

SUMMARY

EPN Comments on Draft Scoping Documents of the Risk Evaluations of 20 Chemicals Under the Toxic Substances Control Act

May 26, 2020

On May 26, 2020, EPN submitted [comments](#) on draft scoping documents for the second round of high-priority chemicals to be evaluated under the reformed Toxic Substances Control Act (TSCA). The draft scoping document for each of the 20 substances includes the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations that EPA plans to consider in conducting the risk evaluations. While EPA released the scoping documents for the 20 high-priority chemicals in two batches, with different but overlapping public comment periods, EPN determined it was more efficient to evaluate them as a single package.

The substances to be evaluated are: 1,3-Butadiene; o-Dichlorobenzene; p-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; *trans*-1,2-Dichloroethylene; 1,2-Dichloropropane; Ethylene dibromide; 1,3,4,6,7,8-Hexahydro-4,6,6,7,8, 8-hexamethylcyclopenta [g]-2-benzopyran (HHCB); 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA); Phosphoric acid, triphenyl ester (TPP); 1,1,2-Trichloroethane; and Tris (2-chloroethyl) phosphate (TCEP); Butyl benzyl phthalate (BBP), Dibutyl phthalate (DBP), Dicyclohexyl phthalate (DCHP), Diethylhexyl phthalate (DEHP), Di-isobutyl phthalate (DIBP), Formaldehyde, and Phthalic anhydride.

Draft risk evaluations for the first 10 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 many [previous risk evaluations](#). EPN found similar problems in the scoping documents for the next 20 chemicals, and continues to urge EPA to discontinue the use of a flawed TSCA systematic review process to prevent endangering public health and the environment.

EPN comments on the 20 scoping documents raised the following concerns:

- **EPA has not identified whether legacy (historical) uses exist for any of the 20 chemicals, despite the fact that several of the chemicals have the potential to have been used in the past.** The Ninth Circuit Court has ordered EPA to consider legacy uses and disposal of legacy use chemicals in TSCA risk evaluations; thus, EPA must document in scoping documents whether such uses exist for each chemical and must evaluate the risks of any legacy uses identified.
- **Inadequacies were found in the toxicity database used to assess the potential impact on wildlife.**
- **None of the analysis plans for the 20 chemicals indicate whether EPA will use the unvetted policy of selecting the most “representative” study(ies) instead of the study(ies) with the most sensitive human health endpoint for hazard characterization.** There is no scientific justification for this new policy, which is at odds with longstanding agency-wide risk assessment practices.
- **EPA must engage the independent Science Advisory Committee on Chemicals in a public review of the draft evaluations for this next set of chemicals, as there are a number of process and substance issues that remain unresolved from the first ten draft chemical risk evaluations.**
- **EPA should conduct cumulative assessments of similar chemicals, using specific criteria.**
- **Human exposure for phthalates should be assessed together to appropriately characterize exposures and avoid underestimating risk.** The assessment of combined exposure is important to determine the potential impacts of these chemicals.

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.