

USEPA's PCB Regulatory Program - Overview

**ECOS Cross-Media Committee Meeting
Panel Discussion on PCBs in Products
August 28, 2012**

**Tala R. Henry, Ph.D.
Acting Director
National Program Chemicals Division**



Office of Pollution Prevention and Toxics

Legislative Framework: Toxic Substances Control Act (TSCA) Section 6(e)

- Specific to PCBs: controls the manufacturing, processing, distribution-in-commerce, use, marking and disposal of PCBs
- Bans Manufacturing and Processing , unless exempted by Rule:
 - Exempted Manufacturing Processes (EMPs)
 - Exempted PCB Products (EPPs)
- Bans distribution, except for totally enclosed and authorized PCBs
 - Distribution of intact, non-leaking electrical equipment is totally enclosed
- Bans Use/Storage, unless Authorized by Rule:
 - Use/Storage Authorized ≥ 50 ppm for certain Electrical Equipment and Other Uses (e.g., carbonless copy paper; research and development; natural gas pipelines; porous surfaces contaminated by spills; decontaminated materials)
 - Recycling Paper & Asphalt Shingles
- Disposal – PCBs ≥ 50 ppm & Remediation (cleanup) Wastes:
 - Options: TSCA permitted incinerator; high-efficiency boilers (liquids < 500 ppm); TSCA permitted landfills (solids); permitted alternative destruction technologies; scrap metal recovery ovens (metals < 500 ppm); decontamination; risk-based disposal



Regulatory Exemptions

- General exclusions of some <50 ppm PCBs; promulgated via rulemaking (at least 5 Rules), each with public notice-and-comment opportunity
- Manufacturing Exemptions: Subpart E and *Excluded Manufacturing Processes at §761.20*
 - *Inadvertently generated PCBs, annual average <25 ppm; 50 ppm max*
 - *Notification to EPA if >2 ppm*
 - *Approximately 72 notices from 28 companies on file*
- Use Exemptions: no authorization is needed to use *excluded PCB products, products of an excluded manufacturing process*, recycled PCBs, or sewage sludge
- Processing and Distribution in Commerce Allowed for: excluded PCB products, recycled PCBs



PCBs 1970s- 2000s: Removed & Currently in Use

- EPA has promulgated more than 25 TSCA PCB rules since 1976.
- Resulting in millions of pounds of liquid PCBs safely removed from use (approximately 1.5 billion pounds produced from 1929-1970s).
- Millions of pounds of liquid PCBs are estimated to remain in use in equipment 30+ years old
 - generally at very high concentrations (e.g., 500,000 ppm or greater)
 - are well know to include “dioxin-like” congeners
- Emerging issues with non-liquid PCBs (e.g., caulk and paint) in use
 - also at very high concentrations (e.g., caulk up to 30% PCBs = 300,000 ppm)
 - are well know to include “dioxin-like” congeners.



2010 Advance Notice of Proposed Rulemaking: Reassessment of PCB Use Authorizations

- ANPR Solicited comments and data needed to characterize/understand ongoing sources and releases of PCBs:
 - Liquid PCBs in equipment and pipelines
 - Elimination of most use authorizations at levels ≥ 50 ppm
 - Non-liquid PCBs (including caulk)
 - Porous surfaces with PCBs
 - Definitional and marking issues
 - Use of 50 ppm level for excluded products
 - Lowering the Level of Quantitation (LOQ) from 2 ppm to 1 ppm



Comments on the ANPR

- 242 Comments in docket; about 148 individual commenters
- Major groups of commenters
 - Electrical utilities (industry)
 - Natural gas transmitters and distributors (e.g., INGAA, AGA)
 - Parents and workers in New York City schools (caulk)
 - Governments (DOE, Mass. DEP; Washington State DEP)
 - Recycled paper producers (Inland Paper)
 - Pigment Manufacturers (Color & Pigment Manufacturers Assn.)
 - Metal/plastic recyclers (e.g., ISRI, MBA Polymers)



Excluded Manufacturing Process/Products: Comments

- Washington State Department of Ecology
 - Significant amounts of PCBs flow into Puget Sound; primary source is runoff; “...do not have estimate for which sources of PCBs are contributing most to loading”
 - Does not ...”recommend that the E PA authorize the use of caulk, paint, or other non-liquid PCB product at concentrations exceeding the level of 50 ppm currently provided ..for excluded PCB products.”
- California Regional Water Quality Board
 - “In development of this TMDL, we learned that PCBs releases from uncontained spills and outdated products are the largest ongoing sources of PCBs in our waterways.” ; e.g. caulk, paint, other bldg materials.
 - Consider water quality impacts when reducing the exclusion concentration for PCBs.
- Confederated Tribes of the Umatilla Indian Reservations (CTUIR)
 - “CTUIR DNR supports the elimination of PCBs from all dyes, pigments and inks, ...”
 - Overseas manufacturers send products to US and US companies must clean up Contamination to meet water quality standards.



Excluded Manufacturing Process/Products: Comments

- **Inland Paper/Spokane Riverkeeper/The Lands Council**
 - Eliminate all federal exclusions or exceptions for inadvertently form PCB's as a byproduct or impurity in chemical manufacturing processes.
 - Monochloro-biphenyls and Dichloro-biphenyls should be excluded from total PCB regulation due to lower potential for bioaccumulation and human health toxicity.
- **Northwest Pulp and Paper Association (NWPPA)**
 - NWPPA supports lowering the allowable concentration of PCBs in dyes, inks and pigments products as much as possible, using a phased approach, as the best mechanism for reducing PCB contamination in recycled furnish.
 - ...such action must be coordinated and connected federal and state actions involved in developing water quality criteria and implementation.
- **American Forest and Paper Association**
 - Carbonless copy paper manufactured in the US no longer contains PCBs; AF&PA encourages EPA to discontinue the use authorization for PCBs in manufactured and imported carbonless copy paper.
 - PCBs in azo and phthalocyanine pigments should be banned from US commerce, including imported products and packaging



Excluded Manufacturing Process/Products: Comments

- CPMA (Color Pigment Manufacturers Association)
 - 1 ppm threshold would eliminate three important pigment groups from commerce, affecting color printing as well as colors in paint and plastics.
 - Technology does not now exist to eliminate PCBs in all organic pigments to a level below 1 ppm.
 - Would put U.S. pigment and product manufacturers at additional competitive disadvantage versus pigment and product importers
- Representative Mike Simpson (Idaho) letter to EPA (outside ANPRM process)
 - EPA regulations inequitably allow overseas manufacturers to export PCB containing products into the U.S. with concentrations up to 50 ppm, while then subjecting our own businesses and communities to surface water quality standards that are nearly 8 million times more stringent.
 - Manufacturing alternatives for similar dyes and pigments that do not contain PCBs are available

