

EPA Announces Availability of Draft Chemical Risk Assessments

By

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The U.S. Environmental Protection Agency (EPA) announced on January 4, 2013, the first draft risk assessments developed under the Toxic Substances Control Act (TSCA) Work Plan. This is an important development of which *PE* readers should be familiar.

Background

Last year, EPA announced that it would be preparing risk assessments on priority chemicals. To date, 83 chemicals have been identified. The draft risk assessments are for particular uses of five of the 83 chemicals found in household products: methylene chloride or dichloromethane (DCM) and N-methylpyrrolidone (NMP) in paint stripper products; trichloroethylene (TCE) as a degreaser and a spray-on protective coating; antimony trioxide (ATO) as a synergist in halogenated flame retardants; and 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta-[γ]-2-benzopyran (HHCB) as a fragrance ingredient. The draft risk assessments on the two remaining chemicals from the initial group of seven chemicals scheduled to begin assessment in 2012 -- the long- and medium-chain chlorinated paraffins -- are on a different schedule for completion.

The draft assessments focus on human health or ecological hazards for specific uses that are subject to TSCA regulation. Three of the draft risk assessments -- DCM, NMP, and

TCE -- indicate a potential concern for human health under specific exposure scenarios for particular uses. The draft assessments for ATO and HHCB indicate a low concern for ecological risks.

HHCB is a synthetic polycyclic musk used as an ingredient in a wide range of consumer products, including perfumes, cosmetics, shampoos, lotions, detergents, fabric softeners, and cleaning agents. The draft assessment focuses on environmental risk due to release of HHCB to the aquatic and terrestrial environment from all combined uses.

The draft TCE assessment focuses on TCE uses as a degreaser and in consumer products used by individuals in the arts/crafts field. Given the range of endpoints, the susceptible populations addressed are children and adults of all ages (including pregnant women).

The draft assessment for ATO focuses on the ecological hazards that may be associated with ATO use in flame retardants. Human health risks for the flame retardant use have been evaluated previously and are summarized in the draft assessment.

The draft assessments focus on the use of DCM and NMP in paint stripping and will be addressed by the same peer review panel. The draft DCM assessment focuses on inhalation exposure to consumers and workers, and addresses human health concerns for both cancer and non-cancer effects. The draft NMP assessment focuses on acute and chronic inhalation and dermal exposure to consumers and workers in the paint stripping use.

Importantly, EPA is requesting comment from the public on the assessments and the nomination of peer reviewers. To ensure the peer review is conducted appropriately, it will be important to ensure the correct mix of technical disciplines are represented in each of the peer review panels.

Discussion

The human health risk assessments are carefully presented and offer significant detail, but reflect conservative approaches and yield conservative conclusions. Another issue that has been raised concerns the nature of the peer review process and the legal standard to which the review should be conducted. EPA believes the assessments are “influential” draft risk assessments. In December 2012, Senators James Inhofe (R-OK), Lamar Alexander (R-TN), Mike Crapo (R-ID), and David Vitter (R-LA) requested EPA classify these risk assessments as “highly influential.” Because EPA chose to classify them differently, the Senators noted that they would be subject to a less rigorous peer review. It is unclear whether the comment process will yield a different result.

The peer review process and EPA’s final assessments will be an important development to watch, both for purposes of these five assessments and for signaling whether a more refined and realistic approach is suggested for future Work Plan assessments. Since TSCA reform may not happen any time soon, these assessments and other TSCA regulatory

developments may well be the real TSCA stories in 2013. Impacted stakeholders should carefully review the assessments and comment as needed.

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