

TSCA/iPCB/Green Chemistry Workgroup Meeting Summary
June 1, 2022

TSCA Members in Attendance

Vikki Barthels (SRHD)	Noah Maddock (ChemForward)
Scott Braithwaite (ACA)	Craig Manahan, Craig (ECY)
Hollie Davies (DOH)	Cheryl Niemi (Ecology)
Sarah Gilbert (IEP)	Naghmana Sherazi (The Lands Council)
Gary Jones (Printing United Alliance)	Lisa Dally Wilson (Dally Environmental)
Doug Krapas (IEP)	

iPCB/TSCA Agenda Items Discussed:

1. **WA HHWQC Lawsuits/TMDLs: Action: D. Krapas and others (i.e.: Ecology) to provide any updates on the following lawsuits**
 - a. **EPA proposed HHWQC for WA State:** Public comments to the draft rule were due by May 31, 2022
 - b. **Settlement requiring EPA to complete a PCB TMDL for the Spokane River:** EPA to complete a TMDL for PCBs in the Spokane River by September 30, 2024
2. **Education/Outreach: Action: The Lands Council (TLC) is to provide updates on the iPCB National Outreach Campaign project:**
 - a. N. Sherazi provided the following update regarding the status of this project (website: www.ipcbfree.org)
 - TLC has been performing the outreach component of this effort with the assistance of an intern using the following talking points:
 1. What are iPCBS
 2. This is how they're made
 3. These are EPA rules
 4. Will you join us in asking for reform of TSCA?
 - TLC is reaching out to those on the list developed by this workgroup and the Task Force and additional contacts identified by TLC. Contacts number in the hundreds and feedback has been generally positive.
 - A draft final report was scheduled for SRRTTF consideration by June/July 2022, but TLC will need to provide an updated schedule due to delays
 - B. Floyd & D. Krapas recommended review of the summary report first by the iPCB workgroup with final approval by the SRRTTF to finalize the project
 - TLC is anticipating a need to extend the contract beyond the end of first biennium (June 30, 2022) and is to contact ACE. **Action: TLC to provide ACE notification of the need for a contract extension**
3. **iPCB/TSCA Workgroup Projects, Approved & In Process:**
 - a. **PCB-11: Sources and Pathways to the Spokane River:** this work is currently under the guidance of the TTWG and is an element of the 2022 low-flow synoptic survey/mass

balance that was approved by the SRRTTF at the May meeting and will be conducted in August/September. **Action Item: L.D. Wilson to provide updates on the progress of this project through the TTWG**

b. **PCB Policies Evaluation, Phase 1: 3rd Party Research Effort: Action Item: Braided River Consulting to provide updates at the iPCB/TSCA monthly meetings**

- A. Montgomery was not available for this meeting, but did send D. Krapas an email stating that Braided River is running about 2 weeks behind schedule. They originally anticipated having the draft report available for comment and review by this workgroup around mid-May which should now be sometime in June.

c. **Develop Industry List of Pigments: Chlorinated vs. Non-Chlorinated: Action Item: ChemForward to provide updates at the iPCB/TSCA monthly meetings**

- See attached presentation update from ChemForward (**Inadvertent PCBs database update_060122**)
- Noah Maddock of ChemForward presented the update for this project in L. Heine's absence
- ChemForward requested feedback on the following language presented on Slide #4 for the data base Landing Page:

This database was commissioned by the Spokane River Regional Toxics Task Force to help reduce the presence of inadvertent PCBs in pigments that can reach water bodies such as the Spokane River.

It was designed and built as a resource to help understand which pigments include chlorine in their molecular structure and/or whether chlorinated solvents are used in the process of manufacturing the pigment - regardless of whether or not chlorine is part of the pigment structure.

Caveat: The use or presence of chlorine in a pigment or in the pigment manufacturing process does not definitively determine that inadvertent PCBs are present in a pigment. While it is known to be true for some pigments such as the diarylide yellows, it may not be true for all.

- D. Krapas suggested sending the language out to the full workgroup to solicit feedback within one week. **Action Item: D. Krapas to distribute language to the workgroup requesting feedback by Wednesday, June 8. Action Item: iPCB/TSCA Workgroup members to provide feedback by Wednesday, June 8.**
- G. Jones once again expressed concerns with the value judgement conveyed by the hazards information and the context in how it might be misinterpreted when applied to mixtures of other products (inks, plastics, paints, etc.)
- D. Krapas summarized the conclusion raised from the May meeting that the majority of the workgroup agreed to remove the "hazard band" which is a grading system developed by ChemForward, but agreed to maintain the "Hazard" tab since this is factual information and consistent with the scope of work for this contract

- Considering that this workgroup cannot reach consensus, D. Krapas suggested that this issue be brought to the attention of the voting members of the SRRTTF upon consideration and approval of the work product whether to keep or remove.
Action Item: D. Krapas to include the discussion of the hazards information for consideration by the voting members of the SRRTTF upon approval.

4. **2022 Proposed Projects:** The workgroup discussed the following list of projects:

2022 Proposed iPCB/TSCA Workgroup Projects
Request that EPA to perform Cost/Benefit Analysis and reevaluate TSCA
Evaluate existing product testing data to determine if TiO2 specific congeners can be identified
Perform statistical analysis of the TiO2 data provided
Test raw TiO2 and products with nexus to Spokane River to determine PCB concentrations & specific congeners
EPA or Ecology product testing programs to collaborate with the SRRTTF to perform testing of TiO2 products

a. **EPA to perform Cost/Benefit Analysis and reevaluate TSCA:**

- With the recent reassignment of K. Rains, D. Krapas took a leadership role in trying to move this project forward by meeting with A. Borgias and C. Niemi of Ecology on 05/24/22 to discuss the details of this proposal.
- Under TSCA Section 21, any person may petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under Section 6 -- rules imposing regulatory controls on chemicals;

The petition must be filed in EPA's Office of the Administrator, and set forth the facts that are claimed to establish the necessity for the action requested. EPA is required to grant or deny the petition within 90 days from the day the petition is filed with EPA. If EPA grants the petition, EPA must promptly commence an appropriate proceeding. If EPA denies the petition, the reasons for denial must be published in the Federal Register.

- There are several areas of interest for such a petition on PCBs regarding the TSCA allowance:
 - (1) In general, to promulgate a rule under TSCA section 6(a), EPA must first determine “in accordance with section 6(b)(4)(A) that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture . . . presents an unreasonable risk.” [15 U.S.C. 2605\(a\)](#).
 - (2) It is the intent of Congress that the Administrator shall carry out this chapter in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter. [15 U.S.C. 2605\(a\)](#)
- **Action: D. Krapas to develop actions to pursue a potential petition for workgroup consideration**

b. **TiO2 Projects:**

- D. Krapas exchanged emails with M. Mullin of EPA and C. Niemi of Ecology regarding this matter. It appears that EPA may have some funding available for

additional product testing and may be able to include raw TiO₂ that would be of national interest.

- Raw TiO₂ tested should use the chloride process that go into products having the potential to enter our water bodies (Paints and Coatings, Plastics, Paper and Paperboard Packaging, etc.) and be consistent with the study that was conducted by the TDSC for the SRRTTF. The idea of testing raw TiO₂ is to avoid contamination with any other mixtures in the products so we can better define the signature of TiO₂. This of course would have national implications since the product use is universal.
- A couple of websites were found that identify potential raw TiO₂ products with major suppliers, trade names and contact information:

<https://coatings.specialchem.com/selectors/c-pigments-titanium-dioxide?src=sg-overview-cn>

<https://www.americanchemicalsuppliers.com/content/page/titanium-dioxide>

- D. Krapas expressed concern with the protection of this information that would become publicly available since it is being conducted through EPA.
- Workgroup members didn't believe that there would be significant concerns or conclusions that could be derived, considering that the results would be based on a single sample/analysis.
- Other members suggested contacting the TDSC to see if they would be willing to share additional information of interest to the SRRTTF from the study (i.e.: congener profile) to preclude further sampling and analysis by the SRRTTF and EPA. **Action D. Krapas to follow-up w/TDSC**

5. Safer Products WA: Action Ecology, C. Niemi and C. Manahan to continue updates

The overall website for SPWA: <https://ecology.wa.gov/Waste-Toxics/Reducing-toxic-chemicals/Safer-products>

The EZ View site for those who are interested in following the process:

https://www.ezview.wa.gov/site/alias_1962/37555/safer_products_for_washington.aspx

- a. C. Niemi stated that the draft report to the legislature is due on this date (June 1, 2022) and that she will forward the report to D. Krapas for distribution to the iPCB/TSCA Workgroup members when available. **Action: C. Niemi to forward the report to D. Krapas for distribution to the workgroup**
- 6. TTWG and Funding Groups: Action: L. Dally Wilson & K. Rains to provide updates**
- a. See item 4.a. above for an update on the iPCB/TSCA project *PCB-11: Sources and Pathways to the Spokane River*
 - b. K. Rains was not present, so no update was provided for the Funding Workgroup as it pertains to iPCB/TSCA work. With the loss of K. Rains due to his new assignment within Ecology, D. Krapas suggested that B. Floyd add the future of the Funding workgroup and leadership to the agenda for the SRRTTF meetings due to the importance of tracking future funding opportunities. **Action: B. Floyd to add the Funding workgroup discussion to future SRRTTF meetings**

7. EPA research opportunities: Action: EPA updates by M. Mullin & L. Edmondson

No EPA representatives were present for the meeting, but D. Krapas received the following email update from M. Mullin on May 5, 2022:

- a. **iPCB Key words for Scholarly Articles:** The Region 10 librarian is working to create an EndNote database for us, which we should be able to update on a regular basis pretty easily. This first cut of the database should be available in a few weeks. However, we may keep it internal for the time being because we want to have some summer interns review it for QA. We are also looking into possibly publishing this on our iPCB web page. The good news is that after a long hiatus from working on this, we are making progress.
- b. **Children's Product Testing:** We applied for ROAR funding (an internal funding mechanism) in Region 10 and Region 1. We were not selected in Region 10. We have not yet heard if Region 1 has selected our project for funding. We do have some money from HQ that we are trying to spend on product testing right now and those tests will include some inks that WA Ecology sent us. The manuscript from our last round of product testing and exposure pathway analysis has undergone internal review and was submitted for publication. I think we will have an update in the fall on our progress.
- c. **NTP risk study of various Congeners and Aroclors:** No update on this yet, but it is on my list to follow up.
 - D. Krapas received a letter of response from EPA dated November 15, 2021 (EPA Letter to SRRTTF_111521.pdf) to the letter sent by the SRRTTF inquiring about the status of the NTP work.
 - The EPA letter provides an update on the work being done with PCB-11, but is silent on the other Aroclors and congeners. The iPCB/TSCA workgroup agreed that sending a follow-up letter inquiring about this other work was warranted but not critical path timing wise. **Action: D. Krapas to develop a draft response to the EPA letter.**