

EDF/McPartland oral comments at EPA 12-11-17 public meeting on identifying candidates for prioritization

Good afternoon. My comments focus on four of the approaches for identifying candidates for prioritization.

Canadian Chemicals Management Plan

EPA has proposed the Canadian Categorization and Chemicals Management Plan processes as an approach to identify candidates for high and low priority designations under TSCA. However, Canada's processes have a number of aspects that are misaligned with TSCA requirements and considerations for prioritization.

First, by law Canada's Categorization process specifically targeted chemicals that were deemed either: 1) to have the greatest potential for human exposure, OR 2) inherently toxic and either persistent or bioaccumulative (or both). If applied under TSCA, this categorization process would bias the pool of potential high priority chemicals in a manner that would miss key chemicals of concern such as those posing high-risk worker exposures where the affected population may be small and chemicals may not be persistent or bioaccumulative.

Second, large numbers of the chemicals reviewed by Canada under its chemicals management plan lacked sufficient information for prioritization even when considering the ability to develop estimated or modeled data. And, no attempts were made to fill those data gaps. The net effect was the indefinite setting aside of thousands of information-poor chemicals. Given that TSCA now gives EPA strong information generation authorities, adopting Canada's approach to identify candidates for prioritization is not appropriate.

More generally, Canada has a population that is only 11% that of the US, and has only about 2% of the global market in chemicals, with the great majority of those chemicals imported rather than domestically manufactured. Given the stark contrast with U.S. chemicals economy, we do not see why EPA believes the Canadian system is an appropriate model at all.

Safer Choice Ingredient List

Any approach involving use of the SCIL as a starting point for identifying candidates for low priority designations, must acknowledge and address key limitations.

First, while SCIL serves some important, beneficial goals, it was developed only considering use in a very narrow context, specifically, for chemicals used primarily as ingredients in cleaning products. TSCA requires that all conditions of use of a chemical be determined to be low priority in order for the chemical to be so designated.

Second, for at least some functional use categories, SCIL only applies a subset of TSCA-relevant criteria. For example, for surfactants (the functional use category with the most chemicals), EPA has only considered ecotoxicity and has not examined human health endpoints. These critical limitations are given minimal attention in EPA's document and the agency will need to address them before considering use of SCIL as a means to identify candidates for low priority chemicals.

Additionally, EPA is proposing to focus on high production volume chemicals under its SCIL approach. While it is clear how this approach would benefit industry, it is not clear how this approach would benefit human health and the environment. The agency does have a mandate to consider production volume in prioritization; however, this mandate should lead EPA in the opposite direction than it appears to be heading; it should lead toward more likely designating *low* production volume chemicals as low priority, because they are likely to result in lower exposure.

Functional category approaches

EPA has proposed two functional category approaches, one based on use and exposure potential, the other based on structure and function.

With regard to the former, EPA is proposing a 4-step process to tier functional categories of chemicals based on exposure potential. In the first step, EPA assigns functional categories with the greatest exposure highest priority. Exposure to vulnerable subpopulations isn't addressed until step 2 where additional so-called exposure factors are considered. However, even here EPA is proposing that two or more exposure factors are required to modify the product category tiering from step 1. This scheme unacceptably downplays exposure to vulnerable subpopulations, which by itself should drive a higher ranking.

Also EPA asserts in Step 1 that "many industrial and commercial operations will have overarching health and safety procedures to minimize exposures." EPA cannot casually assert this blanket statement without sufficient evidence that demonstrates for any chemical that such measures are in place and fully complied with across all actors in the supply chain.

Lastly, at points it is unclear whether EPA's functional category approach intends to move whole functional categories through the prioritization process, particularly in its discussion of the structure/function approach. EPA should not move large numbers of chemicals through the prioritization process for the reasons my colleague Richard mentioned just a moment ago.