

TSCA/iPCB/Green Chemistry Workgroup Meeting Summary
October 5, 2022

TSCA Members in Attendance

Vikki Barthels (SRHD)	Doug Krapas (IEP)
Scott Braithwaite (ACA)	Anna Montgomery (Braided River)
Hollie Davies (DOH)	Robert Mott (Mott Consulting, LLC)
Jeff Donovan (City of Spokane)	Cheryl Niemi (Ecology)
Ben Floyd (White Bluffs Consulting)	Annie Simpson (Ecology)
Lauren Heine (ChemForward)	Lisa Dally Wilson (Dally Environmental)
Gary Jones (Printing United Alliance)	

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. Submittal of the final HHWQC is due by consent decree by January, 2023. Gunner Johnson will be EPA's lead and providing updates to the SRRTTF
 - 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. See the following link for updates to this process: <https://www.epa.gov/tmdl/spokane-river-pcb-tmdls>
2. **Education/Outreach: www.ipcbfree.org**
 - a. No TLC representatives were present at this meeting
 - b. The SRRTTF approved TLC work product as a working document at the September meeting and J. Donovan approved the final payment
 - c. G. Jones provided a second set of comments to TLC work products, but it did not appear that any of his suggestions were considered and no response was received. **Action Item: D. Krapas to follow-up with TLC to determine what happened and possible remedies**
 - d. The iPCB/TSCA workgroup is to evaluate the outcomes from the 2019 iPCB/TSCA Workshop to determine any next steps with this effort. **Action Item: D. Krapas to provide iPCB/TSCA Workshop outcomes and add further discussion to the agenda**
3. **iPCB/TSCA Workgroup Projects, Approved & In Process:**
 - a. **PCB-11: Sources and Pathways to the Spokane River: Action Item: L.D. Wilson to provide updates on the progress of this project through the TTWG**
 - 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.
 - SPMD's have been collected and the synoptic sampling is ongoing

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 (Braided River) presented the **final report and summary** to the workgroup. The report will be presented to the SRRTTF for approval at the October meeting. **Action: B. Floyd to include the presentation and approval on the agenda for the October SRRTTF meeting**

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

- L. Heine presented the **web page** and a demonstration of the data base tool for this project: (<https://www.chemforward.org/ipcb-pigment-resource>). **Action: D. Krapas to distribute for review and comment**
- Next steps include a presentation of the web page and a demonstration of the data base tool to the SRRTTF for approval at the November meeting. **Actions: B. Floyd to include the presentation and approval on the agenda for the November SRRTTF meeting**

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 TiO ₂ specific congeners can be identified
Perform statistical analysis of the TiO ₂ data provided
Test raw TiO ₂ 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 TiO ₂ products

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

- Insufficient time remaining to address this agenda topic
- D. Krapas received the following email response on July 11th from R. Zaman regarding this matter and a request to revise the July minutes:

After reviewing the minutes, you may need to revise Section 4a of the minutes, regarding filing a petition under TSCA (Sec. 21 petition). The section is mixing two separate issues in TSCA. I think you are requesting EPA to review and revise its acceptable levels of iPCBs, as stipulated under Sec. 6(e) and rules issued under authority of that section. TSCA has two basic routes of chemical restriction. EPA can conduct a risk evaluation (as you've referenced in the minutes) or it has authority to restrict certain highly hazardous chemicals specified by name in the statute, such as lead, mercury and PCBs. These latter chemicals each have their own section in TSCA and related regulations. As such, they are not regulated through the "risk evaluation" procedure used for chemicals distributed in commerce.

The meeting minutes reference TSCA's Section 6 risk evaluation procedure. You have to be careful not to request EPA to conduct a TSCA Sec. 6 risk evaluation for PCBs. Congress revised these risk evaluation requirement effective June 2016. The PCB restrictions predate this section, going back to the 1970's. That's the section you want to work under. The Section 6 risk evaluation procedure would not be appropriate for a chemical such as PCBs which already have an existing ban in

place.

- R. Zaman provided a summary of the above, including that the incorrectly referenced Section 6 risk evaluation procedures (6.a., 6.c.) that would take 3 years for a risk evaluation and an additional 2 years for a risk mitigation plan. Whereas, the correct procedure under 6.e, Section 21 of TSCA would only require 90 days to evaluate the underlying scientific basis of the regulation promulgated in 1976 since PCBs are a chemical currently distributed in commerce.
- The workgroup discussed possible next steps that included forming a small ad-hoc workgroup to further develop this concept, a request to EPA for clarification, or a 3rd party proposal to evaluate this opportunity and to provide direction to the SRRTTF. R. Zaman was aware of various law firms that were knowledgeable in this area as possible 3rd parties.

Action: R. Zaman to provide contacts of various law firms for 3rd party evaluation

Action: D. Krapas & L. D. Wilson to develop actions to pursue a 3rd party RFP for workgroup consideration

- b. **TiO₂ Projects:** EPA has 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. Websites 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>

- Insufficient time remaining to address this agenda topic
- At the direction of the workgroup, D. Krapas sent an email to Michael Ober (TDSC) and Jay West (ACC) on June 29, 2022:

Hello Michael and Jay – I realize that the two of you have not been attending the iPCB/TSCA Workgroup meetings since the presentation of the TiO₂ study results, but am hopeful that you continue to follow the meeting minutes that I continue to provide to you. On that note, it appears that EPA may have some funding available for additional product testing and may be able to include raw TiO₂ testing to supplement the study performed by the TDSC on raw TiO₂ associated with Paints and Coatings, Plastics, Paper and Paperboard Packaging. I expressed concern with the protection of this information that would become publicly available since it is being conducted through EPA, but the Workgroup members didn't believe that there would be significant concerns considering that the results would be based on a single sample/analysis. Other members suggested reaching out to you to see if the TDSC would be willing to share additional information of interest to the SRRTTF from the study (i.e.: address the questions we exchanged in this email) to preclude further sampling and analysis by the SRRTTF and EPA.

I wanted to reach out to you to see if there is any interest in providing this additional information and to get your feedback regarding any concerns with EPA performing further testing of TiO₂.

Thanks and hope you both are doing well.

- No response was received from either M. Ober or J. West to the above inquiry, so the workgroup should proceed with EPA's offer to test raw TiO₂ samples to further our knowledge of the fingerprints and profiles of various sources. **Action D. Krapas to coordinate with Ecology and EPA to perform this testing**

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

Ecology's draft report to the legislature:

https://apps.ecology.wa.gov/publications/summarypages/2204018.html?utm_medium=email&utm_source=gov_delivery

- a. Insufficient time remaining to address this agenda topic
- b. Of interest to the iPCB/TSCA workgroup is the following statement by Ecology:

We are not taking action on PCBs in paints or printing inks. We believe we are federally preempted by Toxic Substances Control Act (TSCA) regulations.

- c. The workgroup discussed Ecology's determination, but did not to come to any conclusions on next steps to address this concern. **Action: Workgroup to consider what actions may be taken for the legislature or Ecology to reconsider its decision**

6. TTWG and Funding Groups: Action: L. Dally Wilson & A. Simpson to provide updates

- a. Insufficient time remaining to address this agenda topic
- b. See item 4.a. above for an update on the iPCB/TSCA project *PCB-II: Sources and Pathways to the Spokane River*
- c. A. Simpson to replace K. Rains in the role of Funding Workgroup Chair

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

No EPA representatives were present for the meeting, and insufficient time remaining to address these agenda topics:

- 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:**

- D. Krapas sent an email inquiry to EPA on 08/10/22 and received a reply from M. Mullin of EPA on 08/11/22 that no update has been provided to date.