

2013 Chemical Assessment List Released

By

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As part of the Toxic Substances Control Act (TSCA) Work Plan, the U.S. Environmental Protection Agency (EPA) announced on March 27, 2013, that it will begin assessments on 23 chemicals, with a specific focus on flame retardant chemicals. EPA will evaluate 20 flame retardant chemicals, conducting full risk assessments for four of the flame retardants, three of which are on the TSCA Work Plan, and one of which was the subject of an Action Plan. In addition to the flame retardant chemicals, EPA will begin developing risk assessments on three other TSCA Work Plan chemicals: octamethylcyclotetrasiloxane (D4); 1-bromopropane; and 1,4 dioxane. More information regarding the TSCA Work Plan chemicals is available at <http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html>.

The four flame retardants for which EPA will conduct full risk assessments are: 2-ethylhexyl ester 2,3,4,5- tetrabromobenzoate (TBB); 1,2- ethylhexyl 3,4,5,6-tetrabromobenzenedicarboxylate or (2-ethylhexyl)-3,4,5,6 tetrabromophthalate (TBPH); tris(2-chloroethyl) phosphate (TCEP); and hexabromocyclododecane (HBCD). Each of these chemicals has been placed into a “structure-based group” which includes other structurally related flame retardants which, according to EPA, currently lack sufficient data needed for a full risk assessment.

Separate from the Work Plan and Action Plan efforts, EPA states that it is assessing the environmental fate of eight other flame retardants. EPA noted that its Work Plan prioritization methodology ranked these chemicals as “high” for persistence, bioaccumulation, and/or exposure potential, but also indicated there are not adequate data to conduct risk assessments. EPA plans to study the mechanisms by which these chemicals may break down into degradants, and how the persistence and bioaccumulation potentials of the degradants compare to those of the parent compounds.

In preparing the draft risk assessments, EPA will use information available from “a wide range of publicly available data sources.” EPA encourages companies to submit additional data on these chemicals, “such as unpublished studies and information on uses and potential exposures.” EPA asked for any additional information to be submitted by May 30, 2013.

Discussion

The latest round of Work Plan chemicals continues and expands upon the Office of Pollution Prevention and Toxics’ (OPPT) existing large body of work on halogenated flame retardants by teeing up 20 flame retardants while also adding three additional chemicals to the assessment queue. While there may be some economies from EPA’s grouping approach for the flame retardants, the full set of new additions will require significant effort by EPA to complete. For example, each of the three non-flame retardant chemicals brings complexities in that each

has received significant attention in the past from OPPT (including, *e.g.*, D-4, which is also currently the subject of an ongoing TSCA Section 4 Enforceable Consent Agreement negotiation) or other parts of EPA (*e.g.*, 1-bromopropane was introduced as an alternative to ozone depleting chemicals).

This new work will be done at the same time that EPA will be working to deliver on its previous existing chemical commitments, including: completion of peer review and issuance of the final risk assessments on the 25 Work Plan chemicals for which this commitment was previously made (*see* <http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html> for more information); meeting risk management commitments on ten chemicals and categories which were the subject of Action Plans; and other risk management actions that have been teed up on formaldehyde, glymes, lead, mercury, etc. (*see* <http://www.epa.gov/oppt/existingchemicals/pubs/managechemrisk.html#current> for more information on the latter two points).

EPA is to be commended for the scale and complexity of its continuing efforts to make progress in dealing with existing chemical issues using its current TSCA authority. At the same time, the jury is still out on whether OPPT can deliver on its risk assessment and risk management commitments and to do so despite a number of challenges that remain to be overcome including, more recently, the impacts of the sequester.

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