

TSCA/iPCB Workgroup Meeting Summary
May 6, 2020

TSCA Members in Attendance:

Joel Breems (Avista)
David Darling (ACA)
Jeff Donovan (City of Spokane)
Ben Floyd (White Bluffs Consulting)
Lauren Heine (NW Green Chemistry)
Gary Jones (SGIA)
Doug Krapas (IEP)
Cheryl Niemi (Ecology)
Mike Peterson (The Lands Council)
Elsa Pond (WA DOT)
Karl Rains (Ecology)
Lisa Dally Wilson (Dally Environmental)

TSCA Members not in Attendance:

Tom Agnew (Liberty Lake SWD)
Adriane Borgias (Ecology)
Ben Carleton (IEP))
Lucy Edmondson (EPA)
Lara Floyd (White Bluffs Consulting)
Doug Greenlund (City of Spokane)
Doug McClanahan (WA DOT)
Anna Montgomery (NWGC)
Robert Mott (Mott Consulting, LLC)
Michelle Mullin (EPA)
Amelia Nestler (NGC)
Michael Ober (TDSC)
Cadie Olson (City of Spokane)
Amanda Parrish (the Lands Council)
Dean Weaver (WA DOT)
Jay West (American Chemistry Council)
Tammie Williams (WA DOT)

Agenda Items Discussed:

General:

- Doug Krapas and Ben Floyd met to consider an alternative meeting platform due to problems with connectivity and clarity using the current “Free Conference Call” service. It was decided to continue with the current service, as most of the connectivity issues (primarily associated with Ecology’s systems) appear to have been resolved. We will continue to evaluate and make changes if necessary. There were no connectivity problems with the May 6th conference call.
- Dr. Robert Mott (Principal of Mott Consulting, LLC, rc-mott@hotmail.com, 843-597-1363) requested to be added to the TSCA/iPCB Workgroup distribution list. **Action D. Krapas**

1. Road Paint Whitepaper:

- a. A. Montgomery provided a final draft of the whitepaper for TSCA/iPCB workgroup consideration on April 22nd.
- b. D. Krapas forwarded the final draft of the whitepaper to the TSCA/iPCB workgroup for one last opportunity to review prior to sending to the SRRTTF for approval.
- c. D. Krapas received comments from several members to the paper. More extensive comments to the document were provided by the Specialty Graphic Imaging Association in a memorandum dated May 1, 2020.
- d. The draft final whitepaper provided by NWGC and all comments received were discussed in detail during the meeting. Suggestions were made to provide background,

and reformat to provide better clarity regarding the purpose and outcomes of the document. **Action D. Krapas**

Historical Notes for this Project:

- e. The SRRTTF at the December meeting approved NWGC's proposal (\$2,460) to develop a "technical case study" whitepaper building on the work of journalist Sonja Elmquist.
 - f. NWGC intends to have a draft in February for TSCA Workgroup member review. NWGC expects about 2 months to complete the work, depending upon SRRTTF review and approval process.
 - g. Doug K. had suggested that David Darling from ACA, Elsa Pond from DOT and someone from DES be interviewed in addition to himself, as all were key players.
 - h. The group reviewed a prior action item related to the road paint project effort that was the follow-up evaluation of the specification change with municipalities using these "non-diarylide" paints:
 - i. David Darling suggested evaluating impacts from the supply side due to the China pigment supply concerns (plant explosion), available manufacturers/products, and any DES related purchasing issues.
 - ii. Elsa believes that it is still too premature as DOT and DES are still evaluating the supply chain concerns, availability of manufacturers/products, and effectiveness of the allowance in the purchasing process.
 - iii. Doug M. reported that the DOT has been using these products for some time and have 5 to 10 pigments to choose from. They have not experienced any problems with drying time, durability and other performance related parameters.
 - iv. Based on the above, the group decided to table this action and bring up for reconsideration in 2021.
2. **OECD** (Organization for Economic Co-operation and Development):
- a. D. Krapas received a high level report of the workshop and participants list, and will forward to the workgroup. **Action D. Krapas**
 - b. The TSCA/iPCB Workgroup agreed to table this project with Doug & Lauren continuing to follow-up with the OECD on any next steps. **Action L. Heine & D. Krapas**

Historical Notes for this Project:

- c. Lauren H. gave a presentation via webinar on March 31st entitled *Opportunities to remove or reduce inadvertent PCB (iPCB) Pigments in Packaging* for a Masterclass hosted by the Sustainable Packaging Coalition (SPC) with approximately 160 attendees. (https://spcwebinars.s3.amazonaws.com/SPCImpact2020/033120_MasterclassesMaterialHealth.pdf)
- d. Doug provided a summary of the presentation delivered by Doug and Lauren Heine to the OECD in Paris, France on Monday, February 3rd, 2020. A complete summary was provided in the February meeting minutes, along with the OECD Agenda and the PowerPoint presentation.
- e. Jay West was in attendance at the meeting and stated that the OECD is scratching their heads on next steps due to the diversity in the various case studies that were presented.

- f. The SRRTTF approved sponsorship of OECD application at the December meeting. Mike P. expressed a concern with the risk assessment of lower level congeners discussed in the application. Doug K. stated that the SRRTTF would be permitted additional information if the case study is accepted by OECD and that would be the appropriate time for the SRRTTF to suggest any revisions.
- g. Doug K. and Lauren Heine are scheduled to present the case study to the OECD at a workshop in Paris, France on Monday, February 3. The presentation is due to OECD no later than Friday, January 24. A draft of the presentation will be provided for SRRTTF approval at the phone-con meeting on January 22.

3. Update on PCB EPA Method 1668 study of TiO₂:

- a. Michael Ober was not available for this meeting to provide an update on this project and its current status to delay sampling due to logistical issues associated with the COVID-19 concern. **Action M. Ober.**

Historical Notes for this Project:

- b. Michael Ober stated that the TDSC membership met on March 27th to discuss this project and elected to delay sampling due to logistical issues associated with the COVID-19 concern.
- c. Michael Ober reported that comments were received from EPA after the due date, but will be incorporated into the QAPP.
- d. No comments were received by the TSCA workgroup, so the draft QAPP was submitted to the SRRTTF for review with comments to be received by COB March 18th and approval at the SRRTTF meeting on the March 25th.
- e. Jay West submitted the draft QAPP for review by the TSCA Work Group members on February 24th with a request that comments be received by COB March 4 as track changes to the Word documents.
- f. Jeff reviewed the QAPP and asked if it was applicable to the TiO₂ specifically used in products and not the products themselves. Jay confirmed that the QAPP applies only to the testing of TiO₂ and not any associated products that they may be used in.
- g. “Environmental Standards Inc.” (<https://www.envstd.com/>), selected as the 3rd party to develop the QAPP and perform data analysis for the TDSC is in the process of finalizing the QAPP. Michael expects a draft of the QAPP to be completed in February of 2020 for TDSC membership review and approval. Due to anti-trust concerns this is going to be a back and forth process with no firm timeline for completion.
- h. They would like to begin sampling in the 1st quarter of 2020, so the SRRTTF will need to expedite approval.
- i. As previously discussed, there were now only be three (3) categories of TiO₂ samples based on highest volumes of use, greatest nexus to the Spokane River and produced by Chloride process:
 - 1. Paints and Coatings
 - 2. Plastics
 - 3. Paper and Paperboard Packaging

4. PCB's in products data base updates:

- a. Mike P. has been in contact with Kyle Shimabuku of Gonzaga University's Civil Engineering Department who expressed interest. Mike P. will continue to interface with Gonzaga on this opportunity. **Action M. Petersen.**
- b. Cheryl investigated the opportunity for Ecology to host through Ecology's Toxics work on PCBs. Ecology currently has a PCB's in products data base, but we need to find out if it is expandable to accommodate outside data. They are currently in the development phase and will need dedicated funding. Long term decisions are needed for who will host and maintain. **Action C. Niemi.**
- c. Cheryl provided the following links to the 2 QAPPs for the 2017 PCB study:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1704004.html>
<https://fortress.wa.gov/ecy/publications/SummaryPages/1704045.html>
- d. Gary J. cautioned that there needs to be ground rules regarding the use of this information, referencing by example the Hydroseed supplier that was excommunicated due to potentially erroneous data.
- e. Doug will arrange for a separate meeting amongst the interested parties to further explore this opportunity since it requires addition time and focus. **Action D. Krapas**
- f. Cheryl provided a summary of WA's safer products law and Ecology's work to implement this law:
 - i. The law to implement safer products for WA was passed in May 2019
 - ii. Ecology selected 5 chemical groups: PFAS, PCBs, phthalates, phenols, and flame retardants
 - iii. Ecology is scheduled to deliver a report to the legislature by June 1, 2020.
 - iv. The draft report for PCBs includes inks and pigments as priority products due to iPCB concerns and is currently under review by executive management and the Governor's office.
 - v. Even though Ecology is not required to publish these reports for public review, they intend to conduct one public review process.
 - vi. The 3rd phase of work will include an investigation of alternatives, working with stakeholders and potentially regulatory actions.
 - vii. See the following websites for additional information:
<https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Safer-products>
https://www.ezview.wa.gov/site/alias_1962/37555/safer_products_for_washington.aspx
- g. The discussion on the CompTox workshops sponsored by EPA & Ecology will be tabled until future TSCA/iPCB workgroup meetings since no representatives from EPA were on the May call and we were time limited. **Action M. Mullin (C. Niemi)**

Historical Notes for this Project:

- h. Mike P., Anna M. & Lisa W. met to discuss possible options to move this project forward:
 - i. Since Lisa Rodenburg and Rutgers University have not been responsive, the group believes that a local academic institution may be better suited to host the data base.
 - ii. The group also suggested having a conversation with Ken Zarker to explore potential opportunities with Ecology PCB/Toxics group. Doug K. suggested that perhaps

- Cheryl N. might be a good conduit for communicating these efforts with Ken due to her involvement with both the TSCA/iPCB and Ecology's Toxics group. Cheryl expressed that she is focused on the safer products work and not necessarily on product testing, but offered to be the messenger for discussing synergistic activities.
- i. Mike P. contacted Lisa Rodenburg after the holidays regarding Rutgers hosting the data base. Lisa said to be patient as she is still waiting to hear back from the Rutgers decision makers.
 - j. Cheryl stated that she uses the CompTox data base to evaluate toxics in products.
 - k. The group has expressed some concerns over the user friendliness of the CompTox data base and its suitability for our intended use.
 - l. Both EPA and Ecology are sponsoring workshops in February regarding use of the CompTox data base. Karl, Jeff, Doug, Elsa, Cheryl, Lauren and Mike P. plan to attend.
 - m. Michelle suggested submitting any questions we have ahead of the workshop.
5. **EPA research opportunities:** no representatives from EPA were on the May call to provide an update to the following projects:
- a. **iPCB Key words for Scholarly Articles:** Michelle stated during our February, 2020 call that EPA is resource limited and is focused on higher priority projects such as site clean-ups and iPCB product testing (see below Children's Product Testing), so this particular project has been assigned a lower priority and is currently on the back burner. **Action M. Mullin to provide occasional updates**
 - b. **Children's Product Testing:** Michelle stated during our February, 2020 call that this remains a work in progress, as EPA attempts to understand the variability of the results and other environmental influences (air emissions, dust adsorption, etc.). **Action M. Mullin to provide occasional updates**

Historical Notes for this Project:

- i. EPA recently completed a pilot project testing children's products using Method 1668.
 - ii. EPA found a difference between the results of their study of similar products to that conducted by Ecology, and even variability amongst the same products (i.e.: yellow glitter foam sheets).
 - iii. PCB-11 was the most prevalent congener detected.
 - iv. EPA is using a different lab (ORD) and extraction methods than that used by Ecology.
 - v. Michelle was not sure what if any blank correction methods were being used, but will find out for our next meeting. **Action M. Mullin (also, when is report expected?)**
- c. **NTP risk study of various Congeners and Aroclors:** NTP is evaluating toxicity of PCB congeners 11, 95, 126, 153 and Aroclors 1016 and 1254. **Action M. Mullin to provide occasional updates**

6. iPCB Workshop:

- a. **PCB-11 Alternative Assessment** - the group decided to wait for the NTP results prior to investing too much effort into exploring what can be done to look at PCB-11 (or any other individual congener) differently from a regulatory perspective, if it is determined that PCB-11 is not as persistent, bio-accumulative or toxic as other congeners
- b. **NWGC iPCB Working Groups** – no representatives from NWGC were available for this meeting to discuss the status of other funding options to continue this work.
 - i. Anna and Cheryl are to explore with Ken Zarker regarding Ecology's Toxics Group on PCBs to see if there may be any opportunities/synergies to carry on this work.

Action C. Niemi. & A. Montgomery

- c. **iPCB Workshop Outcomes** - outcomes from the iPCB workshop and from the continued work of NWGC need to be compiled for evaluation by the TSCA/iPCB workgroup to determine if a divide and conquer strategy can be implemented to pursue viable projects. Doug suggested a poll for workgroup members to vote on for prioritization. **Action D. Krapas.**
- d. **The Lands Council National Advocacy** - Mike P. provided an update regarding the Lands National outreach campaign to expand knowledge on the iPCB issue:
 - i. Mike P. reported that The Lands Council did not receive the Columbia River Toxics Grant that would have supported this National outreach effort.
 - ii. The River Rally conference in San Antonio in May will now be a webcast with Mike's presentation being pre-recorded:
https://zoom.us/rec/play/tZwtJbqopz83GNfA5gSDAPNxBW9S0Lfis0iEc-gcPnhmzBSUKNQH3MudAY7MRvHe1FmNiXhkX52euqqyt?startTime=1586884491000&_x_zm_rtaid=mQwY71QtT4CiBOteqNy8gg.1590716525953.894fb62c619278a0881872d3de28c0eb&_x_zm_rhtaid=811
 - iii. Mike intends to reach out to other State environmental agencies, targeting around five that have similar PCB impairment concerns.
 - iv. Doug suggested reaching out to the Environmental Council of States (ECOS) to connect with environmental agencies of all 50 states. Doug K., Lisa Rodenberg and Rick Eichstaedt (Center for Justice/Riverkeepers) presented to ECOS in 2012 that resulted in a resolution by ECOS.
 - v. Also reaching out to the Environmental Council of States (ECOS). In lieu of a resolution that doesn't appear to have gained much traction with EPA, Mike P. suggested challenging ECOS on other calls to action. **Action M. Petersen.**

Historical Notes for this Project:

- e. Doug suggested reaching out to the Environmental Council of States (ECOS) to connect with environmental agencies of all 50 states. Doug K., Lisa Rodenberg and Rick Eichstaedt (Center for Justice/Riverkeepers) presented to ECOS in 2012 that resulted in a resolution by ECOS.
- f. **PCB-11 Alternative Assessment** - the group had an open discussion regarding David Darling's proposal to evaluate PCB-11 in comparison to other dioxin-like congeners (evaluate rates of degradation, bioaccumulation potential, NTP study on PCB-11 toxicity,

and to explore methods to handle PCB-11 differently from a regulatory standpoint) that was one of the outcomes from the iPCB workshop.

- i. Doug K. provided the following sources of PCB-11 data in response to Dave's inquiry: IEP's quarterly effluent data and Source ID study required by the NPDES permit relative to the pigments in recycled paper as a source of PCB-11 (note that this quarterly data collection is a requirement of all WA dischargers for additional PCB-11 data); product testing by Ecology, EPA and City of Spokane, and all data collected by SRRTFF for water, fish, biofilm, sediment, etc.
 - ii. In lieu of trying to evaluate downstream projects, Doug K. suggested first answering the more basic question of what do we do with the results of such studies by asking the regulating agencies (EPA & Ecology) what and how can be done to look at PCB-11 (or any other individual congener) differently from a regulatory perspective, if it is determined that PCB-11 is not as persistent, bio-accumulative or toxic as other congeners? If the agencies aren't willing to consider such options then it would be a waste of time and resources pursuing such evidence.
 - iii. David suggested that it may be more prudent to wait for the NTP results prior to investing too much effort into other evaluations, but will continue to develop his thoughts around this concept.
- g. **NWGC iPCB Working Groups** - Anna provided an update on NWGC's progress to carry-on the efforts from the workshop under the Bullitt Foundation grant:
- i. The March meetings will be the last under the Bullitt Foundation grant
 - ii. NWGC is seeking other funding options to continue this work through the Bullitt Foundation and Source Reduction Assistance (SRA) program (May 15th deadline for application).
 - iii. Anna also intends to follow up with Ken Zarker regarding Ecology's Toxics Group on PCBs to see if there may be any opportunities/synergies to carry on this work. Doug K. suggested that Cheryl might be a good conduit to promote these conversations since she is participating in the TSCA/iPCB work group and is in Ecology's Toxics Group.
- h. During the February, 2020 meeting David Darling had suggested projects to evaluate PCB-11 in comparison to other dioxin-like congeners and provided the following for consideration: evaluate rates of degradation, bioaccumulation potential, explore methods to handle PCB-11 differently. David was not available for our March, 2020 meeting, so this discussion will be tabled until the April meeting.
- i. Mike P. in regards to the advocacy piece, stated that The Lands Council is putting together a National outreach campaign to expand knowledge on the iPCB issue, reaching out to other State agencies and will be attending the River Rally conference in San Antonio in May. Mike also stated that they implement this effort regardless of their success in obtaining the Columbia River Toxics Grant
 - j. The NWGC advocacy groups were reported to be poorly attended, so TSCA Workgroup members were encouraged to join one of the groups to carry on the work of the iPCB workshop
 - k. The following TSCA Workgroup members present for this meeting were attending the following

- i. Government/Regulatory – Elsa, Karl & Cheryl
 - ii. Technical Considerations – Jeff
 - iii. Policy/Advocacy – Doug (Mike P. stated he will join this group)
- l. The benefit of consolidating into one group versus three was discussed to improve attendance, minimize the number of meetings and diversify the brainstorming talent. After much debate, it was agreed that separate groups addressing each of these very diverse topics was more prudent at this time.
- m. Also suggestions to better define the purpose, goals and outcomes of each NWGC workgroup would be beneficial to provide better definition and guidance.
- n. There has been some confusion as to the difference between the Government/Regulatory and Policy/Advocacy workgroups. Doug K. explained that the Policy/Advocacy was not government related policy, but Corporate policy, so the suggestion was made to define as Corporate policy/Advocacy to better define.
- o. As a follow-up to the workshop, NWGC is conducting webinars to further develop the three main categories of interest:
 - i. Government/Regulatory – two meetings held in November with good attendance.
 - ii. Technical Considerations – one meeting in November with good attendance
 - iii. Policy/Advocacy – one meeting in November with poor attendance
- p. Review of key points from the work groups:
 - i. A lot of questions remain around key issues such as toxicity of iPCBs.
 - ii. A lot of emphasis on Brands impacting the decision makers.
 - iii. The Sustainable Packaging Coalition (SPC) was absent from our iPCB workshop due to a conflicting conference, but is having another conference in late March in Austin, TX which may serve as a good opportunity to present on the iPCB concern.
 - iv. SPC members are not aware of the iPCB concern.
 - v. Questions that Brands should be asking of suppliers and policies that they could implement.
- q. Karl questioned the funding sources of NWGC's continuing work and its applicability to SRRTTF guidelines for reporting. Anna confirmed that funding did not include SRRTTF funds for this ongoing work, and was using Bullitt foundation funding that will continue through March of 2020. The Bullitt foundation will be closing its doors thereafter, so there may be some Ecology PPG funding to continue this work.
- r. We need to encourage SRRTTF members to participate in this ongoing NWGC work to further advance the efforts from the iPCB workshop.

7. **Funding:**

- a. TTWG and Funding Workgroups to develop a coordinated strategy and consider using current funding to support this effort. Karl will put this request onto the Funding workgroup agenda for discussion and bring recommendations to SRRTTF for consideration. Lisa will put on the TTWG schedule for the May meeting. **Action L. Dally Wilson & K. Rains**

Historical Notes for this Project:

- b. Based on recent information regarding the EPA OPPT grant, nonprofit organizations (such as NWGC, The Lands council, ACE) can apply under the Source Reduction Assistance Program but cannot apply for the Pollution Prevention Grant Program.
 - c. Only a public university (i.e.: Rutgers) may apply and the application would have to go through the applicable EPA region
 - d. Based on the above and the limited time line for gaining SRRTTF approval, the collective decision by the TSCA/iPCB workgroup was not to pursue this particular grant
 - e. Mike P. asked if anyone knew about the status of the Columbia River Toxics Grant that the Lands Council submitted an application. Karl stated that EPA received 24 applications that are currently under review. EPA expects to award the successful grants in June/July 2020.
 - f. Karl mentioned that Adriane believes that the SRRTTF is well positioned for these types of grants due to our cross boundary watershed and diversity of interests.
 - g. Karl stated that we need to define projects with scopes of work so packages are ready to go upon notice of grant opportunities.
 - h. Lisa stated that the TTWG should develop a full list of projects for this purpose, but the funding workgroup should develop a boiler plate grant proposal.
 - i. Ben suggested that the TTWG and Funding Workgroups develop a coordinated strategy and might consider using current funding to support this effort. Karl will put this request onto the Funding workgroup agenda for discussion and bring recommendations to SRRTTF for consideration.
8. **Other:**
- a. **EU Recast of POP Regulations** - L. Heine referenced the recent recast of the European Union regulations regarding persistent organic pollutants (**attached**) that appears to disallow any contamination of PCBs in products. The group asked J. West if he would be able to provide a summary to the group at the next TSCA/iPCB meeting in May regarding implications of this recast as it relates to PCBs. Jay was not available for the May meeting so reschedule for future meeting. **Action J. West**