

SUMMARY

Comments on TSCA Problem Formulations

July 26, 2018

The Toxic Substances Control Act, the nation's law governing chemical safety, was completely ineffective until it was amended in June 2016. This amendment of the act, known commonly as TSCA, was the first environmental law passed in over two decades. It had bipartisan support because of rising public alarm over threats to health and the environment from the 80,000 chemicals that are on the U.S. market without any reviews of their safety. The new amendment, entitled the Frank R. Lautenberg Chemical Safety for the 21st Century Act, mandates safety reviews for chemicals already on the market and for new chemicals before they are allowed on the market. Risk evaluations are used by EPA to assess the safety of a chemical and to decide how to eliminate unreasonable risks to people and the environment through prohibitions or restrictions on a chemical's use.

Today, the Environmental Protection Network (EPN) is providing comments on three of EPA's ten draft problem formulations for asbestos, cyclic aliphatic bromides cluster (HBCD) and carbon tetrachloride. Problem formulations describe how the risk evaluation of a particular chemical will be conducted, identifying the specific conditions of use and exposure pathways that EPA will consider. EPN focused on these three chemical problem formulations because we believe that in these documents the agency is setting improper precedents for chemical safety reviews under the new law by refusing to consider certain uses and exposure pathways. The Chemical Safety Act is clear that EPA must identify and evaluate risks resulting from all intended or reasonably foreseen, as well as known conditions of a chemical's use. The timing, frequency, location and duration of all exposures and their magnitude at a given point in time and space are key to determining unreasonable risk for infants, pregnant women, the elderly, workers and disproportionately exposed communities. Despite this mandated need to conduct a comprehensive aggregate risk analysis of all the ways people and the environment are exposed to these chemicals, EPA states in these three problem formulations that it will exclude from consideration certain uses of these three chemicals without providing scientifically valid justifications.

In our public comments, EPN explains why it is critical that the asbestos and HBCD risk evaluations should consider pathways of exposure from legacy uses of these chemicals. These pathways should not be excluded because most of the current risks from these chemicals occur among workers who are exposed during remodeling, demolition and disposal of building materials as well as maintenance and disposal of other products containing these chemicals.

EPN noted that all ten of EPA's draft problem formulations state that EPA will not evaluate exposure pathways that are under the jurisdiction of other environmental statutes. EPN focused our critique of this legally unsound exclusion on the asbestos problem formulation, but our comments apply equally to all chemicals for which EPA has made this exclusion. In addition, EPN commented on why the carbon tetrachloride problem formulation must either include the conditions of use now excluded as "de minimis" or provide a science-based justification for their exclusion. Finally, EPN commented on the need for EPA to consult with OSHA but to take the lead in addressing workplace risks under this new act.

To read EPN's full public comments please select the following link:

<https://www.environmentalprotectionnetwork.org/wp-content/uploads/2018/07/EPN-Comments.docx.pdf>

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