To: Behringer, Caroline[Behringer.Caroline@epa.gov]
Cc: Jones, Jim[Jones.Jim@epa.gov]
From: Strauss, Linda
Sent: Thur 1/23/2014 5:57:05 PM
Subject: Fw: Request for Jim interview on TSCA and chems in dw ??

Caroline, 4 pm?

From: Jones, Jim
Sent: Thursday, January 23, 2014 12:54:45 PM
To: Strauss, Linda; Wise, Louise; Fort, Felecia; Wallace, Ryan; Milhouse, Gloria
Subject: Re: Request for Jim interview on TSCA and chems in dw ??

Ok. Sign me up. Pm has gotten booked though. How about 4? Jim

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From: Strauss, Linda
Sent: Thursday, January 23, 2014 12:37:31 PM
To: Jones, Jim; Wise, Louise; Fort, Felecia; Wallace, Ryan; Milhouse, Gloria
Subject: RE: Request for Jim interview on TSCA and chems in dw ??

Jim, the interview is with USA Today. She is talking to every fed and agency on the ground. Caroline says not a "gotcha" reporter, very reasonable. She wants to know what limited things in WV, what are our protocols. She just spoke with Matty. He said what he could about the EO on chem safety. Caroline says top-level TSCA reform messaging is good.

Here's what has been sent to WH and others.

Let me know.

Linda

Caroline Behringer
Deputy Press Secretary
Office of the Administrator
U.S. Environmental Protection Agency
Office: (202) 564-0098
Cell: (202) 760-1732

From: Bloomgren, David
Sent: Wednesday, January 22, 2014 5:34 PM
To: Stanislaus, Mathy; Feldt, Lisa; 'Gwen, Fleming'; Reynolds, Thomas; Behringer, Caroline; Garvin, Shawn; Vaught, Laura
Subject: WH Response

What EPA Has Done
EPA worked closely with other Federal and State agencies in West Virginia as they implemented a plan for getting the water system back on-line. The Agency also provided two on-scene coordinators to help with the local response and provided technical assistance on to the State of West Virginia and the West Virginia American Water Company (WVAWC) on a plan for flushing the system, along with sampling and analysis to allow residents to begin using their water as soon as possible. State and Federal (ATSDR/CDC) health officials have agreed that a level of 1 part per million (ppm) of methylcyclohexanemethanol is protective of public health and the State/WVAWC will use the flushing process to assure that the 1 ppm level is achieved throughout the system. The EPA supports this

approach and has also offered sampling and monitoring assistance to the State during the restart efforts.
What EPA Has Not Done and EPA Authorities
Depending on the nature of the spill, EPA has statutory response authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Oil Pollution Act (OPA). EPA provides support when requested or when state and local first responder capabilities have been exceeded. In carrying out these responsibilities, EPA coordinates with other EPA programs, other federal agencies, states, tribes, and local governments.

At the Freedom Industries response, the WV Department of Environmental Protection is the lead agency responsible for overseeing the response activities and the EPA has offered support and continues to work closely with other federal and state agencies in West Virginia as they begin implementing a plan for getting the water system back on-line. As those efforts are already underway, EPA is also examining state and federal response authorities such as CERCLA (since the product released is not an Oil) associated with the incident to determine next steps and the environmental laws and regulations applicable to the facility. This review will help inform EPA's activities going forward.

With respect to prevention and preparedness in advance of a spill or release, EPA also has statutory regulatory authority for oil storage facilities under the Clean Water Act (Spill Prevention, Control, and Countermeasure Program – SPCC, which pertains to oil spills but currently does not cover spills of hazardous substances) and for chemicals under the Clean Air Act (Risk Management Program – RMP – to address methods to minimize and respond to releases).

The Freedom Industries facility in West Virginia is not regulated under the EPA's RMP since it is not on the list of hazardous substances and the SPCC does not apply to the tanks that released MCHM since that is not an oil. Also, the facility does not fall under EPA's Resource Conservation and Recovery Act (RCRA) program because the material leaked is a "product" and not a "solid waste" or hazardous waste that would require a permit and storage and management requirements, as defined under RCRA Subtitle C. However, from a response perspective, RCRA is being examined for applicability.

Under the Emergency Planning and Community Right-to-Know Act (EPCRA), state and local responders are to be provided hazardous information from the facility owners or operators. The state and local responders can then use this information to minimize risk and develop response plans.

EPA'S Involvement in Identification of the New Chemical
Early January 21, during an operations meeting at the facility, Freedom Industries informed the State of West Virginia, the West Virginia American Water Company, and EPA that another chemical was part of the release that occurred on January 9, 2014. This chemical has been identified as a proprietary mixture of polyglycol ethers (PPH). It was in the same tank and entered the water system at the same time as the MCHM. PPH represented a relatively small percentage (approximately 5%) of the total volume in the tank. EPA shared this information with the Chemical Safety Board and the Agency for Toxic Substances and Disease Registry (ATSDR).

The Agency for Toxic Substances and Disease Registry (ATSDR) provided the following information regarding the newly identified chemical: Toxicologic information on PPH is limited. Based on the Material Safety Data Sheets (MSDS) provided by the manufacturer, the reported toxicity of this material appears to be lower than the toxicity of MCHM (LD50 > 2000 mg/kg for the primary component of PPH vs. 825 mg/kg for MCHM). Given the small percentage of PPH in the tank and information suggesting similar water solubility as MCHM, it is likely that any amount of PPH currently in the water system would be extremely low. However, the water system has not been tested for this material.

EPA will continue to support work with the State, the WVAMC and its federal partners to address this new development and continues to be available for sampling and monitoring assistance.

-----Original Message-----
From: Jones, Jim

Sent: Thursday, January 23, 2014 12:07 PM
To: Strauss, Linda; Wise, Louise; Fort, Felecia; Wallace, Ryan; Milhouse, Gloria
Subject: Re: Request for Jim interview on TSCA and chems in dw ??

I'd like to know what the angle is related to drinking water. I assume it is relate to WV. If so, I think we need to agree on an agency message as they will not stick to TSCA. Jim

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From: Strauss, Linda
Sent: Thursday, January 23, 2014 12:00:59 PM
To: Jones, Jim; Wise, Louise; Fort, Felecia; Wallace, Ryan; Milhouse, Gloria
Subject: Request for Jim interview on TSCA and chems in dw ??

Interest in this today - opportunity to talk about TSCA reform?

Linda

-----Original Message-----
From: Behringer, Caroline
Sent: Thursday, January 23, 2014 11:55 AM
To: Strauss, Linda
Subject: Jim interviews

Hey Linda - Does Jim have time today to speak with a couple of reporters about TSCA and chemicals in drinking water?

Thx

Caroline Behringer
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