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The Spokane River Regional Toxics Task Force (Task Force) thanks EPA for meeting with us on June 17, 2013. EPA's regulatory role is an important factor in our ability to achieve the water quality standards for polychlorinated biphenyl (PCBs). Not only does PCB exceed water quality standards in several segments of the Spokane River, this is also a national issue. There are almost 5600 water bodies in the United States that are listed for PCB[1] and more than 1,000 fish advisories for PCBs in 40 states[2]. PCB-contaminated fish are the primary source of PCBs for people in the United States[3]. PCBs still pose a real threat to human health and the environment[4].

Of particular concern are the findings that PCB-11, a congener specific to diaryl pigments, has been found in the waters of California, Delaware, Oregon, New York, New Jersey, Texas, and Washington[5]. In addition to this, a recent survey by the Japanese Ministry of Economy, Trade, and Industry shows that imported pigments can contain PCB in levels exceeding the EPA limits of 25 ppm average/50 ppm maximum for inadvertently generated PCB. In one case, the level of PCB in a yellow pigment product was as high as 2000 ppm[6]

EPA's TSCA enforcement strategy[7] focuses on legacy facilities but also supports actions that are of national benefit. The Task Force encourages EPA to consider a TSCA compliance monitoring program that addresses the manufacture and import in and into the United States of products with inadvertently

[1] http://iaspub.epa.gov/waters10/attains_nation_cy.control
[2] http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/
[3] http://www.atsdr.cdc.gov/csem/pcb/docs/pcb.pdf
[4] http://srrttf.org/wp-content/uploads/2012/09/ECOS-Resolution-12-9-PCBs-in-products-Approved-8-28-12.pdf
[5] Jia Guo in http://www.p2.org/wp-content/uploads/june-27-pcbs-webinar.pdf
[6] Christie in http://www.p2.org/wp-content/uploads/june-27-pcbs-webinar.pdf
[7] USEPA, *Compliance Monitoring Strategy for the Toxic Substances Control Act (TSCA)*, Office of Enforcement and Compliance Assurance, September 2011.

produced PCBs, such as pigments. Specifically, the Task Force requests increased enforcement of the existing TSCA regulations regarding *excluded manufacturing processes* and *excluded PCB products*, as defined in 40 CFR 761.3 and further described in Subpart J of 40 CFR 761.

The Task Force is developing a comprehensive plan to bring the Spokane River into compliance with water quality standards for PCBs. Excluded PCB products, specifically inadvertently generated PCBs, may be processed, distributed in commerce, and used in a manner other than a totally enclosed manner. Once introduced into the market place as products excluded from regulation, these PCBs then enter the environment through a number of pathways. As discussed above, PCBs are an environmental and health problem in the nation's waters and food supply.

The current TSCA allowance for inadvertently generated PCB of 50 ppm (with additional allowances for mono- and di- chlorobiphenyls) is not protective of the environment. Violations of these allowances exacerbate the existing situation. Enforcement of the existing TSCA regulations regarding excluded manufacturing processes and excluded PCB products is important and necessary at this time.

Thank you once again for taking the time to meet with you. We look forward to hearing from you about the status of this request.

Sincerely,
Spokane River Regional Toxics Task Force

cc

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