.Loraine@epa.gov>
Sent: Monday, April 5, 2021 2:37 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Le, Madison <Le.Madison@epa.gov>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Lee, Virginia <Lee.Virginia@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Huskey, Angela <Huskey.Angela@epa.gov>
Subject: RE: Letter re: EPA approval of new PFAS under TSCA

Tala-

Attached a draft response to the 3/26 letter from the NGOs regarding approval of new PFAS under TSCA. The draft response incorporates OGC input.

Please let us know if you have comments/questions.

Loraine

Loraine Passe
New Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Phone: (202) 564-9064

From: Jonathan Kalmuss-Katz <jkalmusskatz@earthjustice.org>
Sent: Friday, March 26, 2021 12:25 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Tyler, Tom <Tyler.Tom@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>
Subject: Letter re: EPA approval of new PFAS under TSCA

Dear Assistant Administrator Freedhoff:

The 18 undersigned organizations submit this letter objecting to EPA's approval of new per- and polyfluoroalkyl substances (PFAS) and new uses of previously approved PFAS, as reflected most recently in EPA's March 10, 2021 Federal Register publication of "Certain New Chemicals or Significant New Uses; Statements of Findings for January through December 2020." For the reasons set forth in the letter, we urge EPA to stop approving PFAS under TSCA Section 5 and to address the flaws in EPA's new chemical review process that have facilitated the approval of prior PFAS.

If you have any questions about the attached letter, please don't hesitate to contact me.

Respectfully submitted,

Advance Carolina
Center for Environmental Health
Clean Cape Fear
Clean Haw River
Clean and Healthy New York
Defend Our Health
Democracy Green
Earthjustice
Environmental Defense Fund
Environmental Working Group
GreenCAPE
Merrimack Citizens for Clean Water
Mothers For Safe Air & Safe Water Force
Natural Resources Defense Council
Safer Chemicals Healthy Families
Sierra Club
Toxic Free North Carolina
Union of Concerned Scientists

Jonathan Kalmuss-Katz
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T: 212.823.4989
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Pronouns: he/him/his
earthjustice.org

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Message

From: Schmit, Ryan [schmit.ryan@epa.gov]
Sent: 4/30/2021 5:21:24 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]
Subject: FOR TALA REVIEW: (Revised) Response to Earthjustice re: TSCA section 5
Attachments: EPA response to Earthjustice PFAS letter for AA signature, v2 redline.docx

Hi Tala,
OCSPP asked that we revise this response to Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) I worked with NCD on the attached revisions - let me know if any additional edits/changes before we send it back up the chain. NOTE that it Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)
Thanks,
Ryan

Message

From: Rose, Bob [Rose.Bob@epa.gov]
Sent: 5/4/2021 11:34:33 AM
To: Small, Matthew [Small.Matthew@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Beal, Madeline [Beal.Madeline@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Cassady, Alison [Cassady.Alison@epa.gov]; Cassidy, Meghan [Cassidy.Meghan@epa.gov]; Church, Zach [Church.Zach@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Corr, Elizabeth [Corr.Elizabeth@epa.gov]; Cutt, Diana [Cutt.Diana@epa.gov]; DAgostino, Daniel [DAgostino.Daniel@epa.gov]; Dressel, Paul [DRESSEL.PAUL@EPA.GOV]; Dzubow, Rebecca [Dzubow.Rebecca@epa.gov]; Flaherty, Colleen [Flaherty.Colleen@epa.gov]; Fong, Tera [Fong.Tera@epa.gov]; Garbow, Avi [Garbow.Avi@epa.gov]; Grzegozewski, Nicholas [Grzegozewski.Nicholas@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]; Heller, Emily [heller.emily@epa.gov]; Jacobs, Brittany [jacobs.brittany@epa.gov]; Jones, Aaryn [Jones.Aaryn@epa.gov]; Klasen, Matthew [Klasen.Matthew@epa.gov]; Lalley, Cara [Lalley.Cara@epa.gov]; Linkins, Samantha [Linkins.Samantha@epa.gov]; Linsk, Abigail (Abbey) [Linsk.Abbey@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Mandolia, Michelle [Mandolia.Michelle@epa.gov]; Mollin, Jessica [Mollin.Jessica@epa.gov]; Monell, Carol [Monell.Carol@epa.gov]; OBrien, Kathy [Obrien.Kathy@epa.gov]; Pensak, Mindy [Pensak.Mindy@epa.gov]; Ruf, Christine [Ruf.Christine@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]; Skane, Elizabeth [Skane.Elizabeth@epa.gov]; Srivastava, Ravi [Srivastava.Ravi@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Tachiki, Nicole [Tachiki.Nicole@epa.gov]; Tiago, Joseph [Tiago.Joseph@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Behl, Betsy [Behl.Betsy@epa.gov]; Foster, Stiven [Foster.Stiven@epa.gov]; Holsinger, Hannah [Holsinger.Hannah@epa.gov]; Lan, Alexis [lan.alexis@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Rose, Bob [Rose.Bob@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Burden, Susan [Burden.Susan@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Blevins, John [Blevins.John@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Gray, David [gray.david@epa.gov]; Harris, Kimberly [harris.kimberly@epa.gov]; Holst, Linda [holst.linda@epa.gov]; James, Duane [James.Duane@epa.gov]; Morton, Michael [Morton.Michael@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Robichaud, Jeffery [Robichaud.Jeffery@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]
Subject: PFAS Congressional Rundown: May 3

From Matt Klasen, see his note. Thanks. Bob

Hi everyone,

Hope you all enjoyed the weekend!

It's been a few weeks, but I'm picking back up my attempt to summarize key weekly Congressional developments on PFAS. Today's is a catch-up edition that merges multiple weeks, so this update is both longer than usual and it's more likely to have missed some meaningful recent developments.

Let me know if you see any gaps, and as always, let me know if you have any questions.

Thanks,
Matt

Matt Klasen
U.S. Environmental Protection Agency
Office of Congressional Affairs
cell (202) 505-0787

PFAS CONGRESSIONAL RUNDOWN – May 3

PFAS in Recent Congressional Hearings

- In the past two weeks, Administrator Regan testified at four Congressional hearings. The first hearing (before Senate Appropriations) focused on the American Jobs Plan (which includes $10 billion to monitor and remediate PFAS). The latter three hearings focused on the President's Fiscal Year 2022 discretionary funding request for EPA, which includes a $75m investment in PFAS.
  - Administrator Regan was asked about PFAS in three of these four hearings. PFAS questions were asked by Senators Shaheen (D-NH), Capito (R-WV), Stabenow (D-MI), and Kelly (D-AZ); and Reps. Pingree (D-ME) and McCollum (D-MN).
  - Here's a link to the PFAS-specific excerpts from these hearings.

Upcoming PFAS Congressional Hearings

- On May 5, the House and Senate Veterans' Affairs Committees are scheduled to conduct a bicameral legislative hearing on a series of veterans' health bills. Among the bill they will consider is H.R. 2742, the PFAS Registry Act, sponsored by Congressman Pappas, and its companion in the Senate, S. 1121 (Sen. Shaheen). The bill would require the Department of Veterans Affairs to create a health registry of military servicemembers who may have been exposed to PFAS. (Hearing press release | House hearing page) *See legislation section below.*
- Administrator Regan's final FY22 budget hearing is scheduled for May 12 before the Senate Appropriations Committee.

PFAS Legislation

- The biggest PFAS legislative news in the 117th Congress has been the April 13 reintroduction of the PFAS Action Act (H.R. 2467 in this Congress) by Michigan Reps. Debbie Dingell (D) and Fred Upton (R). Press release | Bill text.
  - The bill is virtually identical to H.R. 535, the most significant piece of standalone PFAS legislation in the previous (116th) Congress. H.R. 535 passed the House of Representatives in January 2020 but the Senate did not take it up.
  - H.R. 2467, if enacted, would significantly impact all EPA PFAS-relevant program offices. Among other provisions, the bill would set binding timelines for EPA to designate PFAS as CERCLA hazardous substances, set drinking water and Clean Water Act standards, and designate PFAS as hazardous air pollutants. Here's an OCIR summary of the bill.
- Last week, the Senate passed S. 914, the Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA), by a lopsided vote of 89-2. Senator Shaheen (D-NH) successfully amended the bill to expand eligibilities under EPA's existing small and disadvantaged communities drinking water grant program to include unregulated contaminants. Sen. Shaheen specifically highlighted PFAS as the impetus for her amendment. S. 914 will now go to the House for potential future consideration.
- Additional recently introduced bills with a PFAS nexus include:
  - H.R. 2751 (Rep. Dean [D-PA]) and S. 1334 (Sen. Gillibrand [D-NY]), the PFAS Accountability Act [text], which would amend TSCA to enable claims for medical monitoring and other legal remedies in response to PFAS exposure – introduced April 22.
  - S. 1121 (Sen. Shaheen [D-NH]) / H.R. 2742 (Rep. Pappas [D-NH]), the PFAS Registry Act, would require the Department of Veterans Affairs to create a health registry of military servicemembers who may have been exposed to PFAS – bills were introduced on April 14 (Senate) and April 21 (House) (House press release). *See upcoming hearings section above.*

- S. 984 (Sen. Merkley [D-OR]), the Break Free from Plastic Pollution Act of 2021, would require plastics producers to design their products in ways that eliminate the use of toxic substances. The legislation includes PFAS in its definition of "toxic substances." (Press release | Bill text)

Other Congressional PFAS Developments

- In an April 19 letter to Administrator Regan, Senate Environment and Public Works Committee Ranking Member Capito (R-WV) requested an update from EPA on how the agency was fulfilling the commitments in EPA's 2019 PFAS Action Plan. (Press release & letter)
- On April 14, a bipartisan group of eight Senators led by Sen. Angus King (I-ME) wrote to Treasury Secretary Janet Yellen to request that Treasury identify PFAS remediation as eligible for American Rescue Plan funding for state, tribal, and local fiscal recovery. (Press release & letter)
- On April 9, Senate Majority Leader Chuck Schumer (NY) sent a letter to Administrator Regan seeking "bold EPA action on PFAS." Among his requests are immediately setting a Safe Drinking Water Act regulation, reviewing health data for all PFAS chemicals, and phasing out all non-essential uses of PFAS. (Press release & letter)

Message

From: Schmit, Ryan [schmit.ryan@epa.gov]
Sent: 5/10/2021 11:07:45 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: SNURs and PFAS in containers
Attachments: FW: Inhance Technologies, LLC - Second response to request for information; FW: First Response to TSCA Section 11 Request to Inhance Technologies dated January 14, 2021

Tala,
Just to close the loop on this from earlier today - I tracked down the letters where the LC SNUR is referenced – see attached. ECRMD disagrees with the company's argument that the PFAS are produced as impurities, and believe that the paper/analysis sufficiently addresses this point in its conclusion that that the PFAS are "manufactured".
Thanks,
Ryan

FOLEY
FOLEY & LARDNER LLP

ATTORNEYS AT LAW
111 NORTH ORANGE AVENUE, SUITE 1800
ORLANDO, FL 32801-2386
407.423.7656 TEL
407.648.1743 FAX
WWW.FOLEY.COM

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407.244.3236
dwatson@foley.com

CLIENT/MATTER NUMBER
641930-0006

February 1, 2021

Via E-Mail

Mark Garvey
Waste and Chemical Enforcement Division
Office of Civil Enforcement
United States Environmental Protection Agency
1200 Pennsylvania Ave NW (Mail Code 2249A)
Washington, DC 20460

Re: First Response to TSCA Section 11 Request to Inhance Technologies dated January 14, 2021 (the "Information Request") relating to per and poly fluorinated substances ("PFAS") regulated under the Toxic Substances Control Act ("TSCA")

Dear Mr. Garvey,

As you are already aware, I have been engaged to assist Inhance Technologies LLC ("Inhance") with regard to its response to the above-referenced Request. Thank you again for taking the time to discuss the Information Request with me last week. Inhance takes its responsibility for environmental compliance very seriously. As we discussed, we welcome the opportunity to work with the EPA to better understand fluorinated plastics in general, and our processes and services in particular. Like EPA, we are eager to learn more about the nature and original of the PFAS that triggered EPA's request.

Per our discussion and your email of January 25, 2021, this letter accompanies Inhance's first partial response to the Information Request and addresses those matters requested in Section A of the Information Request. As we agreed, we plan to provide responses to Section B of the Information Request not later than February 8, 2021. We understand that we will discuss the scope and timing of future submittals with you in more detail over the coming weeks.

Please note that since additional submittals from Inhance will be forthcoming, we have modified the requested IRL Response Statement to reflect this. We will provide a full and final Response Statement at the time that Inhance has fully addressed each of EPA's requests.

Should you have any questions or concerns about this letter or any of the information provided, please do not hesitate to reach out to me at 407-244-3236 or dwatson@foley.com. I look forward to continuing to work with you on this matter.

Best regards,

Dorothy E. Watson

DEW:

cc: Andrew Thompson

FIRST PARTIAL RESPONSE OF INHANCE TECHNOLOGIES TO EPA TCSA SECTION 11 INFORMATION REQUEST DATED JANUARY 14, 2021

Inhance Technologies LLC ("Inhance"), hereby submits the following responses and objections to the United States Environmental Protection Agency ("EPA") Request for Information dated January 14, 2021 (the "Information Request"), which EPA issued pursuant to CWA Section 11 of the Toxic Substances Control Act ("TSCA") to investigate "products manufactured, processed or used by [Inhance] that [EPA determined] potentially contain per and poly fluorinated substances ("PFAS") regulated under [TSCA]. As previously discussed, this first partial response addresses only those requests ("Requests") contained in Section A of the Information Request. Inhance's responses contained herein ("Responses") are based on its understanding and knowledge as of the date of this response, and Inhance reserves its rights to supplement and/or amend the Responses, as appropriate. Inhance further reserves its right to supplement and/or raise any objections it may have to questions not answered in full in this initial response.

The Responses are made subject to the General Objections to the Information Request, which are provided prior to the Responses and are hereby incorporated into each subsequent Response.

Inhance General Objections to the Information Request

Inhance makes the following general objections and hereby incorporates each of them by reference into the Responses set forth below:

1. Inhance objects to the Information Request and each Request in the Information Request to the extent that it exceeds the scope of EPA's authority to obtain information or documents pursuant to Section 11(c) of TSCA, 15 U.S.C. § 2610(c).

2. Inhance objects to the Information Request and each Request in the Information Request to the extent that it requests information pertaining to materials not regulated under TSCA.

3. Inhance objects to each Request in the Information Request to the extent that the Request seeks information or the identification of or production of documents that are not relevant to identifying or assessing products manufactured, processed or used by Inhance that potentially contain PFAS regulated under TSCA, and are not reasonably calculated to lead to the discovery of material relevant to EPA's implementation of TSCA.

4. Nothing herein shall be construed as an admission by Inhance regarding the admissibility or relevance of any fact or document. Any production of a document by Inhance is not a concession or admission that the document or its contents are relevant or complete.

5. Inhance objects to each Request in the Information Request to the extent that the Request seeks information or the identification or production of documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.

6. Inhance objects to each Request in the Information Request to the extent that the Request seeks to impose upon Inhance an obligation to respond for or on behalf of another party

or entity or calls for the disclosure of information or the identification or production of documents not within the possession, custody, or control of Inhance.

7. Inhance objects to each Request in the Information Request to the extent that the Request seeks disclosure of information or documents concerning products or services of Inhance not involving fluorination of plastic containers. Inhance asserts this objections on the following grounds: (i) such requests are overly broad; (ii) the information and/or documents sought therein is not relevant and not reasonably calculated to lead to the discovery of relevant information; (iii) the information and/or documents sought therein would be unduly burdensome and expensive to disclose; and (iv) the information and/or documents sought therein is potentially privileged and/or of a confidential or proprietary nature, the disclosure of which could adversely affect Inhance or third parties.

8. Inhance objects to each Request in the Information Request to the extent that the Request seeks information and/or documents that are confidential, proprietary, or a trade secret, except to the extent such information is protected as Confidential Business Information by requestor. To the extent that Inhance produces documents or provides information that it considers Confidential Business Information in response to the Information Request, those documents will be provided in compliance with the requirements of Section 14 of TSCA, 15 U.S.C. § 2613 and 40 C.F.R. § 2.208.

9. Inhance objects to the definition of the term "PFAS" as vague, ambiguous, overly broad, and unduly burdensome. The present definition of "PFAS" would necessarily include at least 5,000 different chemical substances including but not limited to fluorinated polymers which have been regarded by EPA as substances of low concern. (*See* EPA Polymer Exemption Guidance Manual, Section 4.2.2 (June 1997); *see also* 40 C.F.R. § 721.10536(b)(4)(iii) excluding fluoropolymers as part of articles from the significant new use rule applicable to perfluorooctanoic acid ("PFOA") and its salts).

10. Inhance objects to the definition of the term "products" as vague, ambiguous, overly broad, and unduly burdensome. Inhance represents that with the exception of certain polymer ingredients sold to third-parties for further processing, it does not manufacture or import any products. Inhance does not manufacture or sell plastics or containers. Nor does it manufacture or sell any surface coatings. Therefore, for purposes of the Responses other than Requests 2 and 4, Inhance clarifies that "products" shall refer to container fluorination services and processes provided by Inhance associated with their Barrier Packaging business line.

Inhance Responses to EPA Requests

A. ***General Company Information***. *Within 14 calendar days of the date of this letter, provide the following information:*

1. *All names used by your company to identify itself in any previous submissions to or communications with the EPA;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term "your company." Inhance also objects to this question to the extent it calls for information outside of Inhance's knowledge or control. For purposes of this response, Inhance interprets "your company" to refer to Inhance

Technologies LLC. Subject to the general and specific objections, to the best of its knowledge, any submissions to or communications between the company and EPA have conducted under the name Fluoro-Seal Internatinal LP or Inhance Technologies LLC.

2. *A brief (1 page) history of company ownership and scope of business including the identification of types of products your company manufactures or processes;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term "company." For purposes of this response, Inhance interprets "your company" to refer to Inhance Technologies LLC. In addition, Inhance objects to the request for company ownership information as not reasonably related to the EPA's obligations to carry out TSCA. Subject to the general and specific objections, Inhance responds as follows:

The business that was to become Inhance was founded in 1983 by William Brown and Edwin Ballard as Fluoro-Seal International LP. Fluoro-Seal International LP became Inhance Technologies LLC through a reorganization in 2014.

Inhance has been developing innovative technologies since 1983 and solutions that drive global change and reduce environmental impact. We are a Responsible Care® certified company and are certified to RC14001:2015 standards. Responsible Care® is the chemical manufacturing industry's environmental, health, safety, and security performance initiative. For more than 30 years, Responsible Care has helped American Chemistry Council (ACC) member companies significantly enhance their performance and improve the health and safety of their employees, the communities in which they operate and the environment as a whole.

Inhance was initially founded in 1983 to provide barrier packaging technology for the benefit of the agrochemicals industry. Our technologies and processes use net zero water and produce zero waste. We work on a global scale, with operations in the Americas, Australia, and Europe.

Inhance uses elemental fluorine gas to modify plastics for better performance. Inhance does not use any PFAS as an ingredient in any of its manufacturing processes. There are 4 types of offerings that Inhance Technologies is involved with;

1. Barrier Packaging – Enkase barrier technology is a unique fully recyclable barrier technology that creates a permanent barrier for plastics packaging. This barrier technology ensures that contents of the package remain in the package and do not permeate and pollute the environment. It also minimizes degradation that can reduce the efficacy of the materials that are stored inside plastic containers. Inhance has conducted extensive life cycle analysis on our packaging technology and has proven that Enkase is the most sustainable barrier packaging technology available globally, taking into account factors such as recyclability, water usage, and net carbon emissions. The barrier packaging business uses elemental fluorine gas to impart these protective qualities to pre-molded plastic containers. Inhance does not manufacture or supply the plastic containers. Inhance does not use any PFAS to produce its barrier packaging technologies offerings.

2. Surface Technologies – Is a collection of technologies that permanently modifies materials' surface properties to block fuel permeation, decrease

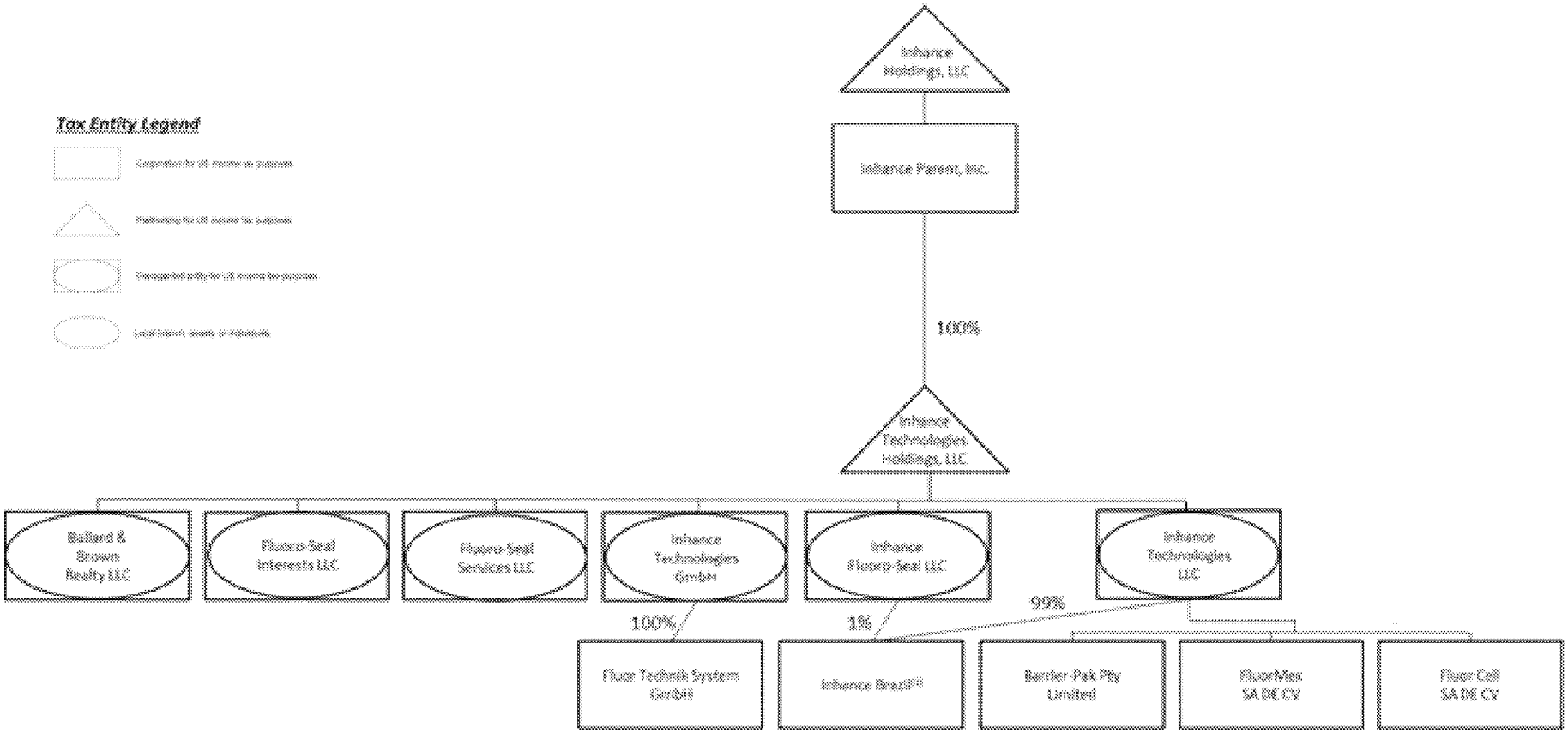
friction in wear environments, promote adhesion, resist stains, and prepare surfaces for decoration. The surface technologies business uses elemental fluorine gas to modify plastics surfaces for these functionalities. Inhance does not manufacture or supply the plastic items whose surfaces are being modified. Inhance does not use any PFAS to produce any of its surface technologies offerings.

3. Ingredients – A range of polymeric and metallic powders that brings durability, wear resistance and mechanical strength to a variety of end products including formulated elastomers, adhesives, coatings, and engineering resins. Polymeric particles and powders supplied by a variety of third parties are treated by Inhance using elemental fluorine gas to make them compatible with other materials for various applications. Inhance Technologies does not use PFAS in its process to treat materials sold through its ingredients business.

4. Purifying – Inhance Technologies' Fixpure technology safely eliminates certain PFAS from impacted fluoropolymers while maintaining the desired performance characteristics. For example, PTFE micropowders are a valuable tool used in a wide range of industries, from industrial to healthcare. However, during the manufacturing process of PTFE micropowders, PFOA is generated as a byproduct. REACH regulations mandate the permissible amount of PFOA in PTFE micropowders to be 1000 ppb, a level that will be lowered to 25 ppb in July 2022. Most existing technologies are only moderately capable of reducing levels of PFOA in PTFE micropowders to these target levels. Inhance Technologies Fixpure technology can reduce PFOA in PTFE micropowders to less than 100 ppt (parts per trillion). This technology ensures that products made using PTFE micropowders are safe and compliant in various applications by virtually eliminating PFOA and certain other PFAS species.

3. *Corporate structure, including foreign and domestic parent companies;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous terms "corporate structure" and "parent companies In addition, Inhance objects to the request for company ownership information as not reasonably related to the EPA's obligations to carry out TSCA. Subject to the general and specific objections, Inhance replies that excluding private equity partners and entities in which the Inhance entities do not have a controlling share, the structure of companies affiliated with Inhance Technologies LLC as follows:



4814-4131-349

4. *A list of all U.S. facilities owned by the company, including subsidiaries and contracted manufacturers and their locations, the names of the products identified in Question A.2 that are manufactured or processed at each of those facilities, and the types of the technologies and processes used at each of those facilities.*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term "contracted manufacturers." Subject to the general and specific objections, Inhance replies as follows. A list of all U.S. facilities is provided below. Each of the U.S. Locations identified below is operated by Inhance Technologies LLC. Facilities identified with as asterisk (*) are Inhance operations co-located at customer facilities. No Inhance subsidiaries operate facilities in the United States. Inhance does not employ toll manufacturers for the creation of its products or performance of its services.

US Locations	**Which offerings are produced at each facility from Question A.2**
202 Cascade Drive, Allentown, PA 18109	Barrier Packaging, Surface Technologies
29 Royal Drive, Forest Park, GA 30297	Barrier Packaging, Surface Technologies
2800 Industrial Park Road, Centerville, IA 52544 *	Barrier Packaging, Surface Technologies
1733 Downs Drive, West Chicago, IL 60185	Barrier Packaging, Surface Technologies
6675 Huntley Road, Suite D, Columbus OH 43229	Barrier Packaging, Surface Technologies
1 Cal Turner Jr Drive, Homerville, GA 31634*	Barrier Packaging, Surface Technologies
22008 N Berwick Drive, Houston, TX 77095	Barrier Packaging, Surface Technologies, Ingredients, Purifying
2226 Commerce Drive, Mt. Pleasant IA 52641	Barrier Packaging, Surface Technologies
6821 Hazelwood Avenue, St Louis MO 63134	Barrier Packaging, Surface Technologies
7211 E 30th Street Suite A, Yuma AZ 85365	Barrier Packaging, Surface Technologies
6814 Kirbyville St, Houston, TX 77033*	Barrier Packaging
279 Pike County Lake Rd, Troy, AL 36079*	Surface Technologies

All statements provided in the above responses to this information request are true and accurate to the best of my knowledge and belief. I acknowledge that this statement is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

Date: February 1, 2021

Andrew M. Thompson
President & CEO
Inhance Technologies LLC

Message

From: Scheifele, Hans [Scheifele.Hans@epa.gov]
Sent: 5/3/2019 7:55:45 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: PFAS QFRs
Attachments: Ques no 28 from senate committee on PFAS.xlsx; qfrs_sepw_pfas_march_28_2019_compilation_05-01-19-redline-intra-agency hds.docx

Hi Tala,

Attached is the excel file to respond to question 28 that I shared in hardcopy and the electronic file that we reviewed at my desk. Is this cleared to go back to OCSPP IO? I'm still trying to run down the LVE info, things got really hectic this week with Alison out and all the congressional things popping up. I'll let you know what I find.

Hans

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 5/17/2021 5:41:03 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: QFRs
Attachments: 05-16-21Freedhoff QFRs.OCIR - OCSPP Combined -- Comments on what needs to be addressed Monday ONLY - CLEAN.docx; 05-16-21Freedhoff QFRs.OCIR - OCSPP Combined -- Comments on what needs to be addressed Monday ONLY.docx

Importance: High

Rick - Thanks for your patience, and our apologies on how long it took to get these updates. Attached in clean and redline form.
OPPT updated answers 9, 14, 15 and 19.

Best,
Alison
_____
Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

-----Original Message-----
From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Monday, May 17, 2021 1:20 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>
Subject: Re: QFRs

I can hold for about 30 minutes. I'm waiting on some OPS input, as well.

Rick Keigwin
Acting Deputy Assistant Administrator for Management Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: 202-564-2910
Sent from my iPhone (Please excuse typos!)

> On May 17, 2021, at 1:18 PM, Pierce, Alison <Pierce.Alison@epa.gov> wrote:
>
> Not a bother at all - I'm afraid this is taking longer than we anticipated, and we're chasing down one final number. Would it be helpful to have an under the table copy now with just that number missing?
>
> _____
> Alison Pierce
> 202.564.2437 (office) | pierce.alison@epa.gov
>
> -----Original Message-----
> From: Keigwin, Richard <Keigwin.Richard@epa.gov>
> Sent: Monday, May 17, 2021 1:17 PM
> To: Pierce, Alison <Pierce.Alison@epa.gov>
> Cc: Henry, Tala <Henry.Tala@epa.gov>
> Subject: Re: QFRs
>
> Sorry to bother ... just checking on status.
>
> Rick Keigwin
> Acting Deputy Assistant Administrator for Management Office of
> Chemical Safety and Pollution Prevention U.S. Environmental Protection
> Agency
> Phone: 202-564-2910
> Sent from my iPhone (Please excuse typos!)
>
>> On May 17, 2021, at 11:17 AM, Pierce, Alison <Pierce.Alison@epa.gov> wrote:
>>
>> We're *close*. Just received a new version from NCD a few minutes ago.
>>
>> (Tala, the latest volley from Madison needs your eyes if you have a
>> few minutes on the margin on the ENGO meeting.)
>>
>> _____
>> Alison Pierce

>> 202.564.2437 (office) | pierce.alison@epa.gov
>>
>> -----Original Message-----
>> From: Keigwin, Richard <Keigwin.Richard@epa.gov>
>> Sent: Monday, May 17, 2021 11:15 AM
>> To: Pierce, Alison <Pierce.Alison@epa.gov>
>> Cc: Henry, Tala <Henry.Tala@epa.gov>
>> Subject: QFRs
>>
>> How is OPPT coming along with the stats NCD was going to gather this morning?
>>
>> Rick Keigwin
>> Acting Deputy Assistant Administrator for Management Office of
>> Chemical Safety and Pollution Prevention U.S. Environmental
>> Protection Agency
>> Phone: 202-564-2910
>> Sent from my iPhone (Please excuse typos!)

Senate Committee on Environment and Public Works
Hearing Entitled, *"Hearing on the Nominations of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior, Radhika Fox to be Assistant Administrator for Water of the Environmental Protection Agency, and Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the Environmental Protection Agency."*
May 12, 2021
Questions for the Record for Michal Freedhoff
[VERSION SENT TO OCSPP IO MONDAY AFTERNOON]

Senator Kelly:

1. If confirmed, you would play a role in developing regulations which would govern the discharge and cleanup of PFAS. High levels of PFAS has been detected in several groundwater aquifers near Arizona military installations This is particularly concerning to me because every groundwater aquifer in Arizona could be used for drinking water – and as the Colorado River looks likely to enter a Tier 1 shortage this year, Arizona will be more dependent than ever on our groundwater supplies. If confirmed, how will you approach regulations related to PFOA and PFOS?

    a. In particular, how will you ensure that EPA supports communities that are disproportionately dependent on drinking water from closed-source aquifers?

EPA Response: As I stated at my nomination hearing, addressing PFAS and emerging contaminants will be a top priority of mine if confirmed as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

While drinking water is not in my portfolio, EPA's chemical safety office is working on several PFAS initiatives that will help gather data and allow EPA to focus research and monitoring efforts to prioritize PFAS actions.

First, EPA is requiring any facility that releases any of almost 200 PFAS into the environment to report that to EPA under the Toxics Release Inventory and in accordance with statutory direction authored by the Senate Environment and Public Works Committee in 2019. This will help the Agency focus its monitoring and regulatory efforts.

Second, EPA has drafted a proposed rule under its TSCA authority and in accordance with statutory direction authored by the Senate Environment and Public Works Committee in 2019 that is currently undergoing interagency review that will require any company who manufactured PFAS since 2011to provide EPA information that will help focus EPA's monitoring and regulatory efforts. Specifically, EPA is proposing to request the following information on PFAS: chemical identity, production volumes, byproducts, environmental and health effects, number of individuals exposed, and manner and methods of disposal. The information gathered through this proposed rule would improve our understanding of the universe of manufacturers, categories of use, and quantities of manufactured PFAS in the U.S. This information, in turn, could help further focus the agency's PFAS research, monitoring, and regulatory efforts.

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Historically, some new PFAS have been allowed to enter the market through low volume exemptions or LVEs. These requests are exempt from the full new chemical review process under TSCA and must be decided on within 30 days. Since I joined EPA, I have learned from career staff and managers that due to the scientific complexities associated with PFAS assessment, and the potential hazards of some of these chemicals, it's difficult for EPA to conduct an appropriately robust review of LVEs for PFAS in the 30 days the regulations allow. As a result, EPA recently announced that going forward we generally expect that pending and new LVE submissions for PFAS would be denied. Doing this will allow additional time to conduct a more thorough review through the PMN review process and, as appropriate, put measures in place to mitigate the potential risk of these chemicals. This approach will ensure that unsafe new PFAS are not allowed to enter into commerce.

As we continue along this process, I am committed to a flexible approach and to working collaboratively with all stakeholders on the impacts of PFAS.

2. I wanted to ask for your thoughts on the broader precedent that might be set for EPA's pesticide program from the recent court ruling in the 9th Circuit. In the 2-1 ruling, the Court superseded EPA's scientific interpretation it used to reject a petition and mandated EPA take specific regulatory actions based on the Court's scientific interpretation. I am concerned this precedent will direct how EPA must treat petitions for any chemistry moving forward. In order to withstand judicial scrutiny, EPA's career scientists may have to conduct significant reviews of all petition claims regardless of their expert assessment of the petition's underlying science. Has EPA considered these potential longer-term impacts in its decision on how to respond to the Court's ruling?

EPA Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels, and is of great concern especially to the farmworkers and their families. In their late April 2021 Opinion, the Ninth Circuit ordered EPA to revoke the tolerances for chlorpyrifos or modify them, provided that the Agency make the required safety finding. EPA is reviewing the decision and considering its options regarding its response.

As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to being guided by sound science as it ensures the safety of pesticides and other chemicals. The agency is committed to helping support and protect farmworkers and their families while providing important pesticide tools needed by our nation's agricultural stakeholders. **[see Cramer 1, Boozman 2]**

Ranking Member Capito:

1. The Toxic Substances Control Act (TSCA) defines "conditions of use" as the circumstances under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of. What is the difference between a "reasonably foreseen" use and "any possible" use?

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EPA Response: EPA is committed to implementing TSCA within the statutory requirements as written by Congress.

Reasonably foreseen conditions of use are future circumstances, distinct from known or intended conditions of use, under which the chemical substance may be manufactured, processed, distributed, used, or disposed of. EPA's identification of "reasonably foreseen" conditions of use is not based on hypothetical or conjecture. Rather, the identification is necessarily a case-by-case determination, and involves application of professional judgment, experience, and discretion.

EPA indicated in its rulemaking for Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act that "the identification of "reasonably foreseen" conditions of use will necessarily be a case by case determination, and will be highly fact-specific. Sources of facts to support such determinations may include known activities associated with similar chemicals, knowledge of a chemical's properties that may allow it to replace a function currently being performed by non-chemical means, or information on research and development activities applying a chemical substance to a particular new use. It is reasonable to foresee a condition of use, for example, where facts suggest the activity is not only possible but, over time under proper conditions, probable." (82 FR 33730-31)

2. EPA evaluates potential pesticide risks under the Food Quality Protection Act, which requires a "reasonable certainty that no harm will result" from exposure to determine a pesticide is safe. Under TSCA, the risk standard is that the chemical is "not likely to present an unreasonable risk of injury to health or the environment." What is the difference in certainty between "not likely to present an unreasonable risk" and "reasonable certainty that no harm will result"?

EPA Response: TSCA and FQPA cover very different uses of chemicals and, as a result, largely different chemicals. The FQPA amended the Federal Insecticide, Fungicide and Rodenticide (FIFRA) and the Federal Food, Drug and Cosmetics Act (FFDCA) to address, among other things, setting limits on the amount of pesticides that may remain in or on foods marketed in the U.S. In contrast, TSCA covers chemical substances manufactured, processed, distributed in commerce, used or disposed of for commercial purposes in the U.S. and explicitly excludes from its purview any pesticide (as defined in FIFRA) and any food, food additive, drug, cosmetic, or device (as defined in the FFDCA). EPA is committed to implementing its programs within their statutory requirements as written by Congress. The respective risk standards, be they the Food Quality Protection Act's "reasonable certainty of no harm standard" when evaluating pesticide chemical residues on food, the TSCA standard of "not likely to present an unreasonable risk of injury to health or the environment" when considering risks from chemicals, or the "unreasonable adverse effects on the environment" standard under the Federal Insecticide, Fungicide, and Rodenticide Act in various statutes are best interpreted within their own body of regulations and policies.

3. What steps will you take to ensure transparent coordination on chemical risk assessment and management between the Office of Chemical Safety and Pollution Prevention (OCSPP) and other EPA program offices or federal agencies?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other EPA program offices and other federal agencies. OCSPP coordinates closely with other EPA Program Offices on chemical risk assessment and risk management. For chemical risk evaluation, OCSPP has (1) established a bimonthly meeting including all interested EPA Offices to update and discuss issues related to risk evaluations; (2) invited program office staff, particularly ORD staff, to join chemical risk evaluation teams for chemicals where ORD has known expertise; and (3) established an internal EPA review process with opportunities to review and comment on draft risk evaluations prior to public comment and again prior to finalization (after external peer review). Going forward, I plan to strengthen these partnerships, in particular by providing more timely interactions and allowing more time for addressing issues as they come up.

For existing chemicals in risk management, OCSPP follows EPA's processes for rulemaking, one of which is to form cross-agency workgroups that allow for input across the agency during the rule development. Additionally, we are engaging with the Occupational Safety and Health Administration, National Institute for Occupational Safety and Health, Department of Defense, National Aeronautics and Space Administration, and other federal agencies to leverage their expertise in our rule development as well as ensure that our actions do not have unintended implications for particular uses of chemical substances that are critical to the federal government. I will continue to ensure our rulemakings are informed by cross-agency expertise as well as the expertise and equities across the federal government.

4. While the Office of Research and Development (ORD) leads the Agency's scientific research activities, the OCSPP is responsible for evaluating risks from chemicals. Other EPA program offices, as well as state regulatory agencies, also carry out research and data analysis activities. Findings among different offices may not converge on a single outcome. How will you handle instances of conflicting data or conflicting conclusions within EPA or between EPA and your state partners?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

In the case of TSCA existing chemical risk evaluations, all draft risk evaluations go through the internal EPA review process described in answer (3) above, providing opportunities to identity discuss and resolve differences in conclusions. Similarly, state and other external partners are afforded an opportunity to review and comment on draft risk evaluations before they are final, again providing an opportunity to identify, discuss and resolve conflicts. TSCA risk evaluations must use the best available science and a weight of evidence approach. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including using the best available science in accordance with statutory requirements, whatever the source.

In addition, EPA has established, and continues to promote, a culture of scientific integrity for all of its employees. EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The Policy applies to all EPA employees including scientists, managers, political appointees as well as contractors, grantees, collaborators, and student volunteers. It also describes the scope and role of a standing committee of Agency-wide scientific integrity officials to implement this policy. The policy explicitly welcomes differing views and opinions on scientific and technical matters as a legitimate and necessary part of the scientific process.

5. What do you believe is the appropriate role of the EPA's Integrated Risk Information System (IRIS) program in regulating chemicals and the risk assessment and management process, and how do you intend to ensure ORD coordination with OCSPP staff?

EPA Response: IRIS assessments are hazard assessments, not risk assessments, i.e., they do not integrate the hazard analysis with exposure information to estimate risks. TSCA risk evaluations, as mandated in TSCA section6 must "integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance."
[HYPERLINK
"https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=15-USC-466989530-823698988&term_occur=999&term_src=title:15:chapter:53:subchapter:I:section:2605"]
EPA's IRIS program is a scientifically rigorous approach for assessing the human health hazards and dose-response relationships for chemicals of interest to EPA. The appropriate role of the IRIS program is to generate such chemical hazard assessments for chemicals of high priority interest to the Agency, often involving chemicals that are of interest to multiple EPA Programs and Regions. The IRIS hazard values can serve as a foundational piece of scientific information to support a variety of regulatory and risk management decisions. In the case of TSCA existing chemical risk evaluations, IRIS assessments can serve to inform the human hazard assessment for chemicals being evaluated.

Under TSCA, the Agency is required to use the best available science, whatever the source, so we routinely review and consider IRIS assessments. However, the Agency will not rely solely on IRIS assessments for its TSCA activities, as that would not be consistent with the law. Put plainly, an IRIS assessment cannot substitute for a TSCA risk evaluation.

Since arriving at the Agency, my staff and I have met frequently with our colleagues in EPA's Office of Research and Development, with a goal to re-establish and maintain a collaborative and respectful working relationship.

6. In a recent update to EPA's New Chemicals Program, EPA announced that it will no longer assume that workers are adequately protected under the Occupational Safety and Health Administration (OSHA) worker protection standards where EPA identifies a potential unreasonable risk to workers that could be addressed with appropriate

personal protective equipment and hazard communication. What empirical evidence is EPA relying on to support the new approach of no longer assuming workers are adequately protected under the OSHA worker protections standards?

EPA Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. EPA intends to ensure necessary protections for workers identified in its review of new chemicals through regulatory means. Where EPA identifies a potential unreasonable risk to workers, EPA will identify the absence of worker safeguards as "reasonably foreseen" conditions of use, and mandate necessary protections through a TSCA section 5(e) order, as appropriate. There is considerable empirical evidence that it can be reasonably foreseen that worker safeguards may not always be in place, particularly for new chemical substances that OSHA would not be aware of because they are not yet in commerce (and details of which are often confidential business information at this stage in EPA's regulatory review process). As a specific example, in 2020, violations of OSHA's respirator safety standards were the third and violations of eye and face protection were ninth in OSHA's Top 10 Most Frequently Cited Standards following inspections of worksites by federal OSHA. Please see [HYPERLINK "https://www.osha.gov/top10citedstandards"]

While it is certainly reasonably foreseeable that adequate protections for workers may not always be in place for purposes of making a determination in accordance with the statute, the Agency is aware that many companies go to great lengths to ensure the safety of their workforce.

7. A key driver for chemical innovation is to make chemicals that are safer or environmentally superior to the chemicals that they would replace.
   a. Is EPA able to evaluate whether a proposed new chemical would be safer than the chemical(s) that it would replace?
   b. If not, what prevents EPA from doing this evaluation?

EPA Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. When new chemical submitters provide information adequate for considering the unique hazard and/or exposure characteristics for a chemical believed by the submitter to be safer than alternatives, EPA can incorporate this information into the risk assessment and/or risk management decisions for that chemical. In this way, the program supports development of safer chemical substances by minimizing regulatory burdens on new chemicals if they will replace riskier substances already in the marketplace.

In addition, I plan to invest in our Safer Choice program to make safer chemicals more broadly available and help industry use safer chemicals in products. The program has an excellent track record of success and I hope to use the program to do much more -- in partnership with a broad range of stakeholders. Through the Safer Choice program, EPA's OPPT has partnered with more than 60 chemical manufacturers to evaluate their products against stringent health and environmental criteria and list EPA-confirmed safer chemicals on EPA's Safer Chemical Ingredients List (SCIL). SCIL now contains almost 1,000 chemicals that meet EPA's Safer Chemicals criteria. The chemical safety office also allows use of its Safer Choice label on products that contain only safer chemicals, meet industry performance standards, satisfy packaging requirements, and disclose ingredients. More than 400 product manufacturers now

market almost 2,000 products with the Safer Choice certification. The program is used by retailers such as Walmart and Amazon, product manufacturers large and small such as Procter and Gamble, Clorox, Reckitt, Krud Kutter, Wexford Labs, and CLR, chemical manufacturers such as BASF, and is encouraged by many states and organizations including Environmental Defense Fund, Natural Resources Defense Council, Breast Cancer Prevention Partners, and Safer Chemicals Healthy Families.

8. You have publicly stated that you plan to reopen some or all of the first ten TSCA risk evaluations of existing chemicals by looking back "surgically at specific areas in some of the risk evaluations to supplement them as appropriate." More specifically, how will your office reopen and supplement these risk evaluations, while ensuring the process is open, transparent, involves stakeholder input, and does not create undue confusion and uncertainty?

EPA Response: The Senate EPW Committee and House Energy and Commerce Committee showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration actions, including risk evaluations for chemical substances under TSCA. The Agency is looking back surgically to make any needed changes in specific areas of some of the risk evaluations to make sure that the risk management rules (which must be drawn from the risk evaluations) are protective and scientifically and legally defensible. We plan to do this surgically because the first 10 risk evaluations documented unreasonable risk under the majority of conditions of use across the first ten chemicals for workers, occupational non-users, consumers and bystanders, and that already require risk management to address the unreasonable risk in order to protect human health and the environment. In some instances, however, gaps remain in the scope of the risk evaluation and so it is important to conduct additional analysis to ensure that potential unreasonable risks have not been overlooked in accordance with the law's requirements to comprehensively evaluate chemical substances. We will have new methodological approaches and any supplemental analysis subject to independent external peer review, with public comment as appropriate.

9. TSCA provides EPA 90 days to review new chemicals, or with good cause for extension, 180 days. How many submissions does EPA currently have that were submitted greater than 90 days ago? 180 days?

EPA Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. As of May 16, 2021 , EPA has 240 applications that were submitted more than 90 days earlier (and of this total, there are 189 applications that were submitted more than 180 days earlier). However, none of these applications are outside the applicable review period. EPA's regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA.

10. Under TSCA, if EPA does not conclude its review on time, EPA is required to refund all charges to the submitter. Has EPA ever issued such a refund?

EPA Response: TSCA section 5(a)(4) requires a refund of applicable fees in these circumstances, unless the submitter has not provided required information or has otherwise unduly delayed the [HYPERLINK "https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=15-USC-309518737-1298845182&term_occur=999&term_src=title:15:chapter:53:subchapter:I:section:2604"] in a way that prevents timely determination. Under such circumstances, EPA will usually grant a suspension requested by the submitter, which effectively puts the review period on "pause" to allow the submitter to provided information to EPA to clarify the initial submission or to address risk identified by EPA after the initial risk assessment is completed. EPA has on rare occasions submitted refunds for new chemical submission; for example, when a submission is deemed invalid within the first 15 days.

11. In certain circumstances, EPA can request suspensions of the TSCA deadlines and request additional information. However, EPA has been increasingly requesting suspension of the TSCA deadlines without requesting additional information. If EPA requests a suspension of the TSCA deadlines but does not request additional information, and the submitter denies the suspension request, how would EPA proceed?

EPA Response: EPA's regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. Suspensions of new chemical reviews are requested by submitters of new chemical notices. Suspensions are most often requested when EPA has conducted an initial risk assessment for the new chemical and identified potential risks. When a submitter and EPA believe additional information may refine the risk assessment, the submitter may request a suspension to allow them time to gather or generate the information that EPA may use to refine the risk assessment.

If confirmed, I look forward to learning more about this issue from the science and programmatic experts at EPA.

12. How many suspensions has EPA requested and how many of those were not accompanied by a request for additional information?

EPA Response: EPA's regulations at 40 CFR 720.45 allow submitters to voluntarily suspend the running of the notice review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. EPA has a long-standing practice of accommodating submitters requests for suspensions when submitters want to provide additional information for EPA's consideration. Please also see the response above.

If confirmed, I look forward to learning more about this issue from the science and programmatic experts at EPA.

13. Do you believe requesting the suspension without asking for additional information circumvents the deadlines in the statute?

EPA Response: I am not familiar with the specific details of EPA's practices regarding suspension of new chemical reviews or the nature and extent of new information that may be useful for refining the original assessments.

If confirmed, I look forward to learning more about this issue from the science and programmatic experts at EPA.

14. To prevent the government from slowing innovation, the previous Administration focused on reducing the backlog of new chemical applications, successfully reducing the new chemical backlog from over 450 cases to 183 cases by January 2021.
    a. What is the number of cases in the backlog today? Do you expect the backlog to increase given EPA's recently announced policy changes to new chemical reviews?
    b. How will you prevent increasing the backlog?

EPA Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. In the last Administration, EPA defined the new chemicals "backlog" in different ways at different times. See, for example, an August 2017 it was announced that the "backlog" was eliminated, although there were 302-308 cases still under review ([HYPERLINK "https://archive.epa.gov/epa/newsreleases/epa-eliminates-new-chemical-backlog-announces-improvements-new-chemical-safety-reviews.html"]). As a factual matter, the number of cases under review at any given time is entirely dependent on submitter activity and fluctuates constantly. None of the cases in EPA's current queue (300 as of 5/16/2021) are outside the applicable review period. For any case that was submitted over 90 days ago, the review period has been voluntarily suspended at the request of the submitter pursuant to 40 CFR 720.75. For 73 of those 300 cases, EPA is awaiting submitter input (e.g., additional information or signature of consent order) . The remaining cases are in various stages of review, as shown on EPA's New Chemicals case tracker webpage ([HYPERLINK "https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review" \t "_blank"]). EPA remains committed to meeting statutory deadlines for review and determinations on new chemicals submissions under TSCA section 5 and will continue to engage with submitters to ensure the agency is moving as expeditiously as possible to come to a resolution on their submissions. EPA is transparent about the status of new chemical reviews by providing monthly updates regarding the status of new chemical reviews on its website: [HYPERLINK "https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review" \t "_blank"]

15. How do you plan to communicate to the public what are real-world, expected risks versus risks generated by modeling and assumptions that reflect a worst-case scenarios?

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EPA Response: TSCA risk assessments include as much real-world data and information as possible.

For new chemical assessments, specific information regarding chemical manufacturing, processing and use are requisite components of the new chemical notice; however, because these chemicals are not yet being made, it is necessary to use modeling and assumptions to estimate exposures and releases. In addition, because TSCA does not have upfront testing requirements, EPA uses predictive models and other computational methods to conduct chemistry, environmental fate and hazard components of new chemical risk assessments. However, EPA will always consider and use real-world data should submitters provide it and it reflects best available information.

For existing chemicals, the statutorily required prioritization, scope and risk evaluation stages of risk evaluation each provide opportunities for EPA to request or require from those with knowledge and in possession of real-world data to provide it to EPA for use in risk evaluations. Furthermore, EPA routinely includes multiple scenarios and assumptions (e.g., central tendency), not only high-end or worst-case scenarios in its risk evaluations.

In addition, EPA has begun to use its data gathering authorities to support acquiring such real-world data for existing chemicals. For example, in February of this year, the chemical safety office issued TSCA section 4 test orders to collect real-world occupational exposure data and develop new fate and toxicity data for 9 of the chemicals currently undergoing risk evaluation and additional test orders are being developed. In addition, in April, at the recommendation of the Inter-agency Testing Committee, 50 chemicals were added to the TSCA Section 4(e) Priority Testing List, which includes chemicals to be given priority consideration for the development of information under TSCA section 4(a) using rules, orders, or consent agreements, as appropriate. In addition, a TSCA section 8(d) rule will be issued very soon for the purpose of collecting existing health and safety data for these 50 chemicals, some of which are chemicals currently undergoing TSCA risk evaluation.

All of these activities to collect data and information will enhance and inform real world scenarios in risk evaluations. This information is used in the risk evaluation, in accordance with EPA's Information Quality Guidelines, and allows the Agency to more accurately estimate the upper-bound, central, and lower-bound estimate of risk for a given exposed population, including those populations that are more susceptible. If confirmed, I commit to further exercising TSCA section 4 and 8 authorities to collect real-world data and information to support chemical assessment and management under TSCA. I also commit to pursuing addition of chemicals on the 2014 TSCA Work Plan to the Toxics Release Inventory (TRI), as this data is routinely used in TSCA risk evaluations.

I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. As I said in my response to Chairman Carper related to worker safety, I also believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

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16. In a previous conversation with me, you acknowledged that not all PFAS are the same. Do you think EPA should analyze and regulate individual PFAS based on their particular health and environmental risks?

EPA Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting human health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA.

Consistent with TSCA, the chemical safety office assesses and regulates PFAS either individually or as groups/categories based on similarity in physical-chemical and biological properties, as deemed appropriate based on the availability of data/information and the regulatory context and decision being made. Grouping or category approaches for chemical assessment and regulation have been used under TSCA for both new and existing chemical assessment for decades.

In the legislative language authored by the Senate Environment and Public Works Committee and enacted in 2019, the Agency (through its Office of Research and Development, ORD) was given direction to

> *"(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—*
>
> *(A) the potential for human exposure to the substances or classes of substances;*
>
> *(B) the potential toxicity of the substances or classes of substances; and*
>
> *(C) information available about the substances or classes of substances;"*

My office sees great value and near-term applicability of ORD's work in this area. In fact, currently my office is working collaboratively with ORD in considering the development of a national PFAS testing strategy that is based on ORD's research framework for grouping PFAS into sub-classes or categories coupled with using our TSCA data-gathering authorities to augment these efforts and fill identified information gaps. Working together, we believe such the strategy will be both scientifically sound and useful to inform the Agency's monitoring and regulatory efforts for PFAS.

17. Should PFAS ever be grouped and reviewed accordingly based on similar physical, chemical, and biological properties and, if so, what scientific reviews are necessary to ensure that a group of PFAS compounds pose the same health and environmental risks, if any?

EPA Response: President Biden highlighted the importance of his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA.

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In the legislative language authored by the Senate Environment and Public Works Committee and enacted in 2019, the Agency (through its Office of Research and Development, ORD) was given direction to

> *"(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—*
>
> *(A) the potential for human exposure to the substances or classes of substances;*
>
> *(B) the potential toxicity of the substances or classes of substances; and*
>
> *(C) information available about the substances or classes of substances;"*

This language indicates that the potential for exposure, toxicity and information available for PFAS may be based on individual *substances* or *classes of substances.* Generally, classes or sub-classes of substances are groupings based on similar structural, physical-chemical and/or biological properties.

The chemical safety office believes that grouping of PFAS based on similarity in structural, physical-chemical and biological properties is appropriate. Further, such grouping or category approaches have been used within OPPT for both new and existing chemical assessment for decades. This experience, and the emerging research conducted by ORD (as directed by SEPW), as well as established approaches, for example as developed in the Organization for Economic Cooperation and Development (OECD), for developing scientifically sound chemical groups or categories, would be the basis for ensuring PFAS groups or categories are scientifically sound.

18. During your nomination hearing before the Committee, you acknowledged that there are gaps in EPA's PFAS research that need to be filled. What are the remaining PFAS research gaps that need to be resolve before the Agency is able to move forward with additional regulatory actions?

EPA Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA.

Generally, all of EPA's regulatory statutes require the Agency to be able to characterize the health and/or environmental effect of a substance (or category of substances) to determine whether to regulate that substance (or category of substances), and to be able to measure the substance (or category of substances) in the air, water, or soil in order to promulgate an implementable and enforceable regulation. While extensive research exists for some PFAS substances, that is not the case for all of them. The efforts underway at EPA that draw in part from legislation authored by the Senate Environment and Public Works Committee are designed to strategically focus our research, monitoring and regulatory efforts on the PFAS that have been

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identified as being of concern due either to their potential hazard or presence in the environment (e.g., research described in #15 above and TSCA data gathering activities described in response to Senator Kelly).

19. What is a simple chemical description that is common to and describes all PFAS compounds?

EPA Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA.

Although there is no universally accepted definition, we are all aware that per- and polyfluoroalkyl substance are a large and complex group of chemicals with thousands of variations. For the purposes a several rulemakings under TSCA, the technical structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R'' where both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen, has been used. It should be noted that this structural definition of PFAS which has been developed for the purposes of these TSCA rules is a working definition which has been used by EPA's Office of Pollution Prevention and Toxics when identifying PFAS on the TSCA Inventory (this definition may not be identical to other definitions of PFAS used within by EPA and/or other organizations).

EPA is also participating in an effort underway organized by the Organization for Economic Cooperation and Development (OECD) and the United Nations Environment Programme (UNEP) to review the existing universe of PFAS terminology and provide recommendations and guidance to stakeholders regarding PFAS terminology. When final, EPA will consider this guidance and applicability to TSCA regulatory programs.

20. Given this Administration's policy of evidence-based decisions supported by the best available science and data, how would you handle a situation where staff work relies on a scientific study that is missing critical information to support its findings?

EPA Response:

OCSPP uses Systematic Review to search and evaluate the quality and completeness of scientific studies used for TSCA Risk Evaluations, consistent with current standards of best available science. Through this review, EPA evaluates the quality of scientific studies and other evidence which allows for an objective weighing of all scientific evidence to serve as the basis for the risk evaluation. Furthermore, use of systematic review methods and techniques allows EPA to rigorously identify existing information and identify of gaps in information. For example, the scopes for the 20 risk evaluations initiated in December 2019 include "literature invntorv "trees" and "heat maps" that identify reasonably available information. Gaps in information can be filled through TSCA related- related information gathering options such as Section 4 test orders; or gaps can be addressed through a variety of modeling approaches. The resulting risk evaluation, including the assessment of the underlying body of evidence, is subject to a rigorous external and independent peer review to ensure that the results meet the bar of best available science.

In addition, TSCA risk evaluations are subjected to public comment, which presents an opportunity to submit studies that commenters believe the Agency has overlooked or concerns with our use of specific studies.

If confirmed, I will ensure this Protocol is published for public comment and peer reviewed. I also commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including relying on the best available science.

Senator Inhofe:

1. Dr. Freedhoff, as EPA continues implementing the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, it is fundamentally important that the EPA safeguard private stakeholders' confidential business information. Protecting America's confidential business information is vital to global competitiveness and national security. We cannot allow countries like China access to sensitive business information. Will you ensure the regulated community has ample time to ask questions and make corrections to any sensitive business information that will be shared publicly by EPA?

EPA Response: EPA is committed to transparency the protection of legitimate confidential business information as part of its responsibilities under TSCA. Under TSCA, EPA collects a range of information and in some cases the law allows some of the information to be claimed as confidential business information (CBI). EPA takes seriously its statutory obligation to review and protect properly substantiated CBI claims, and realizes the release of legitimate CBI may cause substantial business injury to the information owner.

EPA has established new processes, systems, and procedures to enable TSCA submitters to provide the information required when making confidentiality claims and to facilitate EPA's review, and where applicable, determinations on these claims. This activity was mandated by the 2016 amendments to TSCA.

In April 2021, the Agency posted a list of 390 chemicals by accession numbers expected to lose confidential chemical identity status and be moved to the public portion of the TSCA Inventory. Stakeholders were initially given a deadline of May 14, 2021 to notify the agency of any possible errors on the list. In response to industry stakeholder requests for additional time to review this list, EPA recently extended the notification deadline to June 30, 2021.

All of these chemicals were reported in the TSCA section 8(b) Chemical Data Reporting (CDR) rule during the CDR collection periods for 2012, 2016 and/or 2020 data and the identity was not claimed as confidential by at least one manufacturer. By not claiming the chemical as confidential, it is no longer a secret that the particular chemical is in U.S commerce. The agency also did a "hands on" review of each individual report in which the system reflected that confidential status was not requested for each of the 390 chemicals identity.

TSCA requires that the agency balance transparency, the public right-to-know, with a long-understood, and embraced, responsibility to protect confidential business information. A manufacturer has a right to waive, or release a confidential business information claim, and may want to, for example, when: (1) the chemical identity may be known to be in US commerce and therefore the confidential chemical identity status could no longer be legally withheld, (2) the chemical identity may not now be viewed by the company as sensitive for a variety of reasons and/or (3) the company may see actual commercial advantage in releasing the chemical name in its products and to the public.

2. Dr. Freedhoff, it is fundamentally important that the EPA continually engage the private stakeholders it is regulating. As you know, the EPA is currently conducting a public comment period on five final rules for persistent, bioaccumulative toxic chemicals previously issued on January 6, 2021, under TSCA. I am aware of concerns that these rules may pose challenges for retailers, who are newly subject to potentially strict liabilities and high penalties for the sale of "articles" containing these chemicals. However, it is my understanding that these rules may not provide retailers with the information they need to take action related to these articles. Has EPA conducted outreach to the retail community to seek their input on the best way to enable their participation in these new rules?
    a. Will you commit to working with retailers to ensure they are provided with the supply chain information they need to implement the intended sales restrictions on articles?
    b. And will you commit to improving stakeholder engagement as you continue implementation of TSCA?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

Regarding the rules for persistent, bioaccumulative and toxic (PBT) chemicals that were finalized by the last Administration, I commit that before making a decision on next steps, EPA will review public comments received in response to the Agency's request for comment on the final PBT rules. I have personally met with stakeholders that have articles in their supply chains. For example, I have met with the Consumer Technology Association (CTA), Chemical Users Coalition (CUC) (twice), IPC Association Connecting Electronics Industries (IPC), Information Technology Industry Council (ITI), National Association of Manufacturers (NAM), National Association of Music Merchants (NAMM), National Electrical Manufacturers Association (NEMA), and the Semiconductor Industry Association (SIA). Additionally, my staff have met with many of these same stakeholders as well as others such as the Aerospace Industries Association (AIA) to continue to engage on regulated entities that have complex supply chains in order to educate and discuss their supply chain challenges.

As I noted in response to a question from Senator Kelly, from a process perspective, I believe that the Trump Administration made every effort to engage all stakeholders as it developed and

finalized these rules, and it came as a surprise to me and EPA career staff when we learned that many stakeholders were apparently unaware of these Rules' applicability on their activities. I have personally told industry stakeholders that I would welcome their ideas for how the Agency can more effectively communicate with stakeholders in the future, and if confirmed, I am committed to making such communications a priority.

3. Dr. Freedhoff, there are a number of measures that we must take to eradicate the COVID-19 pandemic. Vaccinations are an important and effective measure against the virus but there are additional measures that can be utilized to reduce the spread of COVID-19, including through long-lasting disinfectants. Long-lasting disinfectants minimize the required number of regular disinfectant applications, thereby reducing the potential negative health impacts that come from over application of regular disinfectants. Allied BioScience (ABS), a biotech firm, created "SurfaceWise2", which is a continuously active antiviral surface coating that kills viruses, including SARS-CoV-2. Accordingly, ABS has submitted an application for nationwide use of the product under the standard authority laid out in Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). If approved for use, Americans would have access to a long-lasting disinfectant that has been approved by EPA for residual efficacy of up to 30-days. When do you expect the final Section 3 approval process to be completed?
   a. Are there any steps you can take to expedite the regulatory review process?
   b. And will you please keep my staff updated on EPA's review and actions related to this application?

EPA Response: In order to respond to the public's needs over this past year of the pandemic, EPA expedited review and approval of surface disinfectant products for use against SARS-CoV-2, the coronavirus that causes COVID-19, creating and then adding over 500 products to EPA's list of disinfectants entitled List N. Over the course of the last year, EPA reacted to unprecedented circumstances by activating its Emerging Viral Pathogens guidance, minimizing disinfectants supply chain disruptions through regulatory flexibilities, releasing new and updated scientific protocols, and providing several pathways for expedited review. EPA will continue to follow the evolving science of the pandemic by shifting resources to the evaluation of novel products, such as those that kill airborne SARS-CoV-2, and to meeting critical deadlines in the registration and review of all pesticide products within its purview.

In 2020, the agency issued emergency approval of Allied BioScience's novel surface coating based on requests from Texas, Oklahoma, and Arkansas. Allied BioScience submitted an application to the agency in February 2021 for a section 3 FIFRA registration so that the technology could be used nationwide and added to the List of approved COVID-19 disinfectants (List N Appendix; Supplemental Residual Antimicrobial Products). The science regarding the efficacy of the company's novel surface coating continues to be evaluated. The due date to complete the review for this registration is August 2021 and the agency has been in regular communication with the registrant on its application. I commit to keeping Congress informed on EPA actions, including communicating with your office regarding Allied BioScience's application for their SurfaceWise2 product.

Senator Cramer:

1. Dr. Freedhoff, North Dakota is home to the most innovative and resilient agricultural producers. These producers operate on tight margins in order to provide the highest quality food, fuel, and fiber in the world. Unfortunately, producers are reluctant to commit to long-term purchases of chemical products because of the fear that the products or components could be revoked or altered at any time, leaving them with purchased product they are unable to use. The agricultural community has expressed a strong interest in the Environmental Protection Agency (EPA) maintaining an independent, predictable, science-based, and risk-based regulatory process for pesticides that generates continuity and reliability for their operations. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Congress granted EPA the authority to determine pesticide safety. EPA's Office of Pesticide Programs is staffed by scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. You are no doubt aware of the recent ruling in LULAC v. EPA. I am concerned the potential precedent this ruling might set and the impact it may have on EPA's pesticide program. If a court can place its own scientific interpretation over EPA's, that could undermine EPA's authority to make independent, science-based decisions, and might require EPA to invest significant resources to review petition claims in the future to ensure decisions withstand judicial scrutiny.
   a. Is EPA concerned about the potential of this precedent and considering potential long-term impacts in its response to the ruling?
   b. Should the frequency of petitions increase or if EPA must invest additional staff work into their consideration moving forward, does EPA have the capability to conduct additional petition work without significant disruptions to the pesticide program?
   c. How will you work with EPA's Office of General Counsel and the Justice Department to defend the science behind existing pesticide registrations, of which EPA career scientists within the Office of Pesticide Programs work to underpin with sound science?
   d. Do you believe the pesticide program should be stable and predictable?
   e. Should you be confirmed, how will you work with producers and industry to provide certainty and consistency to the pesticide program?

EPA Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels and is of great concern especially to the farmworkers and their families. In their late April 2021 Opinion, the Ninth Circuit ordered EPA to revoke the tolerances for chlorpyrifos or modify them, provided that the Agency make the required safety finding. EPA is reviewing the decision and considering its options regarding its response.

EPA believes it is important to be responsive to petitions from the American public where there may be concerns regarding the safety of specific pesticide products. To respond to these concerns, EPA relies on the best available science and makes every effort to integrate our responses to petitions with our ongoing work under the registration and registration review programs.

EPA will continue to use sound science in all decision-making processes under the Federal Insecticide, Fungicide and Rodenticide Act and Federal Food Drug and Cosmetic Act, and we

rely on the science developed by our career staff, in working with EPA's Office of General Counsel and the Justice Department, to defend these decisions.

Providing predictability on pesticide regulatory decisions is an important goal of the pesticide program. The Pesticide Registration Improvement Act (PRIA) provides a registration service fee system for applications for specific pesticide registration actions, which is designed to create a more predictable evaluation process for affected pesticide decisions. Regulatory decisions based on sound science is central to achieving this predictability. Moreover, I am committed to engaging with all stakeholders, to listen to their concerns, and to work collaboratively with them to enhance the robustness and certainty of the pesticide program. Since arriving to EPA, I have met with various agricultural stakeholders, including CropLife America and the American Soybean Association, to better understand their concerns and priorities, and will continue to do so.

As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to ensuring the safety of pesticides and other chemicals. The agency is committed to helping support and protect farmworkers and their families while ensuring pesticides are used safely among the nation's agriculture. **[see Kelly 2, Boozman 2]**

2. Dr. Freedhoff, as you know in 2016 Congress reformed TSCA on a bipartisan basis. I played a role in this from serving on the House Energy and Commerce Committee. At the time, it was viewed as a win-win for human and environmental health and timely review for product innovations by businesses. Significant fees are now assessed on industry in return for commitments on adequate staffing for efficient reviews. However, it is being reported that implementation of the 2016 reforms has been bumpy and is getting even bumpier at EPA. Chemical reviews have stalled, staff are unable to have meaningful dialogue with industry, extreme assumptions on risk are being made, and the best available science and real world data is not being incorporated. As a result, U.S. innovation is being stifled, putting American manufacturing at a competitive disadvantage.
   a. Are you committed to work with industry to get a clear, consistent, and timely process?

EPA Response: The Senate EPW Committee and the House Energy and Commerce Committee showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration actions, including risk evaluations for chemical substances under TSCA.

If confirmed, I will work with all stakeholders, including industry, to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

I am committed to working with all stakeholders, including industry, to get a clear, consistent, and timely process. Since arriving at the Agency, I have met with numerous industry groups,

and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address industry concerns wherever possible.

OSCPP staff meet regularly with external stakeholders including industry groups to discuss information gathering efforts and to become informed about other sources of stakeholder input such as peer reviewed studies or other data sets which can be made available. Similarly, EPA staff regularly convene pre-notice meetings with new chemical submitters to answer questions regarding submission of notices and they continue to work with the submitter throughout the new chemical review process to obtain clarification on the information submitted, share preliminary finding of the risk assessment and work with submitters to develop effective and workable risk management approaches when solutions when EPA finds the new chemical 'may present unreasonable risk' that require issuance of a TSCA section 5(e) order. Additionally, OCSPP staff leading rulemakings are meeting with industry stakeholders and other interested parties to ensure that the rules under development will be protective and practicable.

As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

Senator Lummis:

1. Does the EPA plan to alter existing or establish new mineralogical definitions? If so, will you commit to obtaining and incorporating input from mineralogical experts?

EPA Response: If confirmed, I commit to conducting my office's work in a transparent and scientifically rigorous manner. This will include public consultations with independent advisory bodies such as the Science Advisory Committee on chemicals (SACC), as well as soliciting and incorporating external expertise via a public comment and peer review for key analyses such as TSCA existing chemical risk evaluations. For example, EPA is committed to moving forward with a risk evaluation for legacy uses of asbestos which is a mineral existing in multiple forms. The definition of asbestos will be documented in a scoping document which will be developed through a systematic review of evidence and subject to public comment, and the risk evaluation itself will eventually be subjected to both public comment and independent external peer review. It is through these mechanisms that EPA will obtain input from external experts and will consider that input as EPA finalizes our assessments.

If there are other mineralogical definitions which are of interest to you, please let me know and I commit to follow up with a more detailed response.

I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities. EPA will continue to use sound science in the decision-making process under our chemical safety programs and to implementing those programs within their statutory requirements as written by Congress, including as we consider mineral forms such as in asbestos.

2. At your nomination hearing, you emphasized that EPA's decision-making will be transparent and well-documented. Do you commit to provide the same level of transparency and documentation to regulated entities throughout the risk evaluation and management process, including engaging with those entities while developing draft risk evaluations?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities.

Since arriving at the Agency, I have met with numerous industry groups, and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address industry concerns wherever possible. This transparency and documentation will be extended to all stakeholders, including regulated entities.

For risk evaluations, OCSPP will continue the practice of meeting with stakeholders at their request, including regulated entities, to discuss areas of interest and to receive information on data and analyses which they may provide. When information is shared it will be added to the body of evidence which is subjected to systematic review and made available to the risk evaluation teams. Draft risk evaluations will be shared with all stakeholders including regulated entities via a public comment process, and responses to all comments received will be made public via a docket.

For the risk management actions we intend to take, EPA recognizes the importance of substantial engagement from all stakeholders, including industry and the communities impacted by the chemicals we have evaluated. Engagement is especially critical because this is the first time we will be using the authorities under TSCA to address unreasonable risks identified in the risk evaluations. In addition to the formal processes established to consult with small businesses, tribes, State and local governments, and environmental justice advocates, we have sought and will continue to seek input from all stakeholders on potential risk management approaches, and the effectiveness and impacts of those approaches.

3. A lack of clear risk communication by EPA frequently creates public concerns over health and safety, many of which are the result of lack of information as opposed to actual risk to human health or the environment. What role does public perception play in EPA's decision-making?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

Senator Boozman:

1. The 2018 farm bill directed the Environmental Protection Agency (EPA), the Department of Interior's Fish & Wildlife Services, and the Department of Commerce's National Marine Fisheries Services ("Services") to establish an Interagency Work Group (IWG) to increase the timeliness and quality of Endangered Species Act species and habitat consultations for pesticides, develop a streamlined process for identifying which actions require consultations, and secure durable cooperation between the agencies. In recent public statements you said fixing the alignment of the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is essential and if not fixed, will put EPA's ability to approve new crop protection products at risk to being shut down by the courts. If confirmed, do you commit to spending the time and energy it will take to work with your colleagues at the Services to substantially improve the ESA-FIFRA process, so that timely registration of crop protection products is more certain?
   a. If so, what are the three most important administrative reform ideas you plan to pursue?
   b. Do you support using the best available data and analyzing "what's likely vs. what's possible" when considering rates of use of pesticides?

EPA Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting endangered species and supporting local agricultural economies.

However, we also need to make further progress in making endangered species effects determinations in a more efficient manner and based on sound science. While we will continue to work and consult with the Services, as appropriate, and meet our litigation related commitments, EPA is beginning an effort to identify and implement protections for listed species earlier in the pesticide registration process. To that end, EPA is interested in working with its stakeholders, particularly the registrants and growers, to identify mitigations for protecting species in the short term. The Agency believes this is an area where the concept of conservation measures might be helpful. I have also encouraged pesticide manufacturers to continue efforts to develop newer reduced risk chemistries and challenged them to actively consider environmental effects to endangered species as part of the process.

EPA is committed to working with its stakeholders to realize our shared goal of protecting vulnerable species in a manner that is both effective and practical and ensures the availability and benefits of pesticides.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

2. It is essential for EPA to maintain an independent, predictable, science-based, and risk-based regulatory process to ensure the safety and efficacy of pesticides. EPA's Office of Pesticide Programs is staffed by expert scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. Unfortunately, the U.S. Court of Appeals for the Ninth Circuit has increasingly supplanted EPA's registration and registration review decisions instead of relying on the scientific analysis of EPA's career scientists. An example is the recent decision by the U.S. Court of Appeals for the Ninth Circuit issued on April 29, 2021, in the case of *League of United Latin American Citizens, et al. v. U.S. Environmental Protection Agency* concerning chlorpyrifos and other recent registrations undergoing legal challenge including glyphosate. In your view does the Ninth Circuit's increasing interest in renegotiating registrations from the bench pose as a threat to EPA scientific integrity, the work of its Office of Pesticides Program career staff, and EPA's existing registration processes?
   a. If confirmed, how will you work with EPA's Office of General Counsel and the Department of Justice to defend the Agency's science-based decisions on existing pesticide registrations?

   EPA Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels, and is of great concern especially to the farmworkers and their families. In their late April 2021 Opinion, the Ninth Circuit ordered EPA to revoke the tolerances for chlorpyrifos or modify them, provided that the Agency make the required safety finding. EPA is reviewing the decision as it considers its options regarding its response.

   As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to ensuring the safety of pesticides and other chemicals. The agency is committed to helping support and protect farmworkers and their families while ensuring pesticides are used safely among the nation's agriculture. EPA will continue to use sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act. **[see Kelly 2, Cramer 1]**

3. The Pesticide Registration Improvement Act was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019 – each time with the support of a diverse consortium of trade associations, non-governmental organizations, and state government officials. This legislation brought new, dedicated funds to the Environmental Protection Agency's Office of Pesticide Programs for more efficient pesticide registration and re-registration activities; it gave registrants certainty in the registration process after decades of uncertainty; it provided funding for farm worker education and training; and it brought needed funds for training for agricultural and healthcare workers. Over the past few years, due to resource constraints and other issues, the rate in renegotiated decision

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timeframes for pesticide regulatory reviews has increased significantly. Since the start of the fiscal year, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant backlog of smaller non-PRIA actions that are paid for by annual registrant maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?

a. Further, if confirmed, will you continue efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and the NGOs community with the goal of reauthorizing PRIA prior to October 1, 2023 to ensure EPA has the resources to complete timely pesticide registration and registration review decisions as efficiently as possible?

EPA response: I agree and, if confirmed, will continue efforts to work with stakeholders and Congress to provide technical assistance to support the successful reauthorization of PRIA, to ensure EPA has the needed resources to accomplish its mission, and provide a more predictable evaluation process for affected pesticide decisions. PRIA is vital to the agency, which not only authorizes the collection of fees for various pesticide registration actions, but also funds other stakeholder priorities, such as farm worker protection activities, partnership grants, and pesticide safety education programs.

4. EPA has an essential role in facilitating trade through harmonizing U.S. pesticide tolerances with Codex Maximum Residue Levels in the registration review process to renewing the Trilateral Working Group on pesticides under the Sanitary/Phytosanitary Committee on the new USMCA agreement. Importers of pesticide products manufactured in the U.S. require submission of both certificates of origin and certificates of registration issued by EPA, a process that needs improvements before it becomes an unnecessary trade barrier. If confirmed, do you commit to facilitating international trade for the industries regulated by EPA, including crop protection?

EPA Response: If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other countries and international organizations.

I support EPA's risk-based approaches to pesticide assessments. EPA's risk-based approach to pesticide regulation considers both hazard and potential exposure, with a rigorous risk assessment and risk management process. To this end, EPA's continued work with Canada and Mexico, now under the USMCA agreement, is important in developing harmonized approaches across North America. Moreover, EPA continues to collaborate with international pesticide regulators on global joint reviews of new active ingredients and in other forums to understand and potentially resolve differences in assessment and regulatory approaches.

If confirmed, I would look forward to being further briefed on issues such as this related to improving EPA's pesticides programs and international trade.

5. In December 2020, the Mexican government issued a Presidential Decree stating the intent to eliminate the use, distribution, and importation of glyphosate in Mexico. The Decree, which is inconsistent with the U.S.-Mexico-Canada Agreement (USMCA), sound science, and other international sanitary/phyto-sanitary (SPS) standards, creates a dangerous potential precedent that could extend to other agricultural chemicals and negatively impact U.S. agricultural exports. If confirmed, do you commit to working with USTR and USDA to ensure our trading partners uphold their commitments, including scientifically sound SPS standards, related to crop protection tools under our trade agreements?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other federal agencies, countries, and international organizations.

I support EPA's risk-based approaches to pesticide assessments. EPA's risk-based approach to pesticide regulation considers both hazard and potential exposure, with a rigorous risk assessment and risk management process. To this end, EPA's continued long-standing work with Canada and Mexico, now under the USMCA agreement, is important in developing harmonized approaches across North America. Moreover, EPA continues to collaborate with international pesticide regulators on global joint reviews of new active ingredients, and with USDA and USTR in other forums to understand and potentially resolve differences in assessment and regulatory approaches.

If confirmed, I would look forward to being further briefed on issues such as this related to improving EPA's pesticides programs and international trade.

6. On August 31, 2020, EPA published a proposed rule in the Federal Register (EPA-HQ-OPP-2019-0508) [HYPERLINK "https://www.epa.gov/sites/production/files/2020-09/documents/10014-10-prepub-fr-doc-admin_esignature2020-08-31.pdf" \h], which was written by EPA career experts in the Office of Pesticide Programs' Biopesticides and Pollution Prevention Division. During the rule's subsequent 60 day public comment period, agricultural and technology stakeholders welcomed EPA's efforts to facilitate a more streamlined, science-based regulatory pathway for this technology, and those stakeholders provided targeted recommendations on ways to improve the proposed rule. Finalizing this rulemaking, consistent with the aforementioned stakeholders recommendations, would help modernize EPA's regulatory approach to these technologies that could result in less water usage, less crop and food waste, and help combat climate change. Without this rule, there is not a consistent, workable regulatory pathway for these technologies. If confirmed, do you commit to ensuring EPA submits a final rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget for interagency review as soon as possible?

EPA Response: If confirmed, I look forward to working with colleagues at the U.S. Department of Agriculture on these issues, and more broadly, to working with stakeholders to run our pesticides programs taking into account new technologies and innovations. In October 2020, in response to newer technologies and the policy goals of multiple administrations, EPA proposed a rule to exempt certain plant-incorporated protectant products – or PIPs – from regulation under FIFRA and FFDCA due to their low risk, as PIPs developed through biotechnology that are equivalent to the low-risk PIPs developed through conventional breeding that are already exempted. This continues to be an agency priority, as highlighted in EPA's regulatory agenda, and we are currently considering the comments received on the proposed rule with goal of responding and issuing a final rule later this year.

7. EPA's pesticide evaluation process is science-based and considers both the potential risks *and* benefits of pesticide products. The registration process includes risk assessments to ensure a product protects human health, including the health of children, the elderly, and immune-compromised individuals, the environment, and endangered species. Further, under the law EPA must reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust –science-based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital in protecting our nation's food supply, public health and safety, infrastructure, natural resources, and green spaces. Our regulatory process is also seen as the gold standard for the world and is required to meet World Trade Organization obligations. If confirmed, how will EPA strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

I support EPA's risk-based approaches to pesticide assessments. EPA's risk-based approach to pesticide regulation considers both hazard and potential exposure, with a rigorous risk assessment and risk management process. To this end, EPA's continued work with Canada and Mexico, now under the USMCA agreement, is important in developing harmonized approaches across North America. Moreover, EPA continues to collaborate with international pesticide regulators on global joint reviews of new active ingredients and in other forums to understand and potentially resolve differences in assessment and regulatory approaches.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

8. Pests are harmful to our nation's food supply, public health, infrastructure, natural resources, and green spaces. Science-based integrated pest management (IPM) programs are used to manage mosquitoes, ticks, and rodents that carry disease; protect our nation's

public utilities, rights-of-way, and infrastructure from invasive weeds; manage overgrowth and vegetation that pose fire hazards; and maintain homes, greenspaces, parks, sports fields, and golf courses. The definition of IPM is contained in three federal laws: (1) the 1996 Food Quality Protection Act (PL 104-170); (2) the Children's Health Act of 2000 (PL 106-310); and (3) the Food, Conservation, and Energy Act of 2008 (PL 110-234). These laws define IPM as "a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks." IPM tries to reduce the risk of pests becoming a problem in the first place while having a specific plan of action to follow when pest populations reach a certain level. In the school environment, for example, this tolerance level may be quite low, or even "zero," in the case of rodents in school cafeterias. If confirmed, will EPA uphold the statutory definitions of IPM and ensure *all* essential pest control tools – biological, cultural, physical, and chemical – continue to be available to consumers, professionals, and those that maintain facilities such as schools, parks, athletic fields, day care centers, hospitals, and residences?

EPA Response: As the agency pursues its mission to protect human health and the environment, EPA is committed to ensuring the safety of pesticides and other chemicals. EPA will continue to use sound science in the decision-making process under our pesticides programs and to implementing those programs within their statutory requirements as written by Congress.

While traditional pest control involves the routine application of pesticides, IPM focuses on pest prevention and only using pesticides as needed. This provides a more effective, environmentally sensitive approach that combines biological, cultural, physical, and chemical tools to minimize risks associated with pests and pesticides. Furthermore, IPM has the potential to reduce greenhouse gas emissions that contribute to climate change. IPM strategies often use fewer pesticides resulting in less fuel consumption for pesticide application.

9. Effective pest and rodent control is essential to protecting the health and well-being of our families and communities, regardless of socioeconomic circumstances. Mosquitoes, for example, can carry West Nile virus, Zika virus, Eastern Equine Encephalitis, and yellow fever. Ticks can carry Lyme disease and Rocky Mountain spotted fever. According to the CDC, rodents directly transmit eleven serious diseases (including Hantavirus pulmonary syndrome, plague, and tularemia), and indirectly transmit even more. Whether pest control is undertaken by a professional or a consumer, pesticide products are a crucial component of managing pests and protecting public health at home, school, work, and play. If confirmed, how would you promote greater efficiency in the Office of Pesticide Programs, so these essential products are effectively managed through the regulatory process that follows FIFRA's risk-benefit standards and fully considers the benefits of the non-agricultural pesticides used to control mosquitoes, ticks, rodents, termites, and plant diseases?

EPA response: Federal law requires EPA, in coordination with Centers for Disease Control and Prevention (CDC) and the U.S. Department of Agriculture (USDA), to identify pests of significant public health importance and in coordination with the Public Health Service, to

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develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance. I believe it is vital to continue this work and to collaborate with the pest control industry and the environmental community to find common ground on protecting human health and the environment and controlling dangerous pests.

If confirmed, I look forward to working with the pest control industry and other stakeholder groups on how to chart a path forward. Because the public relies on EPA to pesticides to ensure they can be used effectively without posing unreasonable risks to human health and the environment, I want to work with stakeholders to gather the necessary data to inform our decision-making processes for pesticides, including for public health pesticides. As the Agency's career staff have responded in other public health emergencies, such as the current COVID-19 pandemic as well as the Zika and West Nile virus outbreaks, we will continue to prioritize reviews for pesticides to be used in these situations.

10. In November 2020, EPA released its draft Biological Evaluation (BE) for public comment on atrazine, simazine and propazine, three widely-used herbicides used to control a variety of grasses and broadleaf weeds. EPA's comment period closed in February 2021, but EPA has not yet published the final BE. If confirmed, what will you do to ensure all reliable and available science, with respect to both exposure and toxicity, is fully assessed and used to impact the final BE on this crucial technology product group?
    a. Further, if confirmed, what steps will you take to ensure full consideration is given to the data alluded to in the paper "Grounds for an Atrazine Ecological Endpoints Update," submitted to EPA by a group of farm organizations on December 15, 2020?

EPA Response: I I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting endangered species and supporting local agricultural economies. Biological evaluations are the beginning of EPA's Endangered Species Act consultation review process for pesticides where the agency determines if an endangered or threatened species or critical habitat could be affected by the use of a certain pesticide. After carefully considering the public comments and any additional data received, the agency intends to finalize the biological evaluation in late 2021. If EPA determines a pesticide may affect a listed species or its critical habitat, the agency will then consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) as appropriate. The Services will then issue a biological opinion to determine if the population of a species would be adversely impacted and, if so, propose ways to reduce risks. It is the goal of EPA to ensure that pesticides can continue to be used safely with minimal impacts to threatened and endangered species. We will consider all input received as we work to make any scientifically supportable changes to the biological evaluation prior to initiating consultation with the Services.

I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

11. In addition to serving on EPW, I am also honored to serve as the Ranking Member on the Senate Agriculture, Nutrition & Forestry Committee, which has primary oversight over FIFRA and EPA's work related to pesticides. If confirmed, do you commit to appearing before the Senate Agriculture, Nutrition & Forestry Committee on issues related to EPA's administration and implementation of FIFRA-related activities?

EPA Response: Yes, if confirmed I would look forward to working with the Senate Agriculture Committee on pesticides issues.

Senator Wicker:

1. The Pesticide Registration Improvement Act (PRIA) was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019, each time with the support of a diverse group of stakeholders. This legislation brought new, dedicated funds to the Environmental Protection Agency's (EPA) Office of Pesticide Programs for more efficient pesticide registration and re-registration activities. It also gave registrants certainty in the registration process after decades of uncertainty, and it provided funding for farm worker education and training. Due to resource constraints and other issues, the rate in renegotiated decision timeframes for pesticide regulatory reviews has jumped significantly in the past few years. Since the start of Fiscal Year 2021, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant backlog of smaller non-PRIA actions that are paid for by annual registrant paid maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?

    a. If confirmed, will you also continue the efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and non-governmental organizations to reauthorize PRIA prior to the start of Fiscal Year 2024 to ensure EPA has the resources needed to complete timely pesticide registration and registration review decisions efficiently?

EPA response: I agree and, it confirmed, will continue efforts to work with stakeholders and Congress to provide technical assistance to support the successful reauthorization of PRIA, to ensure EPA has the needed resources to accomplish its mission, and provide a more predictable evaluation process for affected pesticide decisions. PRIA is vital to the agency, which not only authorizes the collection of fees for various pesticide registration actions, but also funds other stakeholder priorities, such as farm worker protection activities, partnership grants, and pesticide safety education programs.

2. EPA's pesticide evaluation process is science-based and considers both the potential risks and benefits of pesticide products. The registration process includes risk assessments to ensure that the product protects human health, including the health of children, the

elderly, and immune-compromised individuals, the environment, and endangered species. In addition, the law requires EPA to reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust-science based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital for protecting our nation's food supply, public health and safety, and natural resources. Our regulatory process also is considered the gold standard globally and is required to meet World Trade Organization obligations. If confirmed, how will EPA, under your leadership, strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

EPA Response: I support EPA's risk-based approaches to pesticide assessments. EPA's risk-based approach to pesticide registration and reevaluation decisions considers both hazard and potential exposure, with a rigorous risk assessment and risk management process. To this end, EPA's continued work with Canada and Mexico, now under the USMCA agreement, is important in developing harmonized approaches across North America. Moreover, EPA continues to collaborate with international pesticide regulators on global joint reviews of new active ingredients and in other forums to understand and potentially resolve differences in assessment and regulatory approaches.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

3. The 2018 Farm Bill directed EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to establish an Interagency Work Group to increase the timeliness and quality of Endangered Species Act (ESA) species and habitat consultations for pesticides. The legislation also required EPA and the Services to develop a streamlined process for identifying which actions require consultations and to secure durable cooperation between the agencies. In recent public statements, you have mentioned that fixing the alignment of the Endangered Species Act and FIFRA is essential, and the ability of EPA to approve new crop protection products is at risk to be shut down by the courts if not fixed. If confirmed, do you commit to working with your colleagues at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to avoid a programmatic stoppage?

EPA Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting endangered species and supporting local agricultural economies.

However, we also need to make further progress in making endangered species effects determinations in a more efficient manner and based on sound science. While we will continue to work and consult with the Services, as appropriate, and meet our litigation related commitments, EPA is pivoting in an effort to identify and implement protections for listed species earlier in the pesticide registration process. To that end, EPA is interested in working

with its stakeholders, particularly the registrants and growers, to identify mitigations for protecting species in the short term. Also, the Agency believes that this is an area where the idea of conservation measures might be helpful. I have also encouraged pesticide manufacturers to continue efforts to develop newer reduced risk chemistries and challenged them to actively consider environmental effects to endangered species as part of the process. EPA is committed to working with its stakeholders to realize our shared goal of protecting vulnerable species in a manner that is both effective and practical and ensures the availability and benefits of pesticides. If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

Senator Ernst:

1. You have spoken about your commitment to scientific integrity. I applaud your focus on that; it is indeed critical to ensure that every decision EPA makes is based on sound science. I know you also understand as well as anyone that the regulation of pesticides in this country is risk-based, and that FIFRA, the primary law governing pesticide regulation, also requires EPA to balance any risks of a pesticide with its benefits. There is a class of selective herbicides that cattle producers and other land managers in my state and across the country have used successfully for decades to manage noxious/invasive weeds and improve pasture/rangeland health. EPA has recently published decisions/proposals involving products in this class of chemicals that show a pretty striking overemphasis on a very narrow set of potential hazards/perceived risks related to agricultural waste and its use in compost and a woefully insufficient regard for the very real benefits of the products in question, including the many risks that pesticide products reduce or eliminate. I'm concerned that without a course correction, cattle producers in my state and across the country may lose the flexibility they need to use these products. I'm especially concerned that the direction EPA is going could limit cattle producers' options during times of drought or other natural disasters – threatening not only their bottom line but the welfare of their animals. Decisions that rely on sound science incorporate all available information, including the considerable benefits from pesticides, and rely on data to assess risk, not inaccurate default assumptions. How will you improve the quality of EPA's pesticide reviews to more accurately reflect the underlying science on a pesticide product's benefits and risks?

EPA Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

Regarding your concern about EPA pesticide decisions limiting cattle producers' option, if confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward. I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies. Regarding the specific issue of certain herbicides used by cattle producers, it is my understanding that some of these chemicals can persist in treated plant materials, and when treated materials are recycled into compost, can cause harm to plants in gardens and ornamental plots where the compost is applied. As a result, and in order to keep this tool for cattle producers, in 2020 the agency began the

process to put certain restrictions in place for this class of herbicides such as prohibiting the transport of treated plant matter and manure from animals that recently grazed in treated areas for offsite composting for a period of time until these pesticide residues have adequately declined.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including using the best available science.

2. Pesticides are of critical importance to agriculture and enable a safe and reliable food supply. EPA's pesticide registration process is a long-standing, efficient process that has garnered bipartisan support regardless of administration for enabling responsible pesticide use. Managing this program effectively means ensuring that farmers and ranchers have the crop protection tools they need. How do you plan to manage this program and do you anticipate any major changes to the program?

EPA Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

I also believe that restoring trust that the Agency's pesticide safety activities are grounded in sound science and the law benefits agricultural stakeholders. In the recent past, Courts have rejected EPA pesticide actions in part because of the Agency's failure to adequately consider key data. These events did not just result in the inability of agricultural stakeholders to use important pesticide tools, but also eroded public confidence. When the public trusts the Agency's statements about how pesticides can be used safely, the public will also have increased confidence in the products agricultural stakeholders make and use.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how best to manage EPA's pesticides programs.

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Message

From: Scheifele, Hans [Scheifele.Hans@epa.gov]
Sent: 5/7/2019 5:07:17 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: SEPW TA Request on PFAS and TRI
Attachments: qfrs_sepw_pfas_march_28_2019_compilation_05-01-19-redline-intra-agency hdsv2.docx; Copy of attachment_1_pfas_sepw_qfrsv2.xlsx

Hi Mary,

The QFR responses to question 5 have been revised to point to the correct columns and tabs in the attached. The latest version of attachment 1 is attached. As we just chatted about briefly, we still need input from the divisions to finalize these.

Hans

Hans Scheifele
Special Assistant
Office of Pollution Prevention and Toxics
William Jefferson Clinton Building - East, MC7401M
Washington DC 20460
202.564.3122 (office) | Scheifele.hans@epa.gov

From: Hanley, Mary
Sent: Tuesday, May 07, 2019 11:25 AM
To: Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: SEPW TA Request on PFAS and TRI

Hi. Just checking back on whether Attachment 1 needs any revisions based on the TRI spreadsheet revisions/feedback? Thanks

From: Hanley, Mary
Sent: Tuesday, May 07, 2019 9:32 AM
To: Scheifele, Hans <scheifele.hans@epa.gov>
Cc: Henry, Tala <henry.tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: SEPW TA Request on PFAS and TRI

Hans,
Thank you for the revised TRI spreadsheet. This is under review in the IO and a commitment was made in the Leadership meeting to get this to OCIR and to the hill today. A question came up regarding whether there are any revisions also needed to Attachment 1 to the PFAS QFR package. I have also attached it here. Alex and Charlotte are reviewing the PFAS QFR package today and we also need to get it to OCIR today so your feedback on Attachment 1 asap would be appreciated. I have added Tala so that she understands which spreadsheets were being discussed in the Leadership meeting.
M

Message

From: Henry, Tala [Henry.Tala@epa.gov]
Sent: 5/19/2021 2:55:17 PM
To: Burneson, Eric [Burneson.Eric@epa.gov]
CC: Behl, Betsy [Behl.Betsy@epa.gov]; Flaherty, Colleen [Flaherty.Colleen@epa.gov]; Wang, Lili [Wang.Lili@epa.gov]; Euling, Susan [Euling.Susan@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: Listing PFAS on the Contaminant Candidate List

Tala:
We are in the final stages of developing a draft fifth Contaminant Candidate List (CCL 5) for public comment and are working to transmit this draft to OMB in the coming weeks. Because of the high priority of PFAs the following language is in our notice:

Ex. 5 Deliberative Process (DP)

The notice also clarifies that listing contaminants as groups does not mean that the agency will regulate the contaminants as groups:

Ex. 5 Deliberative Process (DP)

I am writing to you because we do not have an OPPT participant on our Workgroup for this action and we wanted to be certain that this proposed CCL5 grouping does not have unforeseen implications for OPPT. Can you or someone from your organization let us know if you have concerns with this approach?

As you know, ORD and OPPT do not believe ALL PFAS are a single group – not from chemical structure/class, pchem property, or biological effects perspective, i.e., it is not best available science to consider all one class or group for assessment purposes. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a "working definition", i.e., a chemical structure definition we have used in several rulemakings. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250 (Office)
202 380 8897 (Mobile)

Message

From: Burneson, Eric [Burneson.Eric@epa.gov]
Sent: 5/19/2021 8:28:52 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List

Thanks Tala

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 4:16 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Below is the language we have in the TSCA section 8 rule to collect a wide variety of data on PFAS, that is currently at OMB and we will publish hopefully by end of the month:

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

The magic formula is that we can write "The Draft Contaminant Candidate List 5 (CCL 5) and the Final CCL 5, when published, will not impose any requirements on regulated entities."
Let us know who to contact/how to reference the OPPT working definition of PFAS.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 2:49 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Wow, what is the magic formula for that?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

One other point Tala. I was mistaken when I wrote we were transmitting draft CCL5 to OMB. They waived review. We are preparing the notice for signature/publication.

From: Burneson, Eric
Sent: Wednesday, May 19, 2021 12:00 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Tala:
Thank you for the rapid response. I have replied to your questions in blue below. Also note that in my response below I

Ex. 5 Deliberative Process (DP)

Eric

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 10:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>;

Euling, Susan <Euling.Susan@epa.gov>
Subject: Listing PFAS on the Contaminant Candidate List

Tala:
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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a "working definition", i.e., a chemical structure definition we have used in several rulemakings. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250 (Office)
202 380 8897 (Mobile)

Message

From: Dawson, Jeffrey [Dawson.Jeff@epa.gov]
Sent: 6/1/2021 7:55:30 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: question on OECD definition

Tala,

Do you have a link or the document that describes the OECD PFAS definition?

These OECD links are what I found in the public facing space:

https://www.oecd.org/chemicalsafety/portal-perfluorinated-chemicals/aboutpfass/

https://www.oecd.org/chemicalsafety/portal-perfluorinated-chemicals/aboutpfass/Figure1-classification-of-per-and-polyfluoroalkyl-substances%20-PFASs.pdf

Also, as an interesting FYI I saw on the ORD master list website https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster the following

> There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide.

Thx

Jeffrey L Dawson
Senior Science Advisor
Immediate Office
U.S. EPA, Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave NW (7101M)
Washington, DC. 20004
703-305-7329
Email: dawson.jeff@epa.gov
Deliveries: 1201 Constitution Ave NW, Washington, DC 20004

Message

From: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Sent: 5/24/2021 11:04:47 AM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: TALA QUESTION: Comment for story on chemical industry PFAS study
Attachments: IEAM 2021_026_OA_4_FINAL (1).docx

Ok here's the study. Let me know how you want to proceed.

From: Dunton, Cheryl
Sent: Monday, May 24, 2021 6:56 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: TALA QUESTION: Comment for story on chemical industry PFAS study

Here's the press release announcing the study.

Here's the link to the article but I can't access this journal: https://setac.onlinelibrary.wiley.com/doi/10.1002/ieam.4450. Not sure if you or anyone in OPPT can.

If we can't access the study we can't comment on it. Then that would just leave the question about how many PFAS are in commerce.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Sunday, May 23, 2021 8:15 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: TALA QUESTION: Comment for story on chemical industry PFAS study

We would need to see the study before we can say anything about it. Has industry 'provided' or presented it to EPA?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, May 21, 2021 5:15 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: TALA QUESTION: Comment for story on chemical industry PFAS study

Hi Tala – I'm not quite sure how to approach this. Should I start w/ Tracy to get the numbers from the Inventory?

From: Julia John <julia.john@chemicalwatch.com>
Sent: Friday, May 21, 2021 3:55 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Comment for story on chemical industry PFAS study

Hi Andrea,

I hope you're well! I'm working on a story about a new study by chemical manufacturers identifying and classifying commercially relevant PFASs. They say it counters "assertions that there are too many PFAS chemistries to conduct proper regulatory risk assessments for the commercially relevant substances."
According to industry, "this study is the first to use a bona-fide “bottom up” approach to identify how many of the 4,730 PFAS substances listed in a 2018 OECD/UNEP Report are directly connected to commercial products based on input from three major global producers. The study results show that 256, less than 6%, of the 4,730 PFAS substances presented in the 2018 OECD/UNEP Report are commercially relevant globally. This study suggests that grouping and categorizing PFAS using fundamental classification criteria based on composition and structure can be used to identify appropriate groups of PFAS substances for risk assessment."
What is the EPA's response to these findings and conclusions? How many PFASs are on the TSCA active inventory and are currently commercially relevant?
My deadline is Tuesday noon.

Thank you,
Julia

First Page of Manuscript IEAM-2021-026-OA

Identification and Classification of Commercially Relevant Per- and Poly-fluoroalkyl Substances (PFAS)

Abstract

Per- and poly-fluoroalkyl substances (PFAS) are a universe of fluorinated organic substances with very different physical, chemical, and biological properties including polymers and non-polymers; solids, liquids, and gases. Commercial PFAS-based products have been used in a wide variety of industrial and consumer applications because they have unique performance properties of significant socioeconomic value. The PFAS definition has evolved and expanded over the years. Numerous lists of PFAS, some with thousands of entries, have been compiled, but none have clearly identified which of the substances are commercially relevant. This study is the first to use a bona-fide "bottom up" approach to identify how many of the 4,730 PFAS substances listed in a 2018 OECD/UNEP Report are directly connected to commercial products based on input from three major global producers. This study provides new and valuable insight into the 2018 OECD/UNEP Report list of PFAS substances. The results show that 256, less than 6%, of the 4,730 PFAS substances presented in the 2018 OECD/UNEP Report are commercially relevant globally. This study suggests that grouping and categorizing PFAS using fundamental classification criteria based on composition and structure can be used to identify appropriate groups of PFAS substances for risk assessment, thereby dispelling assertions that there are too many PFAS chemistries to conduct proper regulatory risk assessments for the commercially relevant substances.

Key Words: Commercially Relevant, PFAS, OECD List

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Key Points

- This study is the first to use a bona-fide "bottom up" approach to identify how many of the 4,730 PFAS substances listed in a 2018 OECD/UNEP Report are directly connected to commercial products based on input from three major global producers.
- The study results show that 256, less than 6%, of the 4,730 PFAS substances presented in the 2018 OECD/UNEP Report are commercially relevant globally.
- This study suggests that grouping and categorizing PFAS using fundamental classification criteria based on composition and structure can be used to identify appropriate groups of PFAS substances for risk assessment.

Introduction

An OECD/UNEP work group commissioned and issued in 2007 a report entitled "Lists of PFOS, PFAS, PFOA, PFCA, Related Compounds and Chemicals that may Degrade to PFCA" listing 982 substances (OECD 2007). Concurrently, regulations on these substances emerged (European Parliament 2006, OECD 2015). Also in 2006, eight major global manufacturers committed to and terminated the manufacture of "long-chain" perfluoroalkyl acids (PFAAs) such as perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and related substances by year-end 2015. (USEPA 2020a) Replacements, including fluorinated alternatives with more favorable environmental and toxicology profiles, were registered and commercialized, e.g., "short-chain" alternatives such as perfluorobutane sulfonyl products and 6:2 fluorotelomer products, fluorinated ether carboxylic acid polymerization aids, and oligomeric fluoropolyethers (Wang et al. 2013, KEMI 2015, Buck 2015, Wang et al. 2020).

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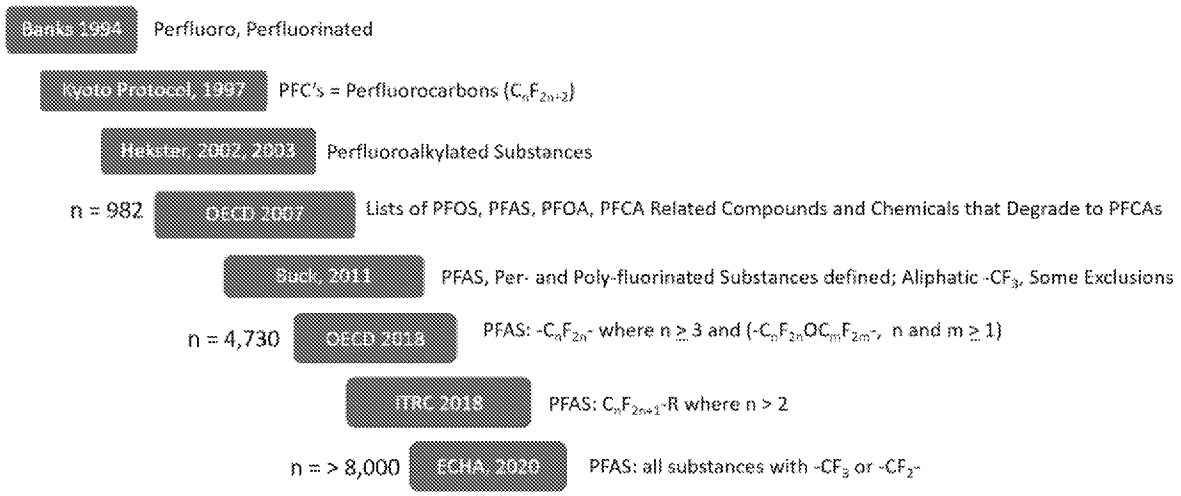
Nomenclature and terminology for per- and poly-fluoroalkyl substances detected in the environment, wildlife, and humans was first presented by a multi-stakeholder group (Buck et al. 2011). The Buck et al. 2011 paper provided clear, specific, and descriptive terminology, names, and acronyms to unify and harmonize communication on PFAS by offering terminology for use by the global scientific, regulatory, and industrial communities. The substances included as PFAS focused on long-chain (OECD 2020a) perfluoroalkyl acids (PFAAs) such as perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), long chain homologues of these two substances, "related substances" (substances that may degrade to form long-chain PFAAs), and substances made using them. PFAS were defined by structure and composition, use, and their relationship to PFAAs. Noting the fundamental property differences amongst PFAS, the authors strongly encouraged the use of clear, specific, and descriptive nomenclature and terms – those provided in the paper – and the use of the acronym PFAS only when truly addressing all the substances defined as PFAS. (See Supplemental Data for PFAS terminology usage discussion) The acronym PFAS as defined and described included named categories, families, subfamilies, and specific substances by name and CAS number. The paper stated that the acronym "PFAS" was not intended to be used to encompass all substances with carbon-fluorine bonds, noting to exclude substances already regulated by authorities or the subject of multi-stakeholder agreements (e.g., The Montreal Protocol, The Kigali Amendment).

Per- and poly-fluoroalkyl substances (PFAS) (Buck et al. 2011) defined a specific universe of fluorinated organic substances with very different physical, chemical and biological properties, including polymers and non-polymers; solids, liquids, and gases; highly reactive and inert substances; soluble and insoluble substances; and volatile and involatile substances. Commercial products that fall within the PFAS definition have been used in a wide variety of

industrial and consumer applications because they have unique performance properties of significant socioeconomic value. (Ebnesajjad, S., 2013, Performance Fluoropolymer Partnership, 2018, Fluoropolymers Product Group, 2018, Moffett et al. 2020). The evolution of the term PFAS over time is depicted in Figure 1.

Figure 1. The Evolution of the Term PFAS



In 2018, an updated report commissioned by OECD/UNEP entitled "Toward a New Comprehensive Global Database of Per- and Polyfluoroalkyl Substances (PFASs): Summary Report on Updating the OECD 2007 List of Per and Polyfluoroalkyl Substances (PFASs)" was issued (OECD, 2018). The report utilized publicly accessible information sources, including PFAS lists compiled by national or international regulatory bodies, public national/regional inventories (including pre-registration), public national/regional inventories of chemicals subject to specific regulations, and a scientific database. The report used an expanded definition for identifying a substance as a PFAS (See Supplemental Data). 4,730 PFAS-related CAS numbers were identified. Each substance was assigned to a structure category. Eight structure categories were defined including several new groups of PFAS. (Table 1) Each Structure Category was

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assigned a code (e.g., 100), and sub-codes were assigned to identify different sub- categories (e.g., 103) and sub-sub categories (e.g., 103.03). (Details in the Supplemental Data)

Table 1 2018 OECD/UNEP Report: 4,730 PFAS substances assigned to eight structure categories

Series	STRUCTURE CATEGORY	#	%
100	perfluoroalkyl carbonyl compounds	514	11%
200	perfluoroalkane sulfonyl compounds	629	13%
300	perfluoroalkyl phosphate compounds	23	1%
400	fluorotelomer-related compounds	1872	40%
500	per- and poly-fluoroalkyl ether-based compounds	365	8%
600	other PFAA precursors and related compounds - perfluoroalkyl ones	314	7%
700	other PFAA precursors or related compounds - semifluorinated	746	16%
800	fluoropolymers	267	6%
		4,730	100%

The 2018 OECD/UNEP report did not determine or identify the commercial relevance of the 4,730 substances. It did not exclude substances never commercialized, phased-out of production, or made in very small research quantities (e.g., < 1 kg). In addition, the report did not explicitly exclude substances already regulated by authorities or the subject of multi-stakeholder agreements such as refrigerants, blowing agents, and propellants subject to the Montreal Protocol (United Nations 2020a) and Kigali Amendment (United Nations 2020b) or pharmaceuticals (Wang, J. et al. 2014) and pesticides, many of which contain per- or poly-fluoroalkyl moieties. The 'large' number of compounds, "nearly 5,000," identified in the 2018 OECD/UNEP Report, has been suggested to be "unmanageable" for regulatory risk assessment and has been used to justify a 'regulate all PFAS' approach as exemplified in the recent European Chemicals Agency (ECHA) call for evidences by five European states, which expanded the definition of "PFAS to its broadest definition ever described (Figure 1)." (ECHA 2020)

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Commercial manufacture of fluorinated organic substances continues to be of high interest, and there is a desire by regulators, the public, academics, and NGOs to better understand what substances are, or have been, actually made and are commercially relevant (Johnson et al. 2020). It is important to reiterate that the 2018 OECD/UNEP Report created a list of substances and their CAS numbers with no recognition of what substances were of commercial relevance, the amount (e.g., tonnage), or the use. Therefore, the 2018 OECD/UNEP Report list does not speak to commercial importance, amount, or socioeconomic benefit. The three major global producers participating in this study recognized it would be useful to identify what substances on the 2018 OECD/UNEP Report list are of commercial relevance today.

This study used a "bottom up" approach to identify how many of the 4,730 substances listed in the 2018 OECD/UNEP Report are directly connected to products actually in commerce globally ("commercially relevant") as of December 2019, from three major global fluorotechnology producers: AGC Chemicals Americas, Inc., The Chemours Company, and Daikin Industries. The study participants are manufacturers of fluoropolymers, perfluoropolyether polymers, and short-chain (aka C6) fluorotelomer-based products. This is the first study to identify commercially relevant substances and thereby a subset of the 4,730 listed substances that are related to current commercial manufacturing (aka commercially relevant). For the purpose of this assessment, commercially relevant is defined to include substances on the 2018 OECD/UNEP Report list that are present in a commercial product offered for sale, including product components and impurities, ingredients used to make a commercial product and impurities, and degradation products (aka metabolites). (See Figure 2)

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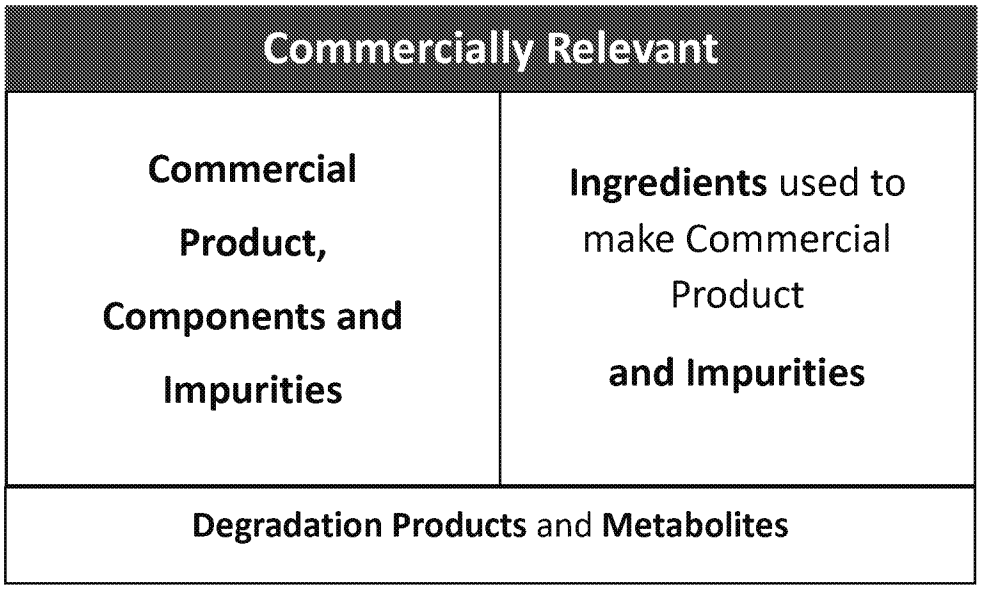
Figure 2 Substances Included in Commercially Relevant List



Materials & Methods

AGC Chemicals Americas, Inc., Daikin Industries, and The Chemours Company participated in this study. The 2018 OECD/UNEP Report entitled: "(new comprehensive) Global Database of Per- and Polyfluoroalkyl Substances (PFAS)" provides a database listing 4,730 PFAS-related CAS numbers (OECD 2018). As noted earlier, the report does not determine or identify the commercial relevance, commercial quantity, or socioeconomic benefit of the 4,730 substances, and it does not exclude substances never commercialized or made in research quantities (e.g., < 1 kg) to identify or differentiate substances that are presently commercially relevant globally.

The study participants' product knowledge experts queried individual company databases and company subject matter experts to identify the commercially relevant (see Figure 2) substances on the list based on commercial products made and processes operating in December 2019.

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To assist the participating companies, the American Chemistry Council (ACC) contracted an external independent consultancy, IAL, a division of BRG, that has over 40 years of experience delivering proprietary consulting projects to the world's leading chemical companies, to confidentially gather and collate the participants' data. (IAL 2020) IAL contacted each participating company individually to collect their input. Individual company results were blinded and aggregated and not shared among the companies. IAL compiled the participants' input into a summary of commercially relevant substances on the 2018 OECD/UNEP report list summed by structure category.

Study Methodology

1. The ACC provided IAL with a list of study participant companies. IAL contacted each company independently and offered two options for completing the survey. Companies could complete the survey and return the completed documents to IAL or they could arrange a telephone interview with IAL to collaboratively complete the survey.
2. For the purposes of this survey "commercially relevant" substances were defined to include:
    - Commercial Product
        a) Component in a Commercial Product;
        b) Impurity, an unintended substance, present in a commercial product (including those known or highly believed to be present, created during the synthesis / manufacture of the Commercial Product).
    - Ingredient – used / added to manufacture the Commercial Product
        a) Impurity an unintended substance, present in the Ingredient

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- Degradation Product – a substance known, or highly believed, to be formed from abiotic or biotic degradation of a Commercial Product, Component, Impurity or Ingredient (aka metabolites)

3. Each company independently submitted its survey results to IAL, which then compiled the data into one list of commercially relevant PFAS substances, with no distinction made between commercial product, component, ingredient, impurity, or degradation product.
    - As part of this assessment, participants did not limit themselves to the OECD compound list and also reported additional "commercially relevant" substances not present on the 2018 OECD/UNEP Report 4730 compound database list.
4. IAL then provided the companies with a composite list of PFASs used commercially for further analysis.
5. No production amount/volume data, commercial product names, uses (such as articles that may contain PFAS substances), functionality information, or alternatives information were requested and none were provided for any compound.
6. This research was conducted on a confidential basis, and no information is attributed to individuals or organizations.

Results

The study results were gathered and categorized first according to the PFAS definition and substance classes set forth in Buck et al. 2011. Following the study methodology described above, 241 commercially relevant substances were reported that met the PFAS definition set forth in 2011. An additional 15 substances reported did not meet the 2011 definition because they are either hydrofluoroethers (HFEs), hydrofluoroolefins (HFOs), refrigerants, or contain an aromatic ring, all of which were excluded in the 2011 definition. Therefore, a total of 256

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substances were identified in this bottom up survey. The data were sorted using fundamental structure and composition criteria, first as Non-Polymer or Polymer, and second in to the five classes presented in 2011. The results are presented in Table 2 and pictorially presented in Figure S1 and Figure S2 in the Supplemental Data. Most of the substances reported, 189, are Non-Polymer, 78% of the total. Of the Non-Polymer substances, 111 are Non-Polymer polyfluoroalkyl substances and 78 are Non-Polymer perfluoroalkyl substances. 22% of the reported substances are Polymer including 38 fluoropolymers, 8 perfluoropolyether polymers and 6 side-chain fluorinated polymers.

Table 2: Commercially Relevant Substances from three major global producers by Substance Class using Buck et al. 2011 PFAS definition

		SUBSTANCE CLASS	#		%	
Non-Polymer (NP)	**1**	NP Perfluoro	**78**	**189**	**32%**	**78%**
	2	NP Polyfluoro	**111**		**46%**	
Polymer	**3**	Fluoropolymer	**38**	**52**	**16%**	**22%**
	4	Perfluoropolyether Polymer	**8**		**3.3%**	
	5	Side-Chain Fluorinated Polymer	**6**		**2.5%**	
			241		**100%**	

Second, using the expanded PFAS definition set forth in the 2018 OECD/UNEP Report, a total of 256 distinct commercially relevant substances were reported by the study participants. The data were reported as sum totals in each of the eight structure categories set forth in the report. The results are presented in Table 3. The three structure categories containing the most substances are, in descending order: per- and polyfluoroalkyl ether-based compounds (series

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207 500), fluorotelomer-related compounds (series 400), and fluoropolymers (series 800),
208 constituting 77% of the total number of substances.

209 **Table 3** 2018 OECD/UNEP Report: Commercially Relevant Substances by Structure Category
210 and Percent (%) and Number (n) of substances in each Structure Category

		This Study		2018 OECD/UNEP Report	
Series	**STRUCTURE CATEGORY**	%	n	%	n
100	perfluoroalkyl carbonyl compounds	5	14	10.9	514
200	perfluoroalkane sulfonyl compounds	1	2	13.3	629
300	perfluoroalkyl phosphate compounds	0	0	0.5	23
400	fluorotelomer-related compounds	28	71	39.6	1872
500	per- and poly-fluoroalkyl ether-based compounds	34	87	7.7	365
600	other PFAA precursors and related compounds - perfluoroalkyl ones - e.g., PF Alka(e)nes	8	20	6.6	314
700	other PFAA precursors or related compounds - semifluorinated - e.g., HFC's/HFE's	9	24	15.8	746
800	fluoropolymers	15	38	5.6	267
		100	256	100	4730

211

212 Last, to provide perspective on the "bottom-up" list of commercially relevant substances,
213 this study compared the 2018 OECD/UNEP Report category classifications with the currently
214 available US EPA TSCA Active List (USEPA 2019). The US EPA TSCA Active List contains
215 370 non-CBI PFAS compounds and 236 CBI-classified PFAS compounds for a total of 606
216 active PFAS compounds on the U.S. EPA TSCA Inventory (See Supplemental Data). For the
217 370 non-CBI compounds, 26 did not meet the 2018 OECD/UNEP Report's PFAS definition,
218 leaving 344 compounds to slot into the 8 structure categories. These classifications are shown in
219 Table 4. It is also noteworthy that of the 344 compounds that did meet the 2018 OECD/UNEP

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220 Report's PFAS definition, approximately 149, or 43% of these compounds, could be classified as
221 legacy long-chain substances.

222 **Table 4** US EPA non-CBI TSCA Active List assigned to 2018 OECD/UNEP Report Structure
223 Categories

Series	STRUCTURE CATEGORY	#	%
100	perfluoroalkyl carbonyl compounds	36	10.5%
200	perfluoroalkane sulfonyl compounds	90	26.2%
300	perfluoroalkyl phosphate compounds	2	0.6%
400	fluorotelomer-related compounds	103	29.9%
500	per- and poly-fluoroalkyl ether-based compounds	39	11.3%
600	other PFAA precursors and related compounds - perfluoroalkyl ones - e.g., PF Alka(e)nes	30	8.7%
700	other PFAA precursors or related compounds - semifluorinated - e.g., HFC's/HFE's	2	0.6%
800	fluoropolymers	42	12.2%
		344	**100%**

224

225 **Discussion**

226 The 2018 OECD/UNEP Report was an update of the 2007 OECD/UNEP Report that
227 listed 982 substances. The 13-month effort from January 2017 to February 2018 conducted to
228 compile the 2018 OECD/UNEP Report identified 4,730 substances by CAS number and
229 assigned them to eight structure categories, each containing a number of sub-categories. (Table
230 1) It was acknowledged in the 2018 OECD/UNEP Report that there were many challenges,
231 limitations, and gaps in this very large categorization process. In addition, the report did not
232 determine or identify the commercial relevance of the 4,730 substances, or exclude substances
233 never commercialized or substances made in very small research quantities (e.g., < 1 kg).
234 Moreover, the report did not explicitly exclude substances already subject to unique, specific
235 regulatory frameworks and multi-stakeholder efforts such as refrigerants, blowing agents, and

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236 propellants subject to the Montreal Protocol (United Nations, 2020a) and Kigali Amendment
237 (United Nations, 2020b) or pharmaceuticals and pesticides, many of which contain per- or poly-
238 fluoroalkyl moieties (United Nations 2020a, United Nations 2020b, Wang, J. et al. 2014).

239 Using the PFAS definition set forth in the 2018 OECD/UNEP Report, this is the first
240 study to conduct an in-depth assessment of the substances listed in this report by global
241 commercial manufacturers that identified a total of 256 commercially relevant substances, less
242 than 6% of the 4,730 (Table 3). Looking at the results by structure category / series, only a small
243 number of substances of commercial relevance were reported in series 100 – 300, Non-Polymer
244 perfluoroalkyl substances: perfluoroalkyl carbonyl compounds (14), 200 – perfluoroalkyl
245 sulfonyl compounds (2) and none in series 300 – perfluoroalkyl phosphate compounds. The
246 three major global producers who participated in the study have few series 200 (perfluoroalkyl
247 sulfonyl compounds), because the participants do not practice electrochemical fluorination
248 (ECF), the primary process that is the origin of many of these substances. The majority, 77%, of
249 the commercially relevant substances were in three structure categories: series 500: per- and
250 polyfluoroalkyl ether-based compounds, series 400: fluorotelomer-related compounds, and series
251 800: fluoropolymers. As expected, the commercially relevant substances identified in this study
252 align with the commercial products manufactured by the study participants: fluoropolymers,
253 perfluoropolyether polymers, and short-chain fluorotelomer-based products. The data from this
254 study compared to the 2018 OECD/UNEP list is presented in Table 3 (See also the Supplemental
255 Data). In addition, whilst specific substances input by the study participants are confidential,
256 twenty-six examples of commercially relevant substances from the three major producers who
257 participated in the study that are present on the 2018 OECD/UNEP Report List and/or the
258 USEPA non-CBI List are provided in structure categories in Table 5. Two confidential

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259 substances, not able to be recited, were reported for series 200, perfluoroalkane sulfonyl
260 compounds, and no substances were reported for series 300, perfluoroalkyl phosphate
261 compounds.

262 **INSERT TABLE 5 HERE [separate Word File]**

263 How these 256 commercially relevant substances fit into the 2018 OECD/UNEP Report's
264 structure categories and how they compare with the OECD List of 4,730 substances in presented
265 in Table 3. The number and percentage of total substances identified in this study as
266 commercially relevant when compared to the 2018 OECD/UNEP Report list is shown. The
267 fluorotelomers (series 400) was significantly smaller at 28% for this study vs. the 2018
268 OECD/UNEP Report list at nearly 40%. The data for Ethers (series 500; 34%) and
269 Fluoropolymers (series 800; 15%) were significantly higher than those in the 2018 OECD/UNEP
270 Report List at nearly 8% and nearly 6%, respectively. This is consistent with the study
271 participants' principal commercial products as noted earlier. A comparison of the US EPA non-
272 CBI TSCA List Categorization to both this study and the 2018 OECD/UNEP Report is presented
273 in the Supplemental Data.

274 A challenge arises when trying to compare the results of this study using the Buck et al.
275 2011 PFAS definition and classification and using the 2018 OECD/UNEP Report definition and
276 classification. As shown in Table 6, the 2018 OECD/UNEP Report structure categories 400,
277 500, 600, and 700 combine and overlap Polymer and Non-Polymer substances as well as
278 perfluoro- and polyfluoro- Non-Polymer substances. The fundamental classification criteria,
279 Polymer and Non-Polymer, perfluoro- and polyfluoro-, distinguish substances using chemical
280 structure distinction concepts based on basic structure and atomic composition. Unfortunately,
281 these fundamental classification criteria were not used to differentiate and categorize substances

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in the 2018 OECD/UNEP Report methodology. Thus, the structure categories contain substance types that have fundamentally different structure and composition (e.g., Non-Polymer and Polymer) and do not belong together. One may dig into the detailed structure sub-categories and sub-sub-categories provided, but these do not facilitate sorting substances based on fundamental properties. Starting to sort substances based on fundamental classification criteria first makes sense, followed by useful articulation of structure categories and subcategories using well-established structure and composition criteria that are the basis to differentiate and categorize organic chemicals. We suggest this approach to sorting PFAS should be applied to identify and group commercially relevant PFAS for regulatory assessment.

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Table 6 Comparison of classification / categorization approaches

Buck et al. 2011				2018 OECD/UNEP Report	
Class*				Series	STRUCTURE CATEGORY
1			Non-Polymer Perfluoro	100	perfluoroalkyl carbonyl compounds
1			Non-Polymer Perfluoro	200	perfluoroalkane sulfonyl compounds
1			Non-Polymer Perfluoro	300	perfluoroalkyl phosphate compounds
1	2	5	Non-Polymer & Polymer ‡	400	fluorotelomer-related compounds‡
1	2	4	Non-Polymer & Polymer ‡	500	per- and poly-fluoroalkyl ether-based compounds ‡
1			Non-Polymer Perfluoro	600	other PFAA precursors and related compounds - perfluoroalkyl ones
1	2		Non-Polymer Perfluoro & Polyfluoro §	700	other PFAA precursors or related compounds - semifluorinated §
		3	Polymer	800	fluoropolymers

*From Table 1: 1 = Non-Polymer Perfluoroalkyl; 2 = Non-Polymer Polyfluoroalkyl; 3 = Fluoropolymer; 4 = Perfluoropolyether Polymer; 5 = Side-chain Fluorinated Polymer
‡ Includes both Non-Polymer and Polymer Substances as well as Perfluoroalkyl and Polyfluoroalkyl Non-Polymer Substances
§ Includes both perfluoroalkyl and polyfluoroalkyl Non-Polymer Substances

Uncertainties need to be acknowledged regarding the results reported in this study. Analytical tools, techniques, and methods are rapidly evolving and advancing to identify PFAS substances in product matrices (which can be very challenging) at parts-per-billion and perhaps lower levels i.e., parts-per-trillion. (European Parliament 2006, OCED 2020b) Therefore, there are possibly more substances not yet identified. Work will need to continue on identification and defining concentration levels of unintentional impurities in products. Second, polymers registered and reported with CAS numbers may vary up to two percent with additional monomers and still have the same CAS number. This means that there are likely more fluoropolymers and more fluorotelomer-based side-chain fluorinated polymers than the numbers

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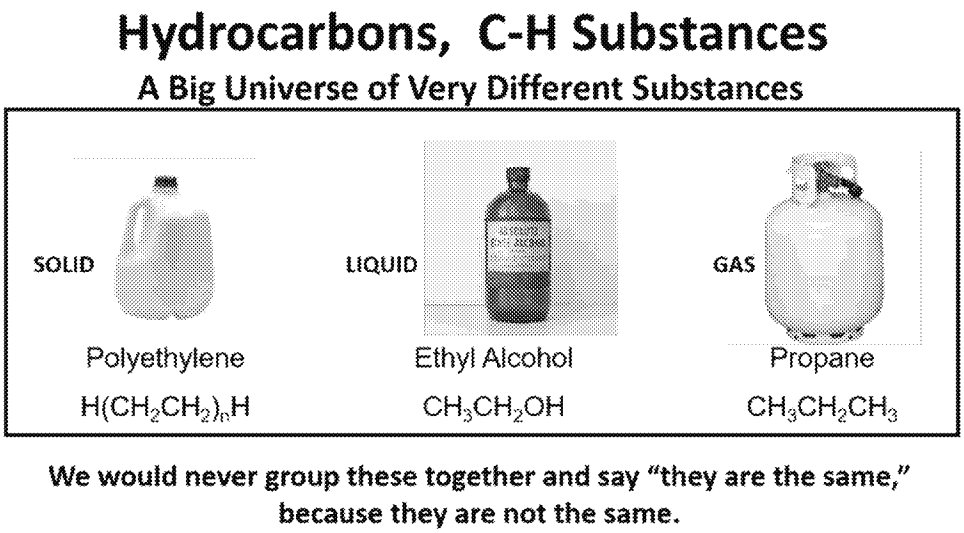
309 in this the study identified. Third, all study participants participated in the 2010/15 USEPA
310 PFOA Stewardship Program. (USEPA 2020a) As such, as of December 2019, short-chain (aka
311 C6) fluorotelomer-based substances were being manufactured and no manufacture or use of
312 PFOA, longer-chain homologues, or their potential precursors is occurring. The results of this
313 study reflect this noteworthy commercial reality for the participants in the survey. The outcome
314 of this study does clearly show that the actual number of commercially relevant substances is
315 substantially smaller than the 4,730 substances listed in the 2018 OECD/UNEP report. This
316 study shows that there are a few hundred PFAS commercially relevant chemistries, not
317 thousands.

318 Since its publication, the 2018 OECD/UNEP Report list of 4,730 PFAS chemistries has
319 been cited widely in the press and scientific literature as a list of commercial PFAS substances
320 (for example, Glüge et al. 2020), which it is not. This study suggests these statements are likely
321 incorrect. The number of commercially relevant substances, not including substances made for
322 research purposes in small quantities, which may constitute a large number of the substances on
323 the list, is significantly smaller. Further, the 2018 OECD/UNEP Report has been cited as
324 justification for grouping all PFAS as one (ECHA 2020, Cousins et al. 2020) and not conducting
325 proper complete risk assessments, thus abandoning over 100 years of accepted regulatory
326 practice based on the development of sound societal use decisions anchored in scientifically
327 developed risk vs. benefit assessments (UNEP/IPCS 1999, Paustenbach 2002, UNEDSA 2010,
328 USEPA 2020c). Likewise, the misuse of the 2018 OECD/UNEP Report has served as the
329 catalyst and justification for pursuing such subjective approaches to regulation and de-regulation
330 as assigning essential or non-essential use classifications in place of more definitive approaches
331 driven by data (Cousins et al. 2020, 2019). Thus, the assertion that there are too many of these

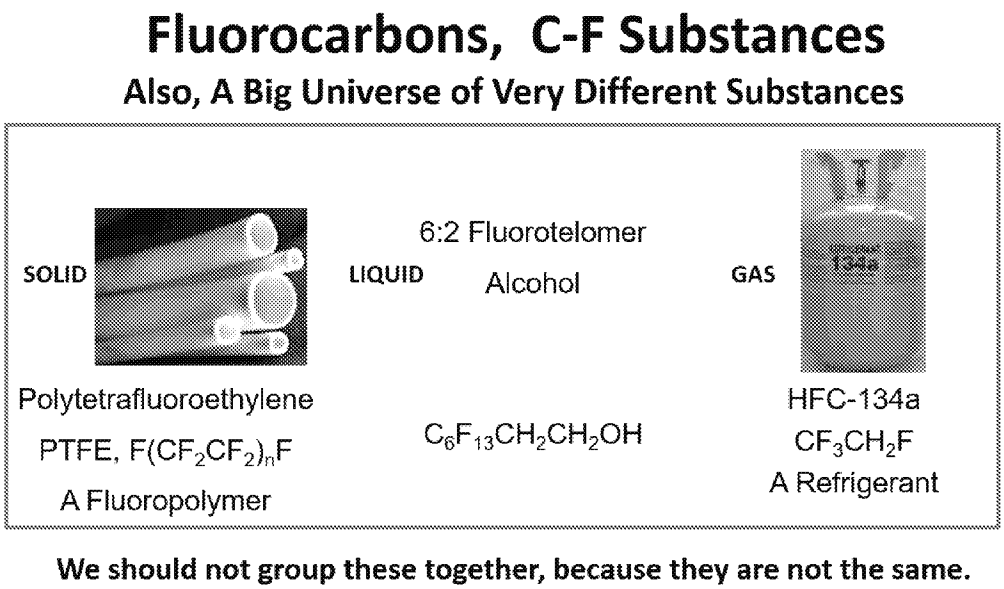
substances (4,700, aka "thousands") and the number is "unmanageable" for regulatory risk assessment used to justify a 'regulate all PFAS' approach (ECHA 2020) to conduct proper risk assessments is incorrect.

The acronym PFAS describes a universe of fluorinated organic substances with vastly different physical, chemical, and biological properties, including Polymers and Non-Polymers; solids, liquids, and gases; highly reactive and inert substances; soluble and insoluble substances; and volatile and involatile substances. No one would assert that the organic chemicals polyethylene (a solid polymer), ethanol (a liquid, used in hand sanitizer), and propane (a flammable gas) should be "grouped together" because they all have $-CH_2-$ in them. Likewise, polytetrafluoroethylene (a solid, incredibly stable polymer), short-chain 6:2 fluorotelomer alcohol (a liquid), and HFC-134a (a refrigerant gas) should not be grouped together because they have $-CF_2-$ in them; they have completely different properties, hazards, and risk based on how they are used. (Figures 3 and 4)

Figure 3 Hydrocarbons: A Big Universe of Very Different Substances



347 **Figure 4** Fluorocarbons: Also, A Big Universe of Very Different Substances



348

349 Hundreds of substances can be appropriately categorized and grouped for risk
350 assessment. It works for the organic chemical universe, and it can and should similarly be
351 applied for the universe of fluorinated organic substances based on the composition and
352 properties of the substances and their use(s).

353 Furthermore, there has been a move to expand the definition of PFAS to include
354 substances containing only an isolated $-CF_2-$ group in the carbon backbone (ECHA 2020,
355 USEPA 2020b). We suggest this is not a prudent approach, as organic substances containing a -
356 CF_2- group adjacent to a hydrocarbon moiety, $-CH_2-$, would not be expected to lead to persistent
357 fluorinated substances upon degradation. These specific substances would be readily susceptible
358 to biodegradation leading to breaking of the carbon-fluorine bonds and elimination of the
359 fluorine atoms. For example, this has been well demonstrated in the biodegradation pathways of
360 fluorotelomer alcohols, $F(CF_2)_n$-**CF_2-CH_2**-CH2OH, which have a $-CF_2-$ group adjacent to a -
361 CH_2- group is readily degraded, breaking both $-CF_2-$ carbon-fluorine bonds (Liu and Avendaño

362 2013). Thus, without the presence of a CF_3- in the substance, there would not be the possibility
363 of degradation leading to a persistent fluorinated carboxylic acid as an end-product. Therefore,
364 we submit that substances containing only an isolated -CF_2- group in the carbon backbone should
365 not be classified as PFAS.

366 The present study shows that the number of commercially relevant PFAS manufactured
367 by the authors' companies is 256, which is small when compared to the total number of
368 substances (4,730) on the OECD list by individual CAS number, roughly 5.5%. The breakdown
369 of commercial substances by class is shown in Table 3. There are 189 Non-Polymer versus 52
370 Polymer substances (plus 15 not classified). This means the number of substances needing
371 evaluation is significantly reduced and should be manageable. The commercially relevant PFAS
372 chemistries can be classified into the following five sub-classes: Non-Polymer Perfluoroalkyl,
373 Non-Polymer Polyfluoroalkyl, Fluoropolymers, Perfluoropolyether Polymers, and Side-chain
374 Fluorinated Polymers. In fact, these five classes of substances possess very different physical-
375 chemical properties and toxicological profiles, and they should not be grouped together when
376 evaluating their risk to humans and the environment. For example, fluoropolymers are high
377 molecular weight, water-insoluble, inert polymers that are not bioavailable (Henry et al. 2018).
378 Further, the toxicological properties within a given class can vary greatly depending on structure
379 as demonstrated by the dramatic toxicological property differences between the two
380 perfluorocarboxylic acids (PFCAs), perfluorohexanoic acid and perfluorooctanoic acid (Luz et
381 al. 2019, Anderson et al. 2019).

382 **Future Work**

383 A unique and critical attribute of this study is that it was done by a bona-fide "bottom-up"
384 approach by three major global producers to identify commercially relevant substances. The

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385 results of this study contain information from three major global producers. To obtain a more
386 complete global picture of commercially relevant substances, we strongly encourage other
387 producers to weigh in. The methodology presented in this study provides a ready-to-use
388 template for further study with participation from additional global producers. A reminder that
389 highly detailed information such as specific CAS numbers and production amounts were not
390 gathered in this study to ensure confidentiality.

391 The 2018 OECD/UNEP Report list is not the only list of PFAS substances (USEPA
392 2020b, Williams et al. 2017). Future work may endeavor to overlay assessment and data
393 gathered with multiple lists and seek to align stakeholders on criteria that provide a clear,
394 understandable, and sound scientific basis for grouping and categorizing PFAS substances as a
395 basis for their assessment.

396 **Summary and Conclusions**

397 Numerous lists of per- and poly-fluoroalkyl substances, some with thousands of entries,
398 have been compiled from database searches, but none have clearly identified which of the
399 substances on these lists are in commercial use – aka, commercially relevant. Moreover, the
400 structural definition of what constitutes a substance as a PFAS has evolved and changed over
401 time, leading to confusion and a lack of clarity that conflicts with the desired purpose and intent
402 of the original multi-stakeholder paper that first defined PFAS (Buck et al. in 2011). The purpose
403 of this study was to identify the commercially relevant PFAS substances on the 2018
404 OECD/UNEP Report list in global commerce today based on input from three major global
405 producers: AGC Chemicals America, Inc., Chemours, and Daikin Industries. This study
406 provides new and valuable insight to the limited number of substances of commercial relevance
407 on the 2018 OECD/UNEP Report list of PFAS substances. The study identified and classified

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408 256 commercially relevant PFAS. The results show that a small subset, 256, roughly 5.5%, of
409 the 4,730 PFAS substances presented in 2018 OECD/UNEP Report are commercially relevant.
410 Further, the study highlights that how classification criteria are applied matters by comparing the
411 results when the original 2011 definition and categorization for PFAS is applied to the results
412 and when the definition and categorization presented in the 2018 OECD/UNEP report are
413 applied. The comparison suggests that grouping and categorizing PFAS using fundamental
414 classification criteria based on composition and structure provided in Buck et al. 2011 first is the
415 best practice and makes sense. This approach can be used to identify appropriate groups of
416 PFAS substances for risk assessment thereby dispelling assertions that there are too many PFAS
417 chemistries ("thousands") and the number is "unmanageable" to conduct regulatory risk
418 assessments for the commercially relevant substances.

419 **Supplemental Data**

420 The Supplemental Data contains additional background information, tables and figures.

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":~:text=The%20Kigali%20Amendment%20aims%20for,cutting%20their%20production%20and%20consumption.&text=The%20amendment%20will%20enter%20into,in%20HFC%20consumption%20by%202047"]

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ED_006319A_00008469-00026

Message

From: Hartman, Mark [Hartman.Mark@epa.gov]
Sent: 5/21/2019 5:03:05 PM
To: Morris, Jeff [Morris.Jeff@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: FW: Pending Bill Re Safer Choice
Attachments: PFAS Bills Summary.docx

Here is what we have so far re: PFAS Bills. Waiting on safer choice and one more from CCD. The IO was looking for this tomorrow.

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Hartman, Mark
Sent: Tuesday, May 21, 2019 11:03 AM
To: Davies, Clive <Davies.Clive@epa.gov>
Cc: Widawsky, David <Widawsky.David@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>; Rutsch, Linda <Rutsch.Linda@epa.gov>; Adams, Melanie <Adams.Melanie@epa.gov>; Sweet, Lauren <sweet.lauren@epa.gov>
Subject: RE: Pending Bill Re Safer Choice

Please add your input to this document in this format. Thanks.

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Davies, Clive
Sent: Thursday, May 16, 2019 6:06 PM
To: Hartman, Mark <Hartman.Mark@epa.gov>
Cc: Widawsky, David <Widawsky.David@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>; Rutsch, Linda <Rutsch.Linda@epa.gov>; Adams, Melanie <Adams.Melanie@epa.gov>; Sweet, Lauren <sweet.lauren@epa.gov>
Subject: Re: Pending Bill Re Safer Choice

Mark

If David or Tom are online, they may wish to update this input.

We would need to dedicate two additional FTE to holding a listening session, and developing, proposing, and finalizing changes to the standard.

Third parties would absorb the lions' share of the workload to implement the changes. However, the special expertise and product flow through required to implement the standard would require an ongoing 2 FTE.

Stakeholders may express concern that the absence of PFAS does not necessarily equal a safer product.

Am moving today. If you need more, please call or text 202 506 0158.

Clive.

Sent from my iPhone

On May 16, 2019, at 5:21 PM, Hartman, Mark <Hartman.Mark@epa.gov> wrote:

> https://www.congress.gov/116/bills/hr2566/BILLS-116hr2566ih.pdf
>
> It is short. Please send me a blurb on impacts were this to pass. Looking for 2-3 sentences max. ASAP.
>
> Thanks.
>
> Mark A. Hartman
> Deputy Director for Management
> Office of Pollution Prevention and Toxics
> (202) 564-0985 (O)
> (571) 438-0738 (C)

Message

From: Morris, Jeff [Morris.Jeff@epa.gov]
Sent: 5/21/2019 5:34:31 PM
To: Hartman, Mark [Hartman.Mark@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Pending Bill Re Safer Choice
Attachments: PFAS Bills Summary Jeff.docx

In the attached, I identify a couple statements that I think might go beyond the scope of TA – would like OCIR's view. Also one suggested added bit of language on testing.

From: Hartman, Mark
Sent: Tuesday, May 21, 2019 1:03 PM
To: Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: FW: Pending Bill Re Safer Choice

Here is what we have so far re: PFAS Bills. Waiting on safer choice and one more from CCD. The IO was looking for this tomorrow.

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Hartman, Mark
Sent: Tuesday, May 21, 2019 11:03 AM
To: Davies, Clive <Davies.Clive@epa.gov>
Cc: Widawsky, David <Widawsky.David@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>; Rutsch, Linda <Rutsch.Linda@epa.gov>; Adams, Melanie <Adams.Melanie@epa.gov>; Sweet, Lauren <sweet.lauren@epa.gov>
Subject: RE: Pending Bill Re Safer Choice

Please add your input to this document in this format. Thanks.

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Davies, Clive
Sent: Thursday, May 16, 2019 6:06 PM
To: Hartman, Mark <Hartman.Mark@epa.gov>
Cc: Widawsky, David <Widawsky.David@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>; Rutsch, Linda <Rutsch.Linda@epa.gov>; Adams, Melanie <Adams.Melanie@epa.gov>; Sweet, Lauren <sweet.lauren@epa.gov>
Subject: Re: Pending Bill Re Safer Choice

Mark

If David or Tom are online, they may wish to update this input.

We would need to dedicate two additional FTE to holding a listening session, and developing, proposing, and finalizing changes to the standard.

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Am moving today. If you need more, please call or text 202 506 0158.

Clive.

Sent from my iPhone

On May 16, 2019, at 5:21 PM, Hartman, Mark <Hartman.Mark@epa.gov> wrote:

> https://www.congress.gov/116/bills/hr2566/BILLS-116hr2566ih.pdf
>
> It is short. Please send me a blurb on impacts were this to pass. Looking for 2-3 sentences max. ASAP.
>
> Thanks.
>
> Mark A. Hartman
> Deputy Director for Management
> Office of Pollution Prevention and Toxics
> (202) 564-0985 (O)
> (571) 438-0738 (C)

Message

From: Le, Madison [Le.Madison@epa.gov]
Sent: 6/10/2021 10:48:56 AM
To: Williamson, Tracy [Williamson.Tracy@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]
Subject: Re: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Thanks Tracy!

Alison/Tala - Are Tracy's comments enough to be responsive to the request? Or is the an ask to provide recommended edits to the actual document language to align the definition (based on differences identified)?

Sent from my iPhone

On Jun 9, 2021, at 9:47 PM, Williamson, Tracy <Williamson.Tracy@epa.gov> wrote:

[Request: advise how the PFAS definition on page 3 of the TA doc is the same or different than the OPPT and OECD definitions]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:19 PM
To: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Passe, Loraine <Passe.Loraine@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>

Subject: FW: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:16 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Alison - acknowledging receipt.

Tracy - I know that Tristan has been helping on this area, but I think he is gone for the day. Can you take a look and provide some high level feedback (and follow up tomorrow morning, if you need to check with Tristan).

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Wednesday, June 9, 2021 5:06 PM
To: Le, Madison <Le.Madison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi NCD – With apologies for the firedrill, we could use your assistance with the attached. Could you guys please take a look at the definition of PFAS in the attached TA (page 3) and advise how this is the same or different that our working definition and that of the OECD?

OCSPP is requesting by noon tomorrow, so the soonest you can get this to us in the morning, we'd appreciate. I've also got a request in to OCSPP to see if we can move that deadline by a few hours – but no promises on that front.

Best,
Alison

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Richmond, Jonah <Richmond.Jonah@epa.gov>
Sent: Wednesday, June 9, 2021 4:19 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Resending with a non-SharePoint file.

Alison/Susanna,

Please see the request for OCSPP review below/attached. Greg Spraul is asking for feedback by COB tomorrow. If you can provide any feedback by noon tomorrow, that would give Mary time to run by Michal tomorrow.

Thanks,
Jonah

Jonah Richmond
Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Mobile: (202) 748-6012

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.
<ta_shaheen_pfas.docx>

Message

From: Wang, Lili [Wang.Lili@epa.gov]
Sent: 6/9/2021 5:37:08 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List

Thank you so much,

Lili

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, June 09, 2021 11:54 AM
To: Wang, Lili <Wang.Lili@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Almost…it cleared OMB on Monday…we are striving for pre-pub to be posted on Thursday…will forward you that when it happens.
Tala

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Wang, Lili <Wang.Lili@epa.gov>
Sent: Wednesday, June 9, 2021 8:52 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

I meant Tala. So sorry.

From: Wang, Lili
Sent: Wednesday, June 09, 2021 8:51 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Tala,

Just a quick follow-up to your email below, has the TSCA section 8 rule been published? We've incorporated your definition of PFAS into the Draft CCL 5 FRN for the PFAS listing and could reference the section 8 rule, if it's published.
Thanks,

Lili

Lili Wang, P.E., MBA
Acting Chief, Targeting and Analysis Branch
Standards and Risk Management Division
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
Office: 202-564-9156
Cell: 202-308-5619

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 4:16 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Below is the language we have in the TSCA section 8 rule to collect a wide variety of data on PFAS, that is currently at OMB and we will publish hopefully by end of the month:

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

The magic formula is that we can write "The Draft Contaminant Candidate List 5 (CCL 5) and the Final CCL 5, when published, will not impose any requirements on regulated entities."
Let us know who to contact/how to reference the OPPT working definition of PFAS.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 2:49 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Wow, what is the magic formula for that?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

One other point Tala. I was mistaken when I wrote we were transmitting draft CCL5 to OMB. They waived review. We are preparing the notice for signature/publication.

From: Burneson, Eric
Sent: Wednesday, May 19, 2021 12:00 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Tala:
Thank you for the rapid response. I have replied to your questions in blue below. Also note that in my response below I

Ex. 5 Deliberative Process (DP)

Eric

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 10:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM

To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: Listing PFAS on the Contaminant Candidate List

Tala:
We are in the final stages of developing a draft fifth Contaminant Candidate List (CCL 5) for public comment and are working to transmit this draft to OMB in the coming weeks. Because of the high priority of PFAs the following language is in our notice:

Ex. 5 Deliberative Process (DP)

The notice also clarifies that listing contaminants as groups does not mean that the agency will regulate the contaminants as groups:

Ex. 5 Deliberative Process (DP)

I am writing to you because we do not have an OPPT participant on our Workgroup for this action and we wanted to be certain that this proposed CCL5 grouping does not have unforeseen implications for OPPT. Can you or someone from your organization let us know if you have concerns with this approach?

As you know, ORD and OPPT do not believe ALL PFAS are a single group – not from chemical structure/class, pchem property, or biological effects perspective, i.e., it is not best available science to consider all one class or group for assessment purposes. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a "working definition", i.e., a chemical structure definition we have used in several rulemakings. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250 (Office)
202 380 8897 (Mobile)

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/10/2021 8:01:28 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: USE THIS VERSION FW: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Got it, will send forward shortly. Thanks. -a

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, June 10, 2021 3:58 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: USE THIS VERSION FW: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Talked to Michal – here is what to send up (simplified)

- Ex. 5 Deliberative Process (DP)
-

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/10/2021 4:53:11 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Got it – thanks!

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, June 10, 2021 12:47 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

[Request: advise how the PFAS definition on page 3 of the TA doc is the same or different than the OPPT and OECD definitions]

OPPT RESPONSE: As written, and as one commenter points out, the TA doc could be interpreted to cover (*"The term 'covered perfluoroalkyl substance' means"*) ten distinct PFAS substances: PFOA and three PFOA salts, PFOS and five PFOS salts. The TA doc specifically lists the ten rather than provide a category definition, whereas the TSCA and OECD definitions are the more general structure-based definitions.

The substances covered in the TA doc as written (PFOA, PFAS, and any or all of their salts) are within both the TSCA and OECD definitions (albeit small subsets of the TSCA universe and OECD universe of PFAS substances). The TA doc includes a linear C8 carboxylic acid and at least three of its salts, and a linear C8 sulfonic acid and at least five of its salts. In addition to linear carboxylic and sulfonic acids, OPPT and OECD also include branched, cyclic, ethers, polymers, etc.

REFERENCES

1. OPPT working definition: R-CF2-CFR'R" where the R's do not equal H
2. OECD definition: substance contains a CF2 or CF3
3. *"EPA Technical Assistance to Sen. Shaheen on PFAS Testing and Treatment Act of 2021"* doc

"(a) Definitions.—In this section:

* * *

"(2) COVERED PERFLUOROALKYL SUBSTANCE.—The term 'covered perfluoroalkyl substance' means—

"(A) perfluorooctanoic acid (commonly referred to as 'PFOA') (Chemical Abstracts Service No. 335–67–1);

"(B) the salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825–26–1, 335–95–5, and 68141–02–6);

"(C) perfluorooctane sulfonic acid or sulfonate (commonly referred to as 'PFOS') (Chemical Abstracts Service No. 1763–23–1); and

"(D) the salts associated with the chemical described in subparagraph (C) (Chemical Abstracts Service Nos. 2795–39–3, 29457–72–5, 56773–42–3, 29081–56–9, and 70225–14–8).

What's specifically covered, as written:

- PFOA/perfluorooctanoic acid (Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-", CASRN 335–67–1)
- At least three salts of PFOA:
  - 3825–26–1 – ammonium salt of PFOA ("Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1)")
  - 335–95–5 – sodium salt of PFOA ("Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1)")
  - 68141–02–6 – chromium 3+ salt of PFOA ("Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, chromium(3+) salt (3:1)")
  - Possibly other salts
- PFOS/perfluorooctane sulfonic acid ("1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-", CASRN 1763–23–1)
- At least five salts of PFOS:
  - 2795–39–3 – potassium salt of PFOS ("1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, potassium salt (1:1)")
  - 29457–72–5 – lithium salt of PFOS ("1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, lithium salt (1:1)")
  - 56773–42–3 – triethylethanaminium salt of PFOS ("Ethanaminium, N,N,N-triethyl-, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-1-octanesulfonate (1:1)")
  - 29081–56–9 – ammonium salt of PFOS ("1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, ammonium salt (1:1)")
  - 70225–14–8 – diethanolamine salt of PFOS ("1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, compd. with 2,2'-iminobis[ethanol] (1:1)")
  - Possibly other salts

Message

From: Wang, Lili [Wang.Lili@epa.gov]
Sent: 6/11/2021 4:48:03 PM
To: Henry, Tala [Henry.Tala@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]
CC: Behl, Betsy [Behl.Betsy@epa.gov]; Flaherty, Colleen [Flaherty.Colleen@epa.gov]; Euling, Susan [Euling.Susan@epa.gov]; Rodgers-Jenkins, Crystal [Rodgers-Jenkins.Crystal@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List

Thank you so much, Tara. It's so timely. We are about to send the CCL package to the OW IO.
I checked the PFAS definition on page 13. It's identical to what you sent us before. I like the "disclaimer".

For the purposes of this proposed action, the structural definition of PFAS includes per[1]and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen. It should be noted that this structural definition of PFAS is a working definition which has been used by EPA's Office of Pollution Prevention and Toxics when identifying PFAS on the TSCA Inventory. This definition may not be identical to other definitions of PFAS used within EPA and/or other organizations.

Lili

Lili Wang, P.E., MBA
Acting Chief, Targeting and Analysis Branch
Standards and Risk Management Division
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
Office: 202-564-9156
Cell: 202-308-5619

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Friday, June 11, 2021 12:41 PM
To: Wang, Lili <Wang.Lili@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List
Importance: High

Its out…
Newsroom: https://www.epa.gov/newsreleases/epa-continues-take-action-pfas-protect-public

The pre-pub went up yesterday.
https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/pre-publication-notice-tsca-section-8a7-reporting-and

On page 13 is the 'definition' language (attached).

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959

E: henry.tala@epa.gov

From: Henry, Tala
Sent: Wednesday, June 9, 2021 11:54 AM
To: Wang, Lili <Wang.Lili@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Almost…it cleared OMB on Monday…we are striving for pre-pub to be posted on Thursday…will forward you that when it happens.
Tala

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Wang, Lili <Wang.Lili@epa.gov>
Sent: Wednesday, June 9, 2021 8:52 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

I meant Tala. So sorry.

From: Wang, Lili
Sent: Wednesday, June 09, 2021 8:51 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Tala,

Just a quick follow-up to your email below, has the TSCA section 8 rule been published? We've incorporated your definition of PFAS into the Draft CCL 5 FRN for the PFAS listing and could reference the section 8 rule, if it's published.
Thanks,

Lili

Lili Wang, P.E., MBA
Acting Chief, Targeting and Analysis Branch
Standards and Risk Management Division
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
Office: 202-564-9156
Cell: 202-308-5619

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 4:16 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Below is the language we have in the TSCA section 8 rule to collect a wide variety of data on PFAS, that is currently at OMB and we will publish hopefully by end of the month:

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

The magic formula is that we can write "The Draft Contaminant Candidate List 5 (CCL 5) and the Final CCL 5, when published, will not impose any requirements on regulated entities."
Let us know who to contact/how to reference the OPPT working definition of PFAS.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 2:49 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Wow, what is the magic formula for that?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

One other point Tala. I was mistaken when I wrote we were transmitting draft CCL5 to OMB. They waived review. We are preparing the notice for signature/publication.

From: Burneson, Eric
Sent: Wednesday, May 19, 2021 12:00 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Tala:
Thank you for the rapid response. I have replied to your questions in blue below. Also note that in my response below I

Ex. 5 Deliberative Process (DP)

Eric

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 10:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: Listing PFAS on the Contaminant Candidate List

Tala:

We are in the final stages of developing a draft fifth Contaminant Candidate List (CCL 5) for public comment and are working to transmit this draft to OMB in the coming weeks. Because of the high priority of PFAs the following language is in our notice:

Ex. 5 Deliberative Process (DP)

The notice also clarifies that listing contaminants as groups does not mean that the agency will regulate the contaminants as groups:

Ex. 5 Deliberative Process (DP)

I am writing to you because we do not have an OPPT participant on our Workgroup for this action and we wanted to be certain that this proposed CCL5 grouping does not have unforeseen implications for OPPT. Can you or someone from your organization let us know if you have concerns with this approach?

As you know, ORD and OPPT do not believe ALL PFAS are a single group – not from chemical structure/class, pchem property, or biological effects perspective, i.e., it is not best available science to consider all one class or group for assessment purposes. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a "working definition", i.e., a chemical structure definition we have used in several rulemakings. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency

202 564 5250 (Office)
202 380 8897 (Mobile)

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/10/2021 6:46:55 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: RE: Feedback from Michal on Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Got it/on it/thanks.

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, June 10, 2021 2:43 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: Feedback from Michal on Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Add it to our comments…she has more insight on the drafters intent than we do apparently. Nothing in our comments conflicts with her comments – some of hers are referring to others' comments

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Thursday, June 10, 2021 2:15 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>
Subject: Feedback from Michal on Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Tala – See Michal's feedback, below. Let us know how you'd like to handle. -a

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 10, 2021 2:11 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Does Tala have any inputs on MF's inputs below?

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Thursday, June 10, 2021 1:58 PM

To: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

1.
2.
3.

Ex. 5 Deliberative Process (DP)

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Thursday, June 10, 2021 1:49 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Subject: DUE COB FW: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Hi. OCSPP was enlisted yesterday afternoon to review this TA with a focus on the PFAS definition on page 3. This is due to OW by COB today to send to their DAA. The bill amends the SDWA and the Water Pollution Control Act to provide financial assistance to states for PFAS testing and to provide for remediation. OPPT's response below indicates that the Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

OPPT RESPONSE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Williamson, Tracy [Williamson.Tracy@epa.gov]
Sent: 6/10/2021 1:47:12 AM
To: Le, Madison [Le.Madison@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]
CC: Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]
Subject: FW: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.docx

Importance: High

[Request: advise how the PFAS definition on page 3 of the TA doc is the same or different than the OPPT and OECD definitions]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:19 PM
To: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Passe, Loraine <Passe.Loraine@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>
Subject: FW: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:16 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Alison - acknowledging receipt.

Tracy - I know that Tristan has been helping on this area, but I think he is gone for the day. Can you take a look and provide some high level feedback (and follow up tomorrow morning, if you need to check with Tristan).

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Wednesday, June 9, 2021 5:06 PM
To: Le, Madison <Le.Madison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi NCD – With apologies for the firedrill, we could use your assistance with the attached. Could you guys please take a look at the definition of PFAS in the attached TA (page 3) and advise how this is the same or different that our working definition and that of the OECD?

OCSPP is requesting by noon tomorrow, so the soonest you can get this to us in the morning, we'd appreciate. I've also got a request in to OCSPP to see if we can move that deadline by a few hours – but no promises on that front.

Best,
Alison

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Richmond, Jonah <Richmond.Jonah@epa.gov>
Sent: Wednesday, June 9, 2021 4:19 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Alison/Susanna,

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Thanks,
Jonah

Jonah Richmond
Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Mobile: (202) 748-6012

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To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

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Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/14/2021 1:41:28 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: UPDATE for TH REVIEW/CONSIDERATION: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.OCSPP.docx

Tala – This supersedes the earlier version of the Shaheen TA that I sent earlier today. OW/OCSPP have sent a new version, attached – and are looking for assistance this morning in reconciling our OCSPP and ORD's TA on page 3. -a

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Hanley, Mary <Hanley.Mary@epa.gov>
Sent: Monday, June 14, 2021 9:22 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Here is the word version since you probably cannot access the SP version I sent. Please highlight any additional comments since this has gotten pretty messy

From: Hanley, Mary
Sent: Monday, June 14, 2021 9:18 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Ryan Schmit (schmit.ryan@epa.gov) <schmit.ryan@epa.gov>
Subject: FW: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi. Please see Greg's question on reconciling the definition after integrating our comments. Please let me know OPPT's response and I will run it by Michal. I know OW was trying to wrap this up by Friday so it would be great to have OPPT's feedback this morning if possible. Thanks.

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Monday, June 14, 2021 9:06 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the latest on the shared drive. I added comment bubbles to represent your TA. I am trying to reconcile your TA and ORD's TA on page 3. I could use your help with that. Please see the very busy section on page 3 related to the definitions and let me know if you have any additional input.

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Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
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Hi Greg. Is this still the latest draft attached that we were looking at? I will circle back on Monday with our shop to confirm on the section 3 definitions.

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Ex. 5 Deliberative Process (DP)

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Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Hi Greg. Following up on your question about a definition here are OCSPP's inputs. Please let us know if you need more.

- Ex. 5 Deliberative Process (DP)
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Hi Mary – OPPT's response below.

Best,
Alison

***

OPPT RESPONSE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Sent: 6/14/2021 12:49:43 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: FW: Heads Up for Monday Morning Feedback. FW: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.docx

Importance: High

Tala – Here's the other PFAS request I mentioned that we received late Friday. As you'll see from the chain below, OCSPP IO staff are requesting our read back this morning. -a

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

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Subject: Heads Up for Monday Morning Feedback. FW: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Please see OW's question as to whether we disagree with ORD and OLEM on Section 3 definitions. I have reattached the incoming and you will see that I relayed OPPTs as well as Michal's latest comments below which have led to this question. Please let me know OPPT's read before I run it by Michal again Monday morning. Thanks.

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Hi Mary – OPPT's response below.

Best,
Alison

***

OPPT RESPONSE: Ex. 5 Deliberative Process (DP)

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To: Le, Madison [Le.Madison@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]
CC: Henry, Tala [Henry.Tala@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Alwood, Jim [Alwood.Jim@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

An update: our draft response is with OCSPP IO now. We'll let you know if any further questions from their quarter.

Thanks for the late (and responsive!) work last night, Tracy.

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
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Subject: Re: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Thanks Tracy!

Alison/Tala - Are Tracy's comments enough to be responsive to the request? Or is the an ask to provide recommended edits to the actual document language to align the definition (based on differences identified)?

Sent from my iPhone

On Jun 9, 2021, at 9:47 PM, Williamson, Tracy <Williamson.Tracy@epa.gov> wrote:

[Request: advise how the PFAS definition on page 3 of the TA doc is the same or different than the OPPT and OECD definitions]

Ex. 5 Deliberative Process (DP)

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Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Alison - acknowledging receipt.

Tracy - I know that Tristan has been helping on this area, but I think he is gone for the day. Can you take a look and provide some high level feedback (and follow up tomorrow morning, if you need to check with Tristan).

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

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Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Last call - due COB 6/10 - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

All,

Thank you for all of your hard work on this TA! This is the last call before I send this TA to OW's DAA for approval. Please provide any additional edits to the shared file by COB tomorrow.

OCSPP - I am adding you to this group because of your work on PFAS definition provisions in other TA work products. Please look at how PFAS are defined on page 3 and let us know if you have any TA input on the drafter's construct.

OLEM – please double check that you are ok with ORD's comment on Page 3 in turquoise highlight.

OWM/OGWDW – This version is basically the same as the one Elizabeth sent around on June 7. I fixed a few typos.

OCIR – you have an early preview of this consolidated TA, please let me know if you have any concerns.

From: Corr, Elizabeth <Corr.Elizabeth@epa.gov>
Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Attached is the combined OGWDW-OWM-OLEM TA doc. OWM's (WID) is approved by Andrew and OGWDW's by Jennifer. OLEM and ORD's TA has been cleared by their respective chains and is shown here for convenience. (OGWDW and OWM have reconciled comments with OLEM where needed based on discussion with Melanie and Stiven.)

Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.
<ta_shaheen_pfas.docx>

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/10/2021 4:33:51 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]
Subject: BUMP: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.docx

Tala – Nudging back to the top of the pile, since OCSPP had requested by noon. (And re-attaching the original document for reference, in case helpful).

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Thursday, June 10, 2021 7:01 AM
To: Le, Madison <Le.Madison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Upon quick glance, it looks like but I cannot look more carefully until later…on OECD call now.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Le, Madison <Le.Madison@epa.gov>
Sent: Thursday, June 10, 2021 6:49 AM
To: Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Henry, Tala <Henry.Tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Subject: Re: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Thanks Tracy!

Alison/Tala - Are Tracy's comments enough to be responsive to the request? Or is the an ask to provide recommended edits to the actual document language to align the definition (based on differences identified)?

Sent from my iPhone

On Jun 9, 2021, at 9:47 PM, Williamson, Tracy <Williamson.Tracy@epa.gov> wrote:

[Request: advise how the PFAS definition on page 3 of the TA doc is the same or different than the OPPT and OECD definitions]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:19 PM
To: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Alwood, Jim <Alwood.Jim@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Passe, Loraine <Passe.Loraine@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>
Subject: FW: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

From: Le, Madison <Le.Madison@epa.gov>
Sent: Wednesday, June 9, 2021 5:16 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>
Subject: RE: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

Alison - acknowledging receipt.

Tracy - I know that Tristan has been helping on this area, but I think he is gone for the day. Can you take a look and provide some high level feedback (and follow up tomorrow morning, if you need to check with Tristan).

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSPP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Pierce, Alison <Pierce.Alison@epa.gov>
Sent: Wednesday, June 9, 2021 5:06 PM
To: Le, Madison <Le.Madison@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Cc: Schmit, Ryan <schmit.ryan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Passe, Loraine <Passe.Loraine@epa.gov>

Subject: Firedrill: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Importance: High

Hi NCD – With apologies for the firedrill, we could use your assistance with the attached. Could you guys please take a look at the definition of PFAS in the attached TA (page 3) and advise how this is the same or different that our working definition and that of the OECD?

OCSPP is requesting by noon tomorrow, so the soonest you can get this to us in the morning, we'd appreciate. I've also got a request in to OCSPP to see if we can move that deadline by a few hours – but no promises on that front.

Best,
Alison

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Richmond, Jonah <Richmond.Jonah@epa.gov>
Sent: Wednesday, June 9, 2021 4:19 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

---

Resending with a non-SharePoint file.

Alison/Susanna,

Please see the request for OCSPP review below/attached. Greg Spraul is asking for feedback by COB tomorrow. If you can provide any feedback by noon tomorrow, that would give Mary time to run by Michal tomorrow.

Thanks,
Jonah

Jonah Richmond
Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Mobile: (202) 748-6012

From: Spraul, Greg <Spraul.Greg@epa.gov>
Sent: Wednesday, June 9, 2021 10:34 AM
To: Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
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Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Thanking everyone and LMK if questions.
<ta_shaheen_pfas.docx>

Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 6/9/2021 8:43:06 PM
To: Henry, Tala [Henry.Tala@epa.gov]
CC: Schmit, Ryan [schmit.ryan@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]
Subject: FW: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill
Attachments: ta_shaheen_pfas.docx

Importance: High

Tala – OW is asking for our review of the attached (specifically the PFAS definition on page 3).

Alison Pierce
202.564.2437 (office) | pierce.alison@epa.gov

From: Richmond, Jonah <Richmond.Jonah@epa.gov>
Sent: Wednesday, June 9, 2021 4:19 PM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Due Noon tomorrow - Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Jonah

Jonah Richmond
Special Assistant
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Mobile: (202) 748-6012

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Sent: Wednesday, June 9, 2021 10:34 AM
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Cc: Klasen, Matthew <Klasen.Matthew@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
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Sent: Monday, June 7, 2021 4:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Anderson, William <Anderson.William@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>
Subject: Consolidated TA doc for Sen. Shaheen Emerging Contaminants/PFAS bill

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Much of OGWDW's TA is embedded in the SDWA language version that Matt provided below the draft bill.

Thanking everyone and LMK if questions.

Message

From: Hartman, Mark [Hartman.Mark@epa.gov]
Sent: 5/21/2019 8:07:39 PM
To: Morris, Jeff [Morris.Jeff@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
CC: Scheifele, Hans [Scheifele.Hans@epa.gov]
Subject: PFAS Bills
Attachments: PFAS Bills Summary.docx

Includes the last one for which we have significant equities.

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

Message

From: Henry, Tala [Henry.Tala@epa.gov]
Sent: 6/11/2021 4:41:13 PM
To: Wang, Lili [Wang.Lili@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]
CC: Behl, Betsy [Behl.Betsy@epa.gov]; Flaherty, Colleen [Flaherty.Colleen@epa.gov]; Euling, Susan [Euling.Susan@epa.gov]; Rodgers-Jenkins, Crystal [Rodgers-Jenkins.Crystal@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List
Attachments: PrePubCopy_10017-78_FR_Doc_eSignature_2021-06-10_Definition on Page 13.pdf

Importance: High

Its out…
Newsroom: https://www.epa.gov/newsreleases/epa-continues-take-action-pfas-protect-public

The pre-pub went up yesterday.
https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/pre-publication-notice-tsca-section-8a7-reporting-and

On page 13 is the 'definition' language (attached).

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Henry, Tala
Sent: Wednesday, June 9, 2021 11:54 AM
To: Wang, Lili <Wang.Lili@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Almost…it cleared OMB on Monday…we are striving for pre-pub to be posted on Thursday…will forward you that when it happens.
Tala

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Wang, Lili <Wang.Lili@epa.gov>
Sent: Wednesday, June 9, 2021 8:52 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

I meant Tala. So sorry.

From: Wang, Lili
Sent: Wednesday, June 09, 2021 8:51 AM
To: Henry, Tala <Henry.Tala@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Tala,

Just a quick follow-up to your email below, has the TSCA section 8 rule been published? We've incorporated your definition of PFAS into the Draft CCL 5 FRN for the PFAS listing and could reference the section 8 rule, if it's published. Thanks,

Lili

Lili Wang, P.E., MBA
Acting Chief, Targeting and Analysis Branch
Standards and Risk Management Division
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
Office: 202-564-9156
Cell: 202-308-5619

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 4:16 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Below is the language we have in the TSCA section 8 rule to collect a wide variety of data on PFAS, that is currently at OMB and we will publish hopefully by end of the month:

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R' or R'') can be hydrogen.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

The magic formula is that we can write "The Draft Contaminant Candidate List 5 (CCL 5) and the Final CCL 5, when published, will not impose any requirements on regulated entities."
Let us know who to contact/how to reference the OPPT working definition of PFAS.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 2:49 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Wow, what is the magic formula for that?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

One other point Tala. I was mistaken when I wrote we were transmitting draft CCL5 to OMB. They waived review. We are preparing the notice for signature/publication.

From: Burneson, Eric
Sent: Wednesday, May 19, 2021 12:00 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Tala:
Thank you for the rapid response. I have replied to your questions in blue below. Also note that in my response below I

Ex. 5 Deliberative Process (DP)

Eric

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 10:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: Listing PFAS on the Contaminant Candidate List

Tala:
We are in the final stages of developing a draft fifth Contaminant Candidate List (CCL 5) for public comment and are working to transmit this draft to OMB in the coming weeks. Because of the high priority of PFAs the following language is in our notice:

Ex. 5 Deliberative Process (DP)

The notice also clarifies that listing contaminants as groups does not mean that the agency will regulate the contaminants as groups:

Ex. 5 Deliberative Process (DP)

I am writing to you because we do not have an OPPT participant on our Workgroup for this action and we wanted to be certain that this proposed CCL5 grouping does not have unforeseen implications for OPPT. Can you or someone from your organization let us know if you have concerns with this approach?

As you know, ORD and OPPT do not believe ALL PFAS are a single group – not from chemical structure/class, pchem property, or biological effects perspective, i.e., it is not best available science to consider all one class or group for assessment purposes. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a "working definition", i.e., a chemical structure definition we have used in several rulemakings. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250 (Office)
202 380 8897 (Mobile)