

SUMMARY

EPN Comments on Proposed list of Next 20 Chemicals to be Reviewed for Risks

November 21, 2019

On November 21, 2019, EPN submitted [comments](#) in response to EPA's proposal to designate 20 chemical substances as "High-Priority Substances" for risk evaluation. This is the second round of chemicals to be evaluated under the reformed Toxic Substances Control Act (TSCA). The reformed act requires EPA to ensure the safety of existing chemicals by setting priorities for which chemicals to assess, evaluating their risks and imposing restrictions to eliminate unreasonable risks. EPN urges EPA to take quick action to evaluate risks of chemicals currently on the market with documented risks to vulnerable and highly exposed populations.

The first ten chemicals are currently undergoing risk evaluation. To date, draft risk evaluations for six chemicals have been issued for public comment and scientific peer review. EPN has found a troubling pattern with respect to both the process followed and content of the evaluations, and raised these objections in its comments on the risk evaluations for [1-BP](#), [Pigment Violet 29](#), [HBCD](#) and [1,4-Dioxane](#) and [1-Bromopropane \(1-BP\)](#).

While EPN believes that the 20 chemicals proposed for inclusion on the next list represent a reasonable selection, in its comments, EPN raised concerns about:

- **Use of a flawed TSCA systematic review process.** The currently used systematic review process—the scientific method for identifying, assessing and integrating data from multiple sources—has never been externally peer-reviewed. EPN recommends that EPA stop using the process until it has been formally peer reviewed and revised to follow accepted scientific principles.
- **EPA's arbitrary exclusion of situations in which people other than workers might be exposed must be addressed using TSCA authority.** Exclusion will continue to systematically underestimate risk.
- **The adequacy of the toxicity database used to assess the potential for human health hazards.**
- **EPA's failure to conduct health-protective exposure and risk assessments when evaluating potential risks from situations such as consumer exposure that could be regulated under other statutes.** While it may not be appropriate to use TSCA to control exposure in scenarios better covered by other statutes, it does not absolve the agency from considering them when making risk determinations under TSCA.
- **EPA's approach to determining unreasonable risk to workers.** EPA underestimates the risk by assuming workers will use personal protective equipment (PPE), such as respirators, during all of their work day throughout their careers, even when such equipment is not required, provided or used. EPN believes EPA should not consider the use of PPE in making unreasonable risk determinations.
- **Use of an out-of-sync process for public comment and scientific peer review by the independent Science Advisory Committee on Chemicals (SACC).** For the first six chemical reviews, scientific peer review has been scheduled during the public comment periods, depriving the reviewers of the ability to consider useful feedback from the stakeholder community in their assessments. Credible and supportable regulatory decisions depend upon the execution of an orderly and consistent sequential process of proposal, public comment and peer review.

Background

TSCA was passed in 1976 to keep dangerous chemicals off the market and protect people from exposure to existing chemicals. It was [amended and strengthened](#) in 2016, requiring EPA to set priorities for which chemicals to assess, evaluate their risks and impose restrictions to protect people's health and the environment.