To: Gillis, Chris[Gillis.Chris@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Dougherty, Emily[Dougherty.Emily@epa.gov]
From: Flattery, Priscilla
Sent: Mon 1/13/2014 4:50:06 PM
Subject: RE: Failed TSCA collides with the real world in West Virginia chemical spill this week

We've seen

Priscilla Flattery

Chief of Staff, OPPT

202-564-2718

From: Gillis, Chris
Sent: Monday, January 13, 2014 11:40 AM
To: Strauss, Linda; Flattery, Priscilla; Dougherty, Emily
Subject: FW: Failed TSCA collides with the real world in West Virginia chemical spill this week

Have you seen this article?

Failed TSCA collides with the real world in West Virginia chemical spill this week

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Failed TSCA collides with the real world in West Virginia chemical spill this week

Posted: 11 Jan 2014 01:26 PM PST

By **Richard Denison**

Richard Denison, Ph.D., is a Senior Scientist. ***Jennifer McPartland, Ph.D.***, is a Health Scientist.

If the protracted debate over reform of the Toxic Substances Control Act (TSCA) sometimes seems esoteric or abstract, the epic failure of this law could not be better illustrated than by what's unfolding in Charleston, WV this week.

There, a **major spill into the Elk River of an obscure chemical used to wash coal** has disrupted the lives of hundreds of thousands of residents of the state for what is likely to be days if not weeks or longer. The storage tank from which the chemical has leaked lies upstream from the intake for one of the city's drinking water treatment plants. Even before the leak had been detected or reported, the chemical was sucked into the plant and distributed through thousands of miles of pipe to homes and businesses. Residents have been told not to drink, bathe or otherwise come into contact with the water – although some exposure clearly did occur before the warnings were issued. Massive amounts of water are being trucked into the area. **President Obama declared the situation a national emergency.**

What is particularly maddening and outrageous is that no one – not local or state officials, not the company that owns the storage tank, not the federal government – can say anything even close to definitive about what risk the chemical poses to people, even in the short-term, let alone over time. And that's where the failures of TSCA come into sharp focus.

The chemical in question is **4-methylcyclohexane methanol, or MCHM**; its unique identifying "CAS number" is 34885-03-5. Environmental Protection Agency (EPA) data indicate it's made by one company in the U.S.: Eastman Chemical Company (search **here** using the CAS number). The amount of the chemical produced and used in the U.S., however, is not publicly reported because Eastman declared that information to be confidential.

A **Material Safety Data Sheet (MSDS)** that summarizes available information on the chemical is available. Have a look at what is says about the hazards of the chemical:

Section III.	***Hazards Identification***
Acute Health Effects	No specific information is available in our data base regarding the toxic effects of this m exposure to any chemical should be kept to a minimum. Skin and eye contact may result inhaled or ingested. Always follow safe industrial hygiene practices and wear proper prote this compound.
Chronic Health Effects	**CARCINOGENIC EFFECTS** : Not available. **MUTAGENIC EFFECTS** : Not available. **TERATOGENIC EFFECTS** : Not available. **DEVELOPMENTAL TOXICITY**Not available. Repeated or prolonged exposure to this compound is not known to aggravate existing medi

An **older MSDS from Eastman** for "crude MCHM" (which includes several other compounds) also contains no health data, although it provides similar warnings.

We've searched major databases for information on the hazards of this chemical. None is available. Let me repeat: *No health data are available on this chemical.*

Specifically, we searched the following government sources for any hazard data on

MCHM (using the CAS number), and came up empty:

§ **OSHA's Occupational Chemicals DataBase**: NO HAZARD DATA

§ **EPA CDAT** and **Chemview Portal**: NO HAZARD DATA

§ **EPA ACToR database**: NO HAZARD DATA

§ **EU Classification and Labeling Inventory**: NO HAZARD DATA

§ **ATSDR Toxic Substances Portal**: NO HAZARD DATA

§ **NIOSH Pocket Guide**: NO HAZARD DATA

How, you might well ask, is this possible? How can a chemical in active production and use – and now being released into the environment and exposing people – be on the market without any hazard data or evidence of its safety?

The sad truth is this chemical is one of *tens of thousands* of chemicals on the market today with little or no safety data. MCHM is one of the 62,000 chemicals that were already in use when TSCA, our nation's main chemical safety law, was passed in 1976. All of these chemicals were grandfathered by TSCA: That means they were simply presumed to be safe, and EPA was given no mandate to determine whether they are actually safe. Even to require testing of these chemicals under TSCA, EPA must first provide evidence that the chemical may pose a risk – a toxic *Catch-22*.

This tragic incident is already imposing enormous burdens of uncertainty, anxiety, and economic costs on the hundreds of thousands of Americans directly affected. Whether and to what extent it will also take a toll directly on their health remains to be seen.

While accidents happen, of course, the tragedy is compounded by the fact that much of the impact of this spill could have been avoided had basic safety information on this chemical been available. Long-overdue reform of TSCA – **which is finally on Congress' agenda** – could go a long way to addressing that part of the problem.

How many more such incidents must happen before Congress acts?

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From: Parsons, Doug
Sent: Monday, January 13, 2014 11:30 AM
To: Gillis, Chris
Subject: FW: Failed TSCA collides with the real world in West Virginia chemical spill this week

From: noreply+feedproxy@google.com [mailto:noreply+feedproxy@google.com] **On Behalf Of** EDF Health
Sent: Sunday, January 12, 2014 3:28 AM
To: Parsons, Doug
Subject: Failed TSCA collides with the real world in West Virginia chemical spill this week

Failed TSCA collides with the real world in West Virginia chemical spill this week

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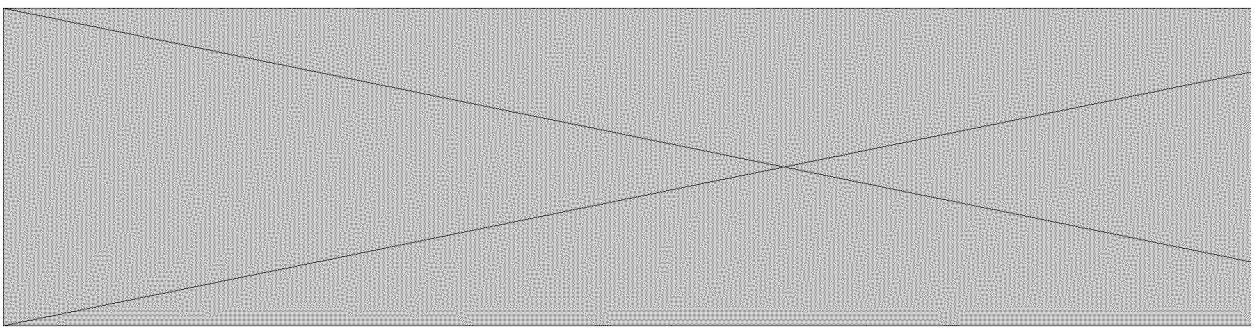

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