

## SUMMARY

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

May 20, 2020

On May 20, 2020, EPN submitted [comments](#) in response to EPA's [announcement](#) that it was seeking public input on the draft risk evaluation of the chemical perchloroethylene (PERC) under the Toxic Substances Control Act (TSCA). PERC is a highly toxic substance used primarily in dry cleaning and for metal degreasing. Prolonged or repeated exposure to PERC can damage the kidney, liver and blood; affect the nervous, immune and reproductive systems; impact development and is associated with several types of cancer.

In its comments, EPN raised significant concerns about the draft risk evaluation, which are detailed below, and the timing of a May 26-29, 2020, virtual public meeting of the TSCA Science Advisory Committee on Chemicals (SACC) to peer review the evaluation. EPN objected, as it has in [many of its previous comments](#), to EPA scheduling a review of the draft risk evaluation by this independent panel before the close of the public comment period. This denies the panel the opportunity to review and consider public comments not submitted before the SACC meeting, and is inconsistent with EPA's agency-wide standard procedures.

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

- **EPA failed to meet its legal obligation to consider legacy uses and disposal when conducting the assessment.** The agency must now include a discussion of legacy (historical) uses and disposal in the final PERC risk evaluation, providing either documentation that there are no legacy uses, or identifying and then assessing both the environmental and human health consequences.
- **The lack of aggregate and cumulative exposure assessments clearly leads to an underestimation of exposure and risk and, potentially, the incorrect declaration that the chemical poses “no unreasonable risk.”** Realistically, people may be exposed to chemicals of concern in a work setting and/or as users, consumers or bystanders of a product as well as through the ambient environment. Failure to consider aggregate and cumulative exposures denies reality and is irresponsible and unethical.
- **Impacts of PERC on the natural environment were not adequately assessed.** EPN recommended that EPA: 1) assess whether it is effectively regulating the chemical under the Clean Air Act; 2) study and monitor sediment concentrations of PERC to evaluate the risks to organisms in sediment; 3) test the toxicity of PERC using sediment-dwelling organisms; (4) conduct further algal testing using additional species; and 5) given the exposure of aquatic organisms to PERC in wastewater discharges, EPA should investigate conditions at any facility that lacks a federal discharge system permit and is suspected of releasing PERC to surface waters.

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

- **The treatment of conditions of use as outside EPA's regulatory jurisdiction.** Exposure related to those uses should not be excluded from the exposure assessments for workers and non-users located in the work environment, consumers and bystanders in the relevant subpopulations.
- **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-revise the risk determinations for all conditions of use for both the worker populations that were assumed to use PPE.

### **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.