

TSCA/iPCB Workgroup Meeting Summary

November 4, 2020

TSCA Members in Attendance:

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

Agenda Items Discussed:

- 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
 - Washington State and two intervening tribes have files amended complaints to challenge the substantive decision by EPA to withdraw the federal HHC
 - Answers to the amended complaints are due 11/9/20
 - A joint status report is to be filed on 11/12/20
 - 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
 - Answers to the complaints are due 11/9/20
 - A joint status report is to be filed on 11/12/20
- 2. Update on PCB EPA Method 1668 study of TiO₂ Pigments: Action: J. West & M. Ober to continue providing updates on the TDSC project:**
 - a.** Facilities continue to sample and are on schedule for the rough timeline we discussed at the previous TSCA WG meeting last month (see Previous Meeting Notes below).

Previous Meeting Notes:

- b.** 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.
- c.** All of the samples that are collected will be analyzed together to minimize the potential for background contamination and variability.
- d.** SGS-AXYS in NC has estimated a 30 day turn around for analysis of all samples.
- e.** 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.
- f.** A final report will likely be available for the full SRRTTF during the spring of 2021.
- g.** Training for sampling of the various TiO₂ pigments used in coatings, plastics and paper was completed in August and sampling is now dependent on manufacturer's availability.
- h.** 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:

- Based on the results obtained through the Gonzaga research project, it does not appear that there is sufficient information available to support an iPCB in Products Data Base. Therefore, this project will be removed from future consideration by the iPCB/TSCA workgroup. **Action D. Krapas to remove from workgroup projects**
- However, the outreach from this research effort resulted in numerous contacts in other watersheds that are interested in information exchange with SRRTTF efforts.
- We will keep this project as a placeholder to assure that a strategy is developed for outreach to these other watersheds. This placeholder will be moved under the Education and Outreach projects.

Previous Meeting Notes:

- The final presentation of the results was made to the full SRRTTF at the October meeting (October 28th @ 08:30 via Zoom)
- Gonzaga completed their research into this project and present the final results to the iPCB/TSCA at the October workgroup for consideration.
- 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:

- Based on the outcome of the Item 3 Gonzaga Research project, there is insufficient information to support an iPCB in Products Data Base. Therefore this project will be removed for future consideration by the iPCB/TSCA workgroup. **Action D. Krapas to remove from workgroup projects**

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:

- Outreach from the Gonzaga research effort on iPCBs in Products to support a data base and a subsequent presentation at the Roanoke River Conference, resulted in numerous contacts in other watersheds that are interested in information exchange with SRRTTF efforts.
- M. Peterson and others (Lisa Daly Wilson, Joel Breems, etc.) will take this request to develop an outreach strategy to the Education & Outreach group that may be better suited for this scope of work.
- We will keep this project as a placeholder on the iPCB/TSCA workgroup to assure that a strategy is developed for outreach to these other watersheds. **Action M. Peterson & other Education/Outreach participants**

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.
- A draft of the presentation was sent to iPCB/TSCA workgroup members on September 2nd with a request for comments by September 9th.
- M. Peterson believes that their half hour presentation will be in the morning of October 21st.
- 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 consider for 2021 iPCB/TSCA workgroup projects:
 - L. Heine suggested adding the development of a chlorinated versus non-chlorinated pigments list under Technical Considerations.
 - The group had a robust discussion regarding the "Evaluate fate of PCB-11" under Technical Considerations to better develop potential projects. Suggestions were made to develop a paper/bibliography on PCB-11 related to existing work/developments (NWGC papers, work by the SRRTTF, hatchery study, etc.). D. Krapas suggested that perhaps this might be another good research project for Gonzaga.
 - D. Krapas will further 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 for workgroup final review and comment.

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
- 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. Ecology is currently in Phase 3 develop which is to develop any regulatory actions, including: take no action, require notice, reporting restrictions, or prohibit chemicals of concern.
- b. Any chemical restrictions require that safer alternatives are feasible and available, and have included stakeholder consultation (CPMA, ACA, etc.).
- c. Ecology determinations will be available for public comment by June 1, 2022 that will be followed by Phase 4 rulemaking.

Previous Meeting Notes:

- d. D. Krapas distributed an announcement from C. Niemi regarding a presentation on the SPWA progress by Ecology on September 29th to the House Environment and Energy Committee Virtual Work Session: <https://www.tvw.org/watch/?eventID=2020091019> (starting at time 47:50).
- e. Another webinar on Phase 3 development will be held on October 8 at 1:00. A report was submitted to the legislature that includes iPCBs in Paints and Printing Inks: <https://fortress.wa.gov/ecy/publications/documents/2004019.pdf>
- f. Ecology's next steps include a public webinar in August to discuss the report

7. Funding:

- a. 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 due to the state's budget problems.
- b. **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**
- c. **Funding Updates: Action L. Dally Wilson & K. Rains to provide updates**
 - Funding & TTWG Workgroup Updates
 - Boilerplate for grant applications
 - 2021 SRRTTF Work Plan that including projects and funding options

- The Funding Workgroup held a ZOOM meeting on November 3

Previous Meeting Notes:

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

8. EU Recast of POP Regulations:

- a. Dr. Mott was not available for this meeting and we still have yet to received his written summary regarding various PCB regulations and test methods: **Action Dr. Mott to provide a written summary of his discovery**
- b. 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**

Previous Meeting Notes:

- c. 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.
- d. The regulations reference Analytical Methods APA 981 (<5ppm) and EPA Method 608The recent recast of the European Union regulations regarding persistent organic pollutants appears to disallow any contamination of PCBs in products.
- e. 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.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)
- f. Regarding PCBs, the recast appears to incorporate terms of a 1996 Council Directive concerning management of equipment (transformers, capacitors, etc.) containing PCBs.
- g. L. Heine believes that the recast is also applicable to pigments.
- h. 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.
- i. L. Heine believes that the regulation is applicable to all 209 congeners.

- j. 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 on August 20, 2020 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**