

National Pollution Prevention and Toxics Advisory Committee (NPPTAC)

November 22, 2005

Honorable Stephen L. Johnson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460

Dear Administrator Johnson,

On behalf of the National Pollution Prevention and Toxics Advisory Committee (NPPTAC), I am pleased to present to you three Committee recommendations and an Overview Document on Nanoscale Materials for your consideration. The NPPTAC was established in September 2002 to provide EPA with advice, information, and recommendations on the overall policy and operations of programs undertaken by the Office of Pollution Prevention and Toxics (OPPT).

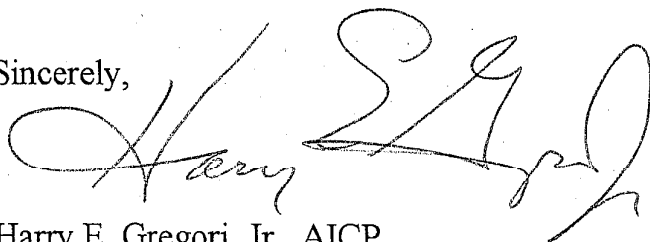
The first two recommendations deal with Tribal issues. One calls for Focused OPPT-Tribal Conversations on Tribal Access to, and Utilization of, Publicly Available Chemical Hazard and Exposure Data, and the second is aimed at Increasing Green Building Adoption on Tribal Lands. The third recommendation applies broadly to OPPT programs and deals with Lead Poisoning Prevention from Sources other than Lead-Based Paint.

The Committee is also providing to EPA for consideration an Overview Document on Nanoscale Materials. The Overview Document originated from efforts of the NPPTAC's Interim Ad Hoc Workgroup on Nanoscale Materials which met via numerous conference calls in August, September, and October 2005, held a September 29 public session to obtain broad stakeholder input, and considered public comments received during a June 2005 EPA public meeting on nanoscale materials. After Committee discussion and deliberation, the NPPTAC has determined that EPA should consider the Overview Document's analysis and views of a framework for EPA's approach to a voluntary program for engineered nanoscale materials, a complementary approach to new chemicals nanoscale

requirements under the Toxic Substances Control Act (TSCA), and other relevant issues presented. EPA should also consider issues raised by stakeholders, the public, and the NPPTAC at the two public meetings and during NPPTAC sessions on nanoscale materials.

On behalf of the Committee, I thank you for the opportunity to participate in EPA's policy and program activities through the NPPTAC, and for considering these recommendations and the Overview Document on Nanoscale Materials.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Gregori, Jr.", written in a cursive style.

Harry E. Gregori, Jr., AICP
Co-Chair

Enclosures

cc: NPPTAC Members

**National Pollution Prevention and Toxics Advisory Committee (NPPTAC)
Recommendation to the EPA Administrator and Deputy Administrator on
Focused OPPT-Tribal Conversations on Tribal Access to and Utilization of
Publicly Available Chemical Hazard and Exposure Data
November 17, 2005**

ISSUE

Tribes may be disproportionately affected by certain chemicals, given factors such as traditional lifeways, geographic location, genetics, economics, etc. Many Tribal environmental and public health departments do not possess the technical or human resources necessary to access electronic databases or to readily understand how information in different data repositories could be used to inform their work and protect their communities. To better understand whether and how Tribes are at risk, Tribal environment and health officials need the capacity to access, manipulate, and cross-reference publicly available chemical data resources and tools, as well as strategies to help determine which chemicals are of interest.

EPA has significant chemical-related data resources that may be of use and benefit to Tribes. These include:

- OPPT's High Production Volume Information System (HPVIS)¹;
- OPPT's Toxic Substances Control Act Chemical Substance Inventory (TSCA Inventory)²;
- OPPT's Toxic Substances Control Act Test Submissions (TSCATS) database³;
- The Office of Water's Drinking Water Health Advisories;
- The Office of Environmental Information's Toxics Release Inventory (TRI)⁴; and
- The Office of Research and Development and the National Center for Environmental Assessment's Integrated Risk Information System (IRIS)⁵.

There is also a wealth of non-EPA chemical-related information available or soon to be available that may be of use to Tribes. However, Tribal environment and health agencies' capacity to access and utilize all such resources is limited.

Given that Tribal populations are primarily tied to specific geographies, one critical step toward making the vast array of chemical data relevant to Tribes is to help Tribal environmental and public health managers isolate the chemicals that merit further study. This is not as simple as electronically cross referencing Tribal locations with chemical production facilities or other location-specific information such as that in the Toxics Release Inventory. No publicly available, accurate, Tribal geographic overlay exists that OPPT could use to readily make the connection between publicly available chemical hazard and exposure data and the potential for Tribal exposure.

To begin to address how Tribes might make use of OPPT's publicly available data resources, OPPT needs to initiate a dialogue with Tribes to understand what their data needs and interests are, with the ultimate goal of making the range of chemical hazard and exposure data and related tools more accessible and usable by Tribal environmental and public health managers.

RECOMMENDATION

OPPT should conduct focused conversations with Tribes interested in enhancing their capacity to access and utilize OPPT's publicly available chemical hazard and exposure data. The objective of these meetings is for the Tribal environmental and public health managers to understand the range of OPPT's resources they might make use of in their work and for OPPT to improve their understanding of Tribal interests and needs with respect to OPPT chemical hazard and exposure data. These conversations could occur as a small work group meeting at an existing conference, or OPPT staff could visit the Tribes to conduct demonstration and listening sessions.

Participating Tribes should have access the Internet which is necessary to view large on-line databases and some environmental management capacity for interpreting chemical data and making use of it in their environmental and public health programs (or a strong interest in committing to do so).

During these discussions OPPT should:

- Provide background on OPPT's role in the regulation and management of industrial chemicals as well as information about the NPPTAC, the Tribal Issues Work Group, and the recommendation that led to these discussions;
- Confer with participating Tribes, which would include at least a Tribal council member and a staff member as determined by those Tribes within the EPA regions to understand the relevant chemical information they currently have and what additional OPPT information might be useful and why;
- Provide background information on EPA chemical databases and other OPPT publicly available data resources, as well as potential ways the data in such resources could be used by Tribes;
- Clarify any questions the Tribes might have;
- Gauge Tribes' interest in making use of OPPT chemical hazard and exposure data on a more systematic basis; and
- Explore interest and feasibility in a pilot project that would more systematically assess a number of Tribes' interest in and capacity to manage chemical hazard and exposure data and potentially provide capacity building to help Tribes make best use of OPPT available chemical data resources. If there is Tribal interest in a pilot and feasibility, OPPT should solicit input on how a pilot might be structured and implemented.

MEASURES OF SUCCESS

OPPT should gauge the success of these focused conversations according to the following measures:

- Number of Tribes that showed interest and participated in the conversations;
- Meeting summaries, reports or other work products that demonstrate improved understanding by OPPT of Tribal interests and needs with respect to OPPT's chemical hazard and exposure data, ;
- Meeting summaries, reports or other work products that demonstrate improved understanding by participating Tribes of existing OPPT chemical hazard and exposure data resources; and

- Formation of an approach to communicate with Tribes regarding OPPT's chemical hazard and exposure data.

TIMELINE

OPPT should complete the focused conversations described above within 12-16 months and report key findings and outcomes as outlined in the section below.

COMMUNICATIONS

OPPT should communicate to the full NPPTAC key findings and outcomes regarding Tribal chemical hazard and exposure data needs and whether Tribes are interested in a pilot project to explore more enhanced Tribal utilization of publicly available chemical data. These methods do not supplant EPA's federal trust responsibility to conduct government-to-government consultation.

Parties with whom the results of the conversations should be shared include:

- The NPPTAC
- Groups such as the National Tribal Operations Committee (NTOC), Regional Tribal Operations Committees (RTOCs), Forum on State and Tribal Toxics Action (FOSTTA) Tribal Affairs Project (TAP); and any interested Tribal governments or organizations, such as the National Tribal Environmental Council;
- OPPT 2006 Data Users Conference Tribal attendees;
- Tribes participating in the conversations;
- Other interested Tribes; and
- Other relevant EPA offices that might benefit from OPPT's lessons learned and successes in their own work with Tribes (e.g., the Office of Environmental Information, the Office of Research and Development, etc.).

FUNDING CONSIDERATIONS

OPPT should identify the resources needed to implement the actions described above.

ENDNOTES

¹ By the end of 2005, the High Production Volume (HPV) Challenge Program will have generated and made publicly available screening-level hazard data on approximately 1,400 HPV chemicals. A fully populated, sponsor-validated HPVIS database will be available to the public at the end of 2005.

² The TSCA Inventory is updated periodically under the Inventory Update Rule (IUR) as modified by the Inventory Update Rule Amendments (IURA). The Inventory Update Rule (IUR) was promulgated for the partial updating of the TSCA Inventory database. The rule requires manufacturers and importers of certain chemical substances to report current data on the production volume, plant site, and site-limited status of these substances. Through the IURA, EPA added processing and use elements to the collection among other changes. Reporting under the IURA will next take place in 2006 for chemicals manufactured and imported in calendar year 2005.

³ The TSCATS database tracks the submissions of health and safety data submitted to OPPT either as required or voluntarily under certain sections of TSCA.

⁴ The TRI is a publicly available database that contains information on toxic chemical releases and other waste management activities reported annually by certain industry groups as well as federal facilities.

⁵ IRIS is an electronic database containing information on human health effects that may result from exposure to various chemicals in the environment.