

**SUMMARY OF TESTIMONY FOR THE PUBLIC MEETING OF THE
SCIENCE ADVISORY COMMITTEE ON CHEMICALS (SACC)
COMMENTS BY GARY E. TIMM ON BEHALF OF THE ENVIRONMENTAL
PROTECTION NETWORK**

June 20, 2019

EPA held a [four-day public meeting](#) of the Toxic Substances Control Act (TSCA) Science Advisory Committee on Chemicals (SACC) from June 18 to 21, 2019, to consider and review the draft Risk Evaluation for Colour Index (C. I.) Pigment Violet 29 (PV29)—a colorant primarily used in inks, paints, coatings, and plastics—and associated documents, including the hazard assessment, assessment of dose-response, exposure assessment, and risk characterization.

Gary Timm, former chief of the Chemical Testing Branch in the Office of Pollution Prevention and Toxics, which is responsible for implementing the testing provisions of Section 4 of TSCA, presented testimony on behalf of the Environmental Protection Network (EPN), a non-profit organization comprised of over 450 former EPA employees volunteering their time to protect the integrity of EPA and provide an informed and rigorous defense against current Administration efforts to understand public health and environmental protections.

EPN's testimony on the draft Risk Evaluation of PV29, including concerns from EPN's formal [comments](#) from May 17, 2019, highlight:

- As the first of 10 chemicals to be evaluated under the new TSCA, PV29's risk evaluation is critical because it will be seen as precedent setting.
- The lack of transparency in this risk evaluation will create a precedent of making “no unreasonable risk” determinations based on proprietary information.
- EPA needs to establish criteria to evaluate the minimum data necessary to make a risk determination. Without such criteria, it looks like an arbitrary judgment call on each chemical.
- With the new authority EPA has under TSCA, EPA has an obligation to require testing for PV29 to meet the minimum data requirements and fill critical data gaps before making a risk evaluation.
- The most critical study in this evaluation was heavily redacted, which removes the ability to do an independent analysis.
- A potentially useful and important study was not included in the draft risk evaluation, with no explanation.
- EPA's primary obligation is to ensure that any finding of “no unreasonable risk” is based on data that actually show no risk, as opposed to being based on the absence of data.

For all of these reasons, EPA has an obligation to require testing for PV29 to fill critical data gaps before making a risk evaluation under the new TSCA. Mandating testing is one way to fill data gaps, and we support the idea of pushing EPA to do this, but the most critical point for the SACC is that EPA cannot make risk determinations without actual data showing no unreasonable risk.