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SUMMARY

EPN Comments on EPA'S Draft Risk Evaluations of Two Toxic Substances, HBCD and 1,4-Dioxane

July 19, 2019

On July 19, 2019, EPN submitted general **comments** to the Science Advisory Committee on Chemicals (SACC) to aid in its review of risk evaluations for Cyclic Aliphatic Bromide Cluster (HBCD) and 1,4-Dioxane conducted by EPA under the Toxic Substances Control Act (TSCA). HBCD is mainly used as a flame retardant, and 1,4-Dioxane is a solvent used in making other chemicals. The two risk evaluations will be discussed during the SACC **meeting** on July 29 –August 2. EPN plans to submit more detailed comments on the two risk evaluations before the close of the public comment period on August 30. EPN, however, finds it extremely disingenuous that a SACC meeting, at which the risk evaluations will be discussed, was scheduled prior to the deadline for the comments. This is a reversal of the way EPA normally does things, is an approach that seems to value an arbitrary deadline over solid decision-making, and is potentially a mechanism to discourage public comment. EPN is concerned that the SACC will have concluded its review before the public comment period closes.

These chemicals are the 2nd and 3rd to be evaluated since TSCA was reformed in 2016. Consistent with EPN's **comments** on PV29, the 1st chemical evaluated under the reformed TSCA, EPN objects to the process followed and basis on which EPA conducted the risk evaluations. EPN once again urges EPA to discontinue the use of the flawed TSCA systematic review process until it has been formally peer reviewed and revised to follow accepted scientific principles in order to prevent endangering public health and the environment.

EPN comments emphasize issues with:

- **Use of the flawed TSCA systematic review process.** The current systematic review process has never been externally peer-reviewed. EPN recommends that EPA stop using the TSCA systematic review process until it has been formally peer reviewed and revised to follow accepted scientific principles.
- **Exclusion of pathways of exposure that could be regulated by other environmental statutes.** The 1,4-Dioxane problem formulation should not exclude pathways of exposure that could be regulated under other environmental statutes, such as the Clean Air Act or the Clean Water Act. Standards and non-regulatory guidance established under these programs may be years out of date, technology-based rather than risk-based, and may not be complied with at all times or in all locations. These pathways add to the cumulative risk of highly exposed people and should be aggregated with their exposures determined under "conditions of use."
- **The focus on worker risks primarily under central tendency or "average" conditions**. EPA is proposing that it will likely find unreasonable risks for workers only if exposures under both central tendency (average) and high-end conditions exceed acceptable benchmarks. This is despite the fact that the agency is underestimating risks under both scenarios by refusing to factor in worker exposure to regulated pathways.
- **The assumption that equipment to prevent health or safety risks will eliminate all worker risks even when there are no requirements for such protection.** The agency assumes that workers will use equipment, such as respirators and gloves, that will protect them against health or safety risks during all of their work activity throughout their careers, even when such equipment is not required, provided or used.
- **The failure to evaluate the risks of consumer products containing 1,4-Dioxane.** While EPA plans to prevent 1,4-Dioxane impurities in consumer products one day, that does not eliminate the need to account for this pathway of exposure now as part of the cumulative exposure to the general population and workers.
- **The analysis and inclusion of threshold cancer risk model for 1,4-Dioxane previously found unsupportable.** Considerable time and resources were spent to carry out an evaluation of this alternative cancer risk model, which the EPA Office of Research and Development found insufficient evidence to support in 2013.