

## SUMMARY

### EPN Comments on Draft Risk Evaluation of Trichloroethylene Under TSCA

March 18, 2020

On March 18, 2020, EPN submitted [comments](#) in response to EPA's [announcement](#) that it was seeking public input on its draft risk evaluation of the chemical trichloroethylene (TCE) under the Toxic Substances Control Act (TSCA). The draft risk evaluation will be presented for peer review at the March 24-27 meeting of the TSCA Science Advisory Committee on Chemicals (SACC), which provides independent scientific advice and recommendations to EPA on chemicals regulated under TSCA. TCE is a highly toxic substance used primarily to make refrigerants and other hydrofluorocarbons and as a degreasing solvent for metal equipment and spot remover in dry cleaning. Prolonged or repeated exposure to TCE is associated with increased risks of kidney damage and kidney cancer; systemic autoimmune diseases such as scleroderma; non-Hodgkin's lymphoma; impaired liver function and liver cancer; and serious impacts on fetal development, including heart defects and fetal death.

After scrutinizing the information in the draft risk assessment on human health hazards, EPN was struck by the tortured logic used to justify the point of focus for the quantitative assessment of acute and chronic non-cancer effects. Our concerns were reinforced by the publication of a February 28 article in [Reveal](#) from the Center for Investigative Reporting indicating that the administration had intervened in the scientific assessment of TCE, resulting in the underestimation of the long-term risks of the chemical, especially to the developing fetus. EPN finds this to be one of the most egregious acts ever witnessed at EPA. It raises the spectre that less-visible manipulations have occurred in earlier draft risk evaluations and the prospects of the same for risk evaluations to come.

In addition, as EPN noted in [many of its previous comments](#), it is extremely disingenuous for EPA to schedule a SACC meeting at which risk evaluations will be discussed prior to the deadline for public comments. This is inconsistent with standard procedures and has the potential to discourage public comment.

EPN's additional comments on the draft risk evaluation raised many concerns about the evaluation of TCE:

- **All but one trivial condition of use has been shown to pose a danger to the public health, in both the occupational and consumer setting.** It is time to proceed directly to rulemaking with a proposal to ban ALL further import, manufacture and distribution of TCE for commercial and consumer uses in the U.S., followed by promulgation of the ban on all uses on an expedited timeline.
- **EPN strongly supports the need to closely assess the exposures, hazards, and risks posed by TCE to aquatic species.**

EPN also raised several ongoing issues with approaches taken in the TCE risk evaluation and previous risk evaluations:

- **The timing of public comment and peer review is inconsistent with best management practices.** We continue to be concerned that this process deprives the SACC of scientific and policy input that would be valuable in informing its review of draft risk evaluations and, thus, greatly reduces the value of the public comment process.
- **Conditions of use being treated as outside of EPA's regulatory jurisdiction does not mean that exposure attendant to those uses should be excluded from the exposure assessments for workers, consumers and bystanders in the relevant subpopulation(s).**
- **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 approach to determining unreasonable risk to workers and others.** EPA underestimates the risk to workers by assuming they will use personal protective equipment (PPE), such as respirators, during all of their

work 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. EPN also believes EPA should re-evaluate all conditions of use for both the worker and non-worker populations.

- **The inadequacy of the toxicity database used to assess the potential for human health hazards.** It is critically important that EPA not replace the protective public health policy of selecting the most sensitive endpoint with an arbitrary and capricious “representative policy.” There is no scientific justification for this new policy, which could have wide-ranging effects, undermining the reference doses and cancer potency factors developed for all chemicals, not just TCE.

### **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.