Jim Jones

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*RE: Implementation of TSCA to Reduce PCB Inputs to our Nation’s Waters*

Dear Mr. Jones and Ms. Giles:

We are writing to request a meeting with your agency to discuss current TSCA allowances for PCBs and the revised Water Quality Standards for Washington that were published by the EPA on November 28th of this year.

The Spokane River Regional Toxics Task Force (Task Force) has worked diligently since 2012 to identify and reduce sources of polychlorinated biphenyls (PCBs) from entering the Spokane River. When we last wrote to you in 2013 (see attached letter) we requested that the EPA assist us in this effort. Specifically, we requested the EPA to consider reducing the nominal 50 parts per million (ppm) use allowance authorized under the Toxic Substances Control Act (TSCA) regulations. Our studies show that allowable concentrations of PCBs in consumer products enter the environment through normal use ultimately contributing to exceedances of the applicable water quality standards.[[1]](#footnote-1), [[2]](#footnote-2)  We also requested that the EPA provide enforcement on the use and import of products that may contain PCBs in concentrations exceeding the 50 ppm levels. Studies have shown levels of “inadvertently generated PCBs” in pigments, printed materials and other products that are concerning[[3]](#footnote-3),[[4]](#footnote-4)

On November 28, 2016 the EPA published revised Water Quality Standards for Washington State.[[5]](#footnote-5) These regulations lower Washington State’s Water Quality Standard from 170 parts per quadrillion (ppq) to 7 ppq. With this new rule, potentially every water body in the State of Washington will fail to meet water quality standards for PCBs. This situation is not unique to Washington. EPA’s ATTAINS database[[6]](#footnote-6) documents the national magnitude of this problem.

The Spokane River is included in the more than 81,000 miles of rivers and streams nationwide that are listed for PCBs. Only a limited number of PCB clean-up plans, also known as Total Maximum Daily Loads (TMDLs), have been prepared. To date, not one water body in the country has successfully met applicable water quality standards for PCBs.

Water quality regulations that focus on managing PCBs at end-of-pipe that are not effective when water quality standards are set at very low concentrations. Municipal ratepayers and businesses, already burdened with removing PCBs that are not created by them, are now held to even stricter standards that are neither measureable nor attainable with current treatment technologies. Meanwhile the TSCA allows continued use of PCBs at levels that are billions of times higher than the PCB limits in water. Our only opportunity for success in achieving these stringent water quality standards and providing economic fairness to all communities is to eliminate PCBs at the point of generation.

Since its inception the Task Force has used an inclusive approach to engage diverse interests to solve difficult problems. We would like to meet with key members of EPA’s TSCA and Water Quality programs within the next two months to discuss our thoughts on how to engage regulators, businesses, and environmental groups in a way that achieves mutually acceptable solutions. Please respond to Chris Page, with the Ruckleshaus Center, our third party facilitator regarding your availability for this meeting. We look forward to hearing from you soon.

Sincerely,

Spokane River Regional Toxics Task Force

c/o Chris Page

[add address]

cc

Jeffery Morris, Acting Director, EPA Office of Pollution Prevention and Toxics (OPPT)

Susan Shinkman, Director, EPA Office of Civil Enforcement (OCE)

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1. http://srrttf.org/wp-content/uploads/2015/03/Revised-Prduct-Testing-Report-7-21-15.pdf [↑](#footnote-ref-1)
2. Jia Guo in http://www.p2.org/wp-content/uploads/june-27-pcbs-webinar.pdf [↑](#footnote-ref-2)
3. https://fortress.wa.gov/ecy/publications/SummaryPages/1604014.html [↑](#footnote-ref-3)
4. Christie in http://www.p2.org/wp-content/uploads/june-27-pcbs-webinar.pdf [↑](#footnote-ref-4)
5. https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-28424.pdf [↑](#footnote-ref-5)
6. https://ofmpub.epa.gov/tmdl/attains\_index.home [↑](#footnote-ref-6)