

## TSCA/iPCB Workgroup Meeting Summary

October 7, 2020

### TSCA Members in Attendance:

Scott Braithwaite (ACA)	Cheryl Niemi (Ecology)
Jeff Donovan (City of Spokane)	Michael Ober (TDSC)
Ben Floyd (White Bluffs Consulting)	Mike Peterson (The Lands Council)
Gary Jones (Printing United Alliance)	Karl Rains (Ecology)
Doug Krapas (IEP)	Lisa Dally Wilson (Dally Environmental)
Robert Mott (Mott Consulting, LLC)	

### Agenda Items Discussed:

#### General:

- a. Added a new Item #1 – Updates on WA HHWQC Lawsuits

#### 1. WA HHWQC Lawsuits: **Action: D. Krapas and others (i.e.: Ecology) to provide any updates on the following lawsuits:**

- a. **WA State vs. EPA** - WA State filed a lawsuit in federal court challenging reconsideration and approval of state standards on 06/08/19
  - EPA moved for summary judgment in this case in June 2020
  - Motion has been fully briefed and waiting for a decision from the court
- b. **Puget Soundkeeper Alliance & Makah Indian Tribe vs. EPA** - Action filed on 6/11/20 challenging EPA action to withdraw federal HHWQC
  - Case assigned to same judge as 1.a. above
  - No further action has taken place in this case

#### 2. Update on PCB EPA Method 1668 study of TiO<sub>2</sub> Pigments: **Action: J. West & M. Ober to continue providing updates on the TDSC project:**

- a. There are a total of four (4) facilities participating in the sampling: One has completed sampling, two are in process, and one was shut down due to a hurricane and is once again operational and has begun sampling.
- b. All of the samples that are collected will be analyzed together to minimize the potential for background contamination and variability.
- c. SGS-AXYS in NC has estimated a 30 day turn around for analysis of all samples.
- d. Data analysis and the final report will be performed by Environmental Standards. They remain hopeful that a draft may be available for iPCB/TSCA workgroup review by the end of 2020.
- e. A final report will likely be available for the full SRRTTF during the spring of 2021.
- f. The TDSC is meeting tomorrow, so any updates will be forwarded by Mr. Ober

#### Previous Meeting Notes:

- g. Training for sampling of the various TiO<sub>2</sub> pigments used in coatings, plastics and paper was completed in August and sampling is now dependent on manufacturer's availability.
- h. All samples will be submitted to SGS-AXYS in North Carolina for analysis.
- i. If all goes well, they are scheduled to report results before the end of the year.
- j. There were requests on the format for presenting the data (range of results vs. aggregate), but Michael cautioned that the data must be presented in a manner to protect the confidentiality and proprietary nature of the participating manufacturers.

### 3. PCB's in products data base updates:

#### a. **Gonzaga Research Project: Action M. Peterson & K. Shimabuku to provide project status updates**

- Kyle is unavailable for the iPCB/TSCA workgroup meetings due to a class conflict, so D. Krapas provided the following update.
- Gonzaga has completed their research into this project and is prepared to present the final results to the iPCB/TSCA workgroup for consideration.
- A Doodle Poll was provided to the members with available dates and times for the presentation. Members were encouraged to complete the poll by the deadline of Friday, October 9.
- Since the draft presentation has already underwent review and comment, it is hopeful that the final presentation of the results can be made to the full SRRTTF at the October meeting (October 28<sup>th</sup> @ 08:30 via Zoom)

#### **Previous Meeting Notes:**

- Kyle contacted Sarah Grace Longworth, Project Manager at ECOS for a status update on ECOS Resolution #12-9 regarding inadvertent PCBs in Products. Sarah intends to include this subject in one of their forthcoming newsletters.
- At the July meeting, the SRRTTF approved a contract with Gonzaga University to research iPCBs in products to support a potential data base (Phase 1 approach):
- The project is scheduled for completion by December 31, 2020
- Recommended leads for possible data include Rutgers University, University of Iowa, San Francisco Bay Regional Water Quality Control Board, Delaware River Basin Commission, and EPA Method 1668 laboratories.
- M. Peterson is working with K. Shimabuku (Gonzaga University) in reaching out to the Environmental Council of States (ECOS) to help support Gonzaga's research efforts into the data base for iPCB products and to further investigate ECOS efforts on the TSCA/WQS paradox.
- C. Niemi & K. Zarker provided the following contact at ECOS: Sarah Grace Longworth, Project Manager: <https://www.ecos.org/about-ecos/staff/sarah-grace-longworth/>

#### b. **Ecology Sponsored Data Base: Action Ecology, K. Rains & C. Niemi to consider after Gonzaga study**

- Pending outcome of 3.a. Gonzaga Research project

#### **Previous Meeting Notes:**

- More investigation is needed into the Comprehensive Plan provision for a Clearinghouse to be developed by Ecology with SRRTTF support.
- K. Rains confirmed that Ecology already has a products data base, but that it is limited to Ecology related work and that expanding it beyond may be difficult, especially considering resource limitations.
- C. Niemi reported that this element of the Comprehensive Plan may not have been fully understood by Ecology Management, since the existing Ecology data base

cannot easily accept outside data and would be very labor intensive.

- More investigation will be needed if this project develops into subsequent implementation phases to determine if Ecology's data base fits this need. Suggest waiting for the discovery from the Gonzaga research project.

**4. Education/Outreach:** M. Peterson provided an update on The Lands Council's national outreach campaign to expand knowledge on the iPCB issue:

a. **Roanoke River Conference: Action M. Peterson & K. Shimabuku to provide status updates**

- A draft of the presentation was sent to iPCB/TSCA workgroup members on September 2<sup>nd</sup> with a request for comments by September 9<sup>th</sup>.
- M. Peterson believes that their half hour presentation will be in the morning of October 21<sup>st</sup>.

**Previous Meeting Notes:**

- Gonzaga and the Lands Council received an offer to present on the PCB data base development work for the SRRTTF at the virtual Roanoke River Conference on October 21-22.
- Additionally, sharing the driver behind this need - the discrepancy between what is allowed in products under TSCA vs water quality regulations for PCBs.

**5. iPCB Workshop:**

- a. D. Krapas provided a revised compilation based on comments received by L. Dally Wilson and G. Jones to the outcomes and potential next step projects from the SRRTTF & NGC iPCB Workshops for TSCA/iPCB Workgroup member consideration. The intent is to rank for future discussion and project development for this workgroup:
- A lot of discussion ensued around particular elements of the revised compilation, however everyone appeared to be in general agreement with the deletions, revisions and comments.
  - D. Krapas will consolidate the document based on the revisions and comments received, and provide additional detail to each element regarding potential projects. **Action D. Krapas to provide a consolidated and more detailed compilation of potential projects**

**Previous Meeting Notes:**

- b. The slide decks and minutes from all of iPCB Working Group Meetings (Technical Considerations, Government/Regulatory, and Advocacy/Policy) were posted on the SRRTTF website: [http://srrttf.org/?page\\_id=10188](http://srrttf.org/?page_id=10188)
- c. The outcomes and potential next step projects from the iPCB Workshop, the subsequent iPCB Working Group Meetings, and the Road Paint Whitepaper are to be compiled for evaluation by the TSCA/iPCB Workgroup.

**6. Safer Products WA: Action Ecology, C. Niemi to continue updates**

- a. D. Krapas distributed an announcement from C. Niemi regarding a presentation on the SPWA progress by Ecology on September 29<sup>th</sup> to the House Environment and Energy Committee Virtual Work Session: <https://www.tvw.org/watch/?eventID=2020091019> (starting at time 47:50).
- b. Another webinar on Phase 3 development will be held on October 8 at 1:00.

**Previous Meeting Notes:**

- c. A report was submitted to the legislature that includes iPCBs in Paints and Printing Inks: <https://fortress.wa.gov/ecy/publications/documents/2004019.pdf>
- d. Ecology's next steps include a public webinar in August to discuss the report

**7. Funding: Action L. Dally Wilson & K. Rains to provide updates**

a. **Monsanto Settlement:**

- No news has been received regarding the status of the Monsanto settlement for SRRTTF use.
- The SRRTTF sent letters of support to the Governor's office, House & Senate Leadership, and local legislators. **Action D. Krapas and M. Gombosky (IEP's Contract lobbyist) to follow-up with legislators**

- b. A suggestion was made to remove the funding discussion from the agenda for the iPCB/TSCA Workgroup since it should not be the primary focus of this workgroup and it consumes valuable meeting time. While in general agreement, D. Krapas would prefer to keep as a placeholder for discussion (time permitting) since IEP has primary responsibility lobbying for legislative funding and expressed concerns over the availability of future funding to the state's budget problems. This agenda item can be eliminated once the Funding Workgroup becomes more active and takes a leadership role in addressing the necessary actions. **Action B. Floyd & K. Rains to schedule a Funding Workgroup meeting**

- c. A boilerplate for grant applications is still needed so that we can react swiftly when opportunities arise. **Action B. Floyd to help develop draft boilerplate**

- d. B. Floyd is working on the 2021 SRRTTF Work Plan that will include funding options. **Action B. Floyd to complete draft 2021 SRRTTF Work Plan**

**Previous Meeting Notes:**

- e. TTWG and Funding Workgroups to develop a coordinated strategy and consider how best to use available funding to support SRRTTF efforts.
- f. Karl will put this request onto the Funding workgroup agenda for discussion and bring recommendations to SRRTTF for consideration.
- g. L. Dally Wilson and the TTWG have developed a list of potential future projects

**8. EU Recast of POP Regulations:**

- a. Dr. Mott is nearing completion of the written summary regarding various PCB regulations and test methods: **Action Dr. Mott to provide a written summary of his discovery**

**Previous Meeting Notes:**

- b. Dr. Mott provided the following briefing in regards to various PCB regulations and test methods:
  - Not much has changed in the U.S. except for the use of EPA Method 1668
  - Regulations in Canada have recently been updated. Mono- and Di-chlorinated PCBs are not in the scope and there is no test method identified.
  - European Union is confusing with so many amendments and corrections since the original POP regulations in 1976.
  - The most recent recast of POP regulations in July specified all chlorinated congeners

- of PCBs and the exemption of mono- and di-chlorinated congeners disappeared.
- Incidental generation of PCBs is no longer in the scope, and only existing regulations from 1984 reference the use of colorants and plastics. L. Heine recalled seeing incidentals addressed in the annex. **Action L. Heine to provide the reference to incidental PCBs in POP annex**
- c. The regulations reference Analytical Methods APA 981 (<5ppm) and EPA Method 608. The recent recast of the European Union regulations regarding persistent organic pollutants appears to disallow any contamination of PCBs in products.
  - d. J. West provided the following links to information regarding the POP Regulations:
    - [https://www.chemsafetypro.com/Topics/EU/new\\_changes\\_recast\\_POPs\\_regulation\\_EU\\_2019\\_1021.html](https://www.chemsafetypro.com/Topics/EU/new_changes_recast_POPs_regulation_EU_2019_1021.html)
    - <https://www.tuvsud.com/en-us/e-ssentials-newsletter/consumer-products-and-retail-essentials/e-ssentials-10-2019/eu-pops-regulation-recast-is-now-published>
    - <https://www.intertek.com/consumer/insight-bulletins/recast-on-persistent-organic-pollutants-regulation-published/>
    - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1021&rid=3> (the recast language itself)
  - e. Regarding PCBs, the recast appears to incorporate terms of a 1996 Council Directive concerning management of equipment (transformers, capacitors, etc.) containing PCBs.
  - f. L. Heine believes that the recast is also applicable to pigments.
  - g. Dr. Mott explained that in the EU and Canada, “PCBs” means 3 or more chlorination’s, so chemical companies do not even look for mono or di-chlorinated congeners.
  - h. L. Heine believes that the regulation is applicable to all 209 congeners.
  - i. Dr. Mott to locate the citation that identifies this exclusion and the test methods used in Europe and Canada to evaluate PCBs at the homologue level
9. **EPA research opportunities:** no representatives from EPA were on the call to provide an update to the following projects:
- a. D. Krapas had a follow-up conversation with L. Edmondson regarding the status of EPA projects:
    - Lucy stated that with the COVID situation, projects at EPA have slowed down
    - Lucy had no specific updates on the EPA projects, but will attempt to get for the TSCA/iPCB Workgroup meeting in September which she should be able to attend.
    - Lucy will attempt to track down a contact at NTP for the TSCA/iPCB Workgroup
    - C. Niemi has also been working on locating a contact at NTP for follow-up on the NTP risk study of various Congeners and Aroclors. **Action C. Niemi to track down contact at NTP**
  - b. **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 EPA, M. Mullin & L. Edmondson**
  - c. **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 EPA, M. Mullin & L. Edmondson**

- d. **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 EPA, M. Mullin & L. Edmondson**