

Legal Lookout: EPA Identifies Endocrine Disruptor Chemicals

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EPA identified an initial list of 64 pesticide active ingredients and nine HPV/pesticide inert chemicals to undergo Tier 1 screening in the EDSP.

On June 18, 2007, EPA issued its long-awaited draft list of chemicals selected for so-called "Tier 1" screening under the Endocrine Disruptor Screening Program (EDSP).^[1] EPA repeatedly emphasized in the notice, as well as in other statements it prepared relating to the notice, that the list should not be construed as a list of known or likely endocrine disruptors. The final list of chemicals will be issued after the comment period closes and the agency reconsiders the list of 73 chemicals.

The endocrine disruptor screening program

According to EPA, evidence suggests that endocrine systems of certain fish and wildlife have been affected by chemical contaminants, resulting in developmental and reproductive problems. Based on this, Congress passed the Food Quality Protection Act (FQPA) in 1996, requiring that EPA screen pesticide chemicals and environmental contaminants that might affect human or animal endocrine systems.

Endocrine disruptor screening is underway in three areas: 1) EPA is performing scientific and technical testing needed to validate the endocrine disruptor screens and tests; 2) setting priorities for selecting chemicals for initial screening and testing; and 3) developing the policies and procedures EPA will use to compel mandatory testing. The June 2007 notice announced the draft list of initial 73 pesticide active ingredients and so called pesticide "inerts" (non-active chemicals added to pesticide formulations) to be considered for Tier I screening.

EPA's chemical selection process

EPA produced the draft list using the approach described in its Sept. 27, 2005, *Federal Register* notice, and included chemicals that EPA, in its discretion, has decided should be tested first, based upon each chemical's exposure potential. The exposure pathways identified for pesticide active ingredients include food, drinking water, residential use and occupational exposure. The exposure pathways identified for HPV pesticide inert chemicals include human biological monitoring, ecological biomonitoring, drinking water and indoor air. Because there were a large number of chemicals on one or more of these candidate lists, EPA decided that it needed to establish priorities.

EPA identified an initial list of 64 pesticide active ingredients and nine HPV/pesticide inert chemicals to undergo Tier 1 screening in the EDSP. The agency gave priority in this selection process to those chemicals that appeared most often in the exposure pathway databases. The Tier I screening tests consist of a variety of endocrine test methods. These include an estrogen receptor binding assay, androgen receptor binding assay, steroidogenesis assay, aromatase assay, uterotrophic assay, Hershberger assay, pubertal assay and fish reproductive screening. EPA hopes to complete peer review by the middle of 2008.

Next steps

Any chemical producer that may be subject to a testing requirement under Tier 1 may argue during the comment period that the chemical is not a suitable candidate for endocrine disruptor screening and that Tier 1 EDSP screening is unnecessary. EPA envisions multiple testing tiers, and the agency does not intend to permit chemicals on this list to bypass Tier 1 screening and move directly to Tier 2 testing without data to support such an action. Comments on the draft list are due on Sept. 17, 2007. **PE**

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References

72 Fed. Reg. 33486. 72 Fed. Reg. 33486 (June 18, 2007). More information is available at www.epa.gov/endo/pubs/prioritysetting/listfacts.htm.