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S1: 03:04 Good day and welcome to this public webinar presented by the US Environmental Protection Agency on perchloroethylene, PCE - also known as tetrachloroethylene - risk evaluation and risk management under the Toxic Substances Control Act or TSCA. My name is Vincent Brown, from Battelle, which is the contractor providing meeting support for today's meeting. This event is being recorded. The host may use Webex chat to share announcements with all attendees, but attendees may not be able to respond to the chat. I will now introduce Amy Shuman, the leader of this call, for the EPA. Amy, if you would unmute, please?

S2: 03:53 Good afternoon to some, and good morning to others. Thank you for joining EPA's Office of Pollution Prevention and Toxics webinar on managing unreasonable risk for perchloroethylene, or PCE, under the Toxic Substances Control Act. My name is Amy Shuman. I'm an environmental protection specialist in the Existing Chemicals Risk Management Division. My role will be to moderate today's webinar. We have approximately 400 people on the line, including attendees from Canada, New Zealand, Germany, and Argentina, to just name a few, as well as across the United States. I'm going to provide an overview of the technical aspects of the webinar and what to do if you need assistance. First, if you experience any technical difficulties, please email me at shuman.amy@epa.gov, that's S-H-U-M-A-N, dot, A-M-Y, at E-P-A, dot, G-O-V. And also Vince Brown at, brownv@battelle.org, that's B-R-O-W-N-V, at B-A-T-T-E-L-L-E, dot org. For today's webinar, we will be advancing the slides through the presentation using Webex. You can also download the slides from the PCE Risk Management website. Today's agenda is also on that website. Today's webinar will start with a presentation from EPA. Then, after the presentation, for those who signed up to make remarks, we will have a period for public comments. We are limiting those remarks to five minutes per person. The webinar operator will introduce the speakers during the public comment period. If you registered to make a comment, please be sure you are connected properly through Webex so the operator can unmute you.

S2: 05:53 Again if there are any technical issues, please email me at shuman.amy@epa.gov and also Vince Brown at brownv@battelle.org. You can also send a message in the chat regarding any technical difficulties. The agency will not be answering questions during this webinar. Please know there are a variety of other forums that will be described during the presentation if you have questions or if you're interested in further dialogue on risk management. With that, let's start the webinar. Our first speaker this morning is Brian Symmes, Acting Director of the Existing Chemicals Risk Management Division. Thank you, Brian, if you would please start your remarks.

S3: 06:41 Thank you, Amy. And again, welcome to everyone who's joined us today both here in the U.S., as well as around the world. As Amy mentioned, my name is Brian Symmes.

I'm currently the Acting Director of the Existing Chemicals Risk Management Division, which is the organization within EPA responsible for the rulemakings under Section 6 of the Toxic Substances Control Act. I'm opening the webinar today to emphasize how much we value your input. This is a useful forum for the agency to obtain public comment on the implementation of TSCA and, specifically today, the risk management of perchloroethylene. For those of you who have attended previous webinars, you will hear some information that you have heard before regarding TSCA, as well as specific information about perchloroethylene. Today, you're going to learn more about the findings in our final risk evaluation, and on our work that is underway to develop proposed regulations under Section 6 of TSCA. Before I turn it over to my colleague, Tyler Lloyd, I want to leave you with a few thoughts. With the amendments to TSCA that were enacted in 2016, we have, in essence, been building a new regulatory program from the ground up. And, as with many things, the way EPA works to ensure chemical safety and, indeed, the way Congress directed us to undertake this work, is a process and we are in the middle of that process.

S3: 08:12

We've taken some big steps over the past several months by issuing nearly all of our first 10 risk evaluations, including methylene chloride, 1-bromopropane, HBCD, and so on. Today, we're focusing on perchloroethylene with that final risk evaluation which was issued in mid-December. In each of the evaluations, we identified whether there are unreasonable risks of injury to health or the environment. For perchloroethylene, we've determined there are unreasonable risks to workers, occupational non-users, consumers, and bystanders. Now we're taking the next step in this process by moving to risk management. Where those unreasonable risks were identified, TSCA requires the agency to undertake a rulemaking process to address the unreasonable risks. We want you to be aware of our work and through meetings like today, help contribute to the risk management rulemakings under TSCA. We want to involve you as early in the process as possible, and we'll be using today to bring you up to speed on the key provisions of TSCA as it relates to our risk management requirements, inform you about these unreasonable risk findings, and outline the next steps in this process. Throughout this process, we'll be seeking input from you on potential risk management approaches, their effectiveness, and any impacts the approaches might have on you, our stakeholders. Your feedback is very important as we develop regulations, both practical and protective, and today is kicking off with that aspect of this process. The critical juncture for you to be involved-- and again, we need to appreciate your input, expertise, and feedback now, early in this process, to help shape the ways we're going to address the unreasonable risks we've found. You'll hear from Tyler more about how you can get in touch and get involved. And I want to thank you once again for your interest in TSCA and for joining us today. Thank you.

S2: 10:22

Thank you, Brian, for those remarks. Our next speaker is Tyler Lloyd. Tyler is the chemical lead for PCE. He will provide some background on risk evaluation and provide details of the findings in the final risk evaluation that was released in mid-December. He will also explain the risk management requirements under TSCA, the types of information that are helpful, and discuss the importance of transparency and risk management. Tyler, please begin your remarks now.

S4: 10:52

Thank you very much, Amy. And good afternoon everybody, or also good evening and good morning for those around the globe. My name is Tyler Lloyd, and I am the point of contact for the risk management of perchloroethylene. And today I'm going to be going over a presentation to review the PCE risk evaluation. PCE is how I'm going to be referring to perchloroethylene. I know it sounds a lot like TCE, so I apologize about

calling it PCE. And then, talk about the next steps for the risk management process. For those of you who can see me, I'm going to go ahead and turn off my video to hopefully conserve a bit of bandwidth, and fingers crossed stave off any technical difficulties, but turning off my video now. And with that, let's go on to the next slide. Slide two shows the agenda. During this presentation, I will provide you with a background on the risk evaluation process, the unreasonable risk findings, and the risk management requirements under the Toxic Substance Control Act or TSCA. Then, I'll review the types of information that we'll use during risk management, the principles of transparency, and where to find additional information. As has already been said, for those of you who have participated in previous presentations for methylene chloride, 1-BP, carbon tet, or TCE, I have to apologize if you find much of what I present today to be a repeat of those presentations, as I'll largely be covering the same information that my colleagues presented.

S4: 12:41 Next slide. Slide three shows that TSCA requires the EPA to evaluate the conditions of use of a chemical substance, which consists of the manufacture, including import, processing, distribution and commerce, use and disposal of existing chemical substances, and identify those conditions of use which present unreasonable risks to health or the environment. The evaluation was done without consideration of cost or other non-risk factors, and the evaluation included assessments of unreasonable risks to potentially exposed or susceptible sub-populations relevant to this risk evaluation. TSCA requires completion of the risk evaluation process within three to three and a half years. Next slide. Here on slide four, we have a diagram illustrating the risk evaluation process and timeline. PCE was one of the first 10 chemicals that was not subject to prioritization. The big box in the middle outlines the steps taken during risk evaluation. In December of last year, 2020, the final risk evaluation of PCE was completed, and EPA determined which conditions of use present unreasonable risk. Now, we are in the risk management action stage of the process for those conditions of use which presented unreasonable risk.

S4: 14:20 Next slide, please. Slide five indicates that the final risk evaluation for PCE was published on December 18th, 2020, and it was the culmination of a process that included the publication of a draft risk evaluation, problem formulation, and scope documents. Public comments were received throughout the process, and the draft risk evaluation was peer-reviewed by the Science Advisory Committee on Chemicals in May of last year. Information regarding the final risk evaluation and additional materials can be found in the dockets listed here on slide five. Additionally, you can also find this information on EPA's website by searching for PCE risk management.

S4: 15:15 Next slide. Slide six provides some general information on PCE. PCE is a colorless liquid and a volatile chemical that is produced and imported into the United States. It is used as a reactant in the manufacturing of other chemical substances, and it is incorporated into formulations of other products. Other conditions of use identified by EPA include distribution in commerce, industrial, commercial, and consumer uses, as well as the disposal of PCE. Some of the industrial and commercial uses of PCE include being used as a solvent in dry cleaning and vapor degreasing, in adhesives, aerosol degreasers, brake cleaners, aerosol lubricants, wipe cleaners, and several other miscellaneous uses, which I will list shortly. Lastly, you'll see that the total production volume of PCE ranged from 324 to 388 million pounds between 2012 and 2015. Next slide. Slide seven shows the life cycle diagram of PCE, illustrating the movement of PCE throughout commerce, from manufacturer to processing to use, and ultimately to disposal. This diagram is from the final PCE risk evaluation, and it

shows a high-level overview of the different conditions of use identified and evaluated by EPA.

S4: 17:01

Next slide. Slide eight shows that as a result of the risk evaluation, EPA determined that PCE does not present an unreasonable risk to the environment under the conditions of use. EPA also determined that the two conditions of use listed on this slide do not present unreasonable risks to injury and to health. And those two conditions of use, out of 61 conditions of use the EPA evaluated that do not present unreasonable risk, are the distribution in commerce and the industrial and commercial use in lubricants and greases for penetrating lubricants and cutting tool coolants. This determination is considered a final agency action, with the final risk evaluation being the order that is required by TSCA. Next slide. Now to slide nine, EPA found that most conditions of use of PCE present an unreasonable risk during occupational exposures to workers and occupational non-users - which EPA refers to as ONUs - as well as to consumer users and bystanders during consumer use. The unreasonable risks were based on cancer and non-cancer adverse effects from acute and chronic inhalation and dermal exposures to PCE. EPA used neurotoxicity as the endpoint for non-cancer adverse effects and liver cancer for the cancer endpoint, which I will go into more detail in the following slides.

S4: 18:48

Next slide, please. Slide 10 begins to outline a very long list of conditions of use that present unreasonable risk, including when PCE is manufactured, imported, processed as a reactant, incorporated into formulations, mixtures or reaction products, repackaged, or recycled. PCE is also used as a solvent in industrial and commercial degreasing operations, in several types of vapor degreasers, cold cleaners and aerosols, spray degreasers and cleaners, as well as lubricants and greases, paints and coatings, and as a processing aid. Next slide. Here on slide 11 is a continuation of the list of industrial and commercial uses that present unreasonable risk, including as used in cleaning and furniture care products, dry cleaning, metal and stone polish, as a laboratory chemical, in welding, in instant ink removal products for photographic film, as well as disposal. Next slide. Slide 12 begins a comprehensive list of the consumer uses that present unreasonable risk including in brake and parts cleaner, and several aerosol and liquid products such as degreasers and cleaners, dry cleaning, automotive care products, marble and stone polish, lubricants and greases, and adhesives for arts and crafts.

S4: 20:29

Next slide. Slide 13 is a continuation of that list of consumer uses that presents unreasonable risk, listing a couple more adhesives and sealants, as well as uses in paints and coatings, metal polish, inks and ink removal, welding, and mold release products. I would like to point out here that all consumer uses of PCE present unreasonable risk. Next slide. On slide 14, as I mentioned before, the unreasonable risk determinations for workers and ONUs are based on neurotoxicity endpoints from acute and chronic inhalation and dermal exposures, as well as cancer from chronic inhalation and dermal exposures. In occupational settings, the calculated risk estimates to workers handling PCE, as well as risk estimates for occupational non-users, which are workers in the vicinity doing other activities that do not involve handling PCE directly, such as cashiers, counter clerks, and other similar employees. In the risk evaluation, EPA assumed the use of personal protective equipment, or PPE, for workers. EPA considered the fact that there is an OSHA PEL of 100 parts per million for PCE as an eight-hour time-weighted average. In the case of PCE, many conditions of use present an unreasonable risk to workers even when EPA assumed the use of respirators within the sites with protection factors of 25 or 50, and gloves with a protection factor of 10 or 20. EPA does not assume respirator or glove use for

some of the small commercial facilities that perform uses, such as dry cleaning and spot cleaning, wipe cleaning, and other commercial uses. And I would like to note that EPA does not assume that ONUs use PPE, because they are not handling the chemical substance.

S4: 22:45 Next slide. On slide 15 here, I've explained the basis for unreasonable risk for consumers and bystanders. EPA's determination is based on neurotoxic effects from acute inhalation and dermal exposures. It's important to note that EPA does not assume dermal exposure for bystanders since they are not handling the products that contain PCE. Also, EPA does not assume the use of personal protective equipment by consumers or bystanders. The unreasonable risk determination for consumer users was based on the high-intensity user, but for many of the conditions of use that EPA evaluated, the unreasonable risk was also present for moderate-intensity users. It's also important to point out that EPA did not evaluate chronic exposures to PCE for consumer users and bystanders because EPA considered the frequency of product-use to be too low to create chronic risk concerns.

S4: 24:01 Next slide, please. Now, on slide 16, I'm going to transition to the risk management requirements under TSCA. Because EPA has now determined which conditions of use present unreasonable risk, EPA is required to take action so that PCE no longer presents unreasonable risk. Under TSCA, the statutory timeframe for EPA to propose a risk management rule is one year after the risk evaluation is complete, and a final rule a year later, which is two years after the risk evaluation was completed. Other specific requirements include the consideration of alternatives when selecting certain risk management options and a statement of effects. We'll be looking for input from stakeholders, you all, throughout the process, as it is critical in the development of the rulemaking for PCE. This can be in the form of participating in public events, such as this one, or one-on-one meetings. So please reach out to me if you would like to provide input during the rule-making process. Next slide. Slide 17 lists the requirements for risk management activities provided by TSCA Section 6(a) to address the final unreasonable risk determination. EPA has the authority to prohibit, limit or restrict manufacturing processing or distribution in commerce. We can also require record-keeping, monitoring or testing, as well as regulate the commercial use or disposal of PCE.

S4: 25:51 Next slide. Slide 18 continues to show the other options we have to work with under TSCA. Section 6(a) of TSCA provides us the authority to regulate distributors, manufacturers, and processors as well as to regulate commercial uses and entities of disposing of PCE for commercial purposes. And while EPA cannot directly regulate consumer uses under TSCA, we have the authority to regulate at the manufacturing level or other key points in the supply chain which can, in turn, effectively address unreasonable risk to consumers. Next slide. On slide 19, in addition to the requirement to address unreasonable risk, EPA is also required under Section 6(c) of TSCA to consider and publish a statement of effects of the rules with respect to the magnitude of exposure to human health and the environment, the benefits of the various uses of the chemical, and the economic consequences of the rule, such as the effects on the national economy, small businesses, technological innovation, the environment and public health, as well as the cost and benefits and cost-effectiveness of the proposed regulation, and of one or more regulatory alternatives.

S4: 27:22 Next slide. Slide 20 lists the executive orders relevant to Section 6(a) rulemaking. In addition to the requirements under TSCA, EPA has also addressed several executive orders throughout the rulemaking process. EPA is required to hold formal consultations with state and local governments, tribes, small businesses, and

environmental justice communities, and minority and low-income populations. Consultation and coordination for PCE has begun with small businesses and the nomination period is now open if you would like to be recognized as a SER in that process. We will start additional formal consultations soon and announcements will be posted on EPA's web page once those are available. Again, if you are interested in participating, please reach out to me, Tyler Lloyd. I will share my contact information at the end of this presentation, but you can also find it on the PCE Risk Management web page. Next slide. On slide 21, as we move forward with identifying risk management options, we welcome any information you may have regarding your views on the regulatory approaches and any other potentially effective methods to address the unreasonable risks associated with PCE. It is also important for us to be informed about the workplace practices currently being used to control exposures, such as engineering and administrative controls. Additionally, please let us know of any critical or essential uses, and the future impacts if PCE is no longer available. We also welcome information on substitute chemicals and their safer and effective alternatives. And as always, we welcome suggestions on how EPA can improve the regulatory process or be more transparent.

S4: 29:29 Next slide. With respect to that last point on transparency, slide 22 summarizes EPA's principles for transparency during the risk management process. We're looking to have proactive and meaningful engagement with our stakeholders. And in addition to the formal consultations, we're also conducting one-on-one meetings and webinars. The goal of today's dialogue is to explain the risk evaluation process, the risk management requirements under TSCA, along with the options available to EPA to manage the unreasonable risk and what that means going forward. We're also looking to learn from stakeholders about the effectiveness of different risk management approaches and the potential impacts on businesses and workers and consumers. And as our director mentioned, by having stakeholder input early, EPA can develop regulations that are both practical and protective. Next slide. On slide 23, during the development of risk management approaches, in addition to consultation with stakeholders, at the invitation of companies, EPA can conduct site visits to learn more about existing practices. And while doing so, EPA can develop our network of stakeholders to ensure regulatory approaches are fully informed and based on current conditions. That said, given the current global pandemic, site visits are a bit difficult, but we are definitely open to suggestions and would be willing to explore the possibility of virtual site visits.

S4: 31:24 Next slide. Slide 24 lists the opportunities for involvement that I mentioned, such as through one-on-one meetings, participation in webinars, and formal consultations. Of particular interest will be participation as a small entity representative, so please let us know if you're interested. Your engagement and feedback is important and we're relying on you to ask questions and raise concerns. Please bring things forward to our attention that we may have not considered and provide us with information that we may not already have. We would really appreciate for this coordination and feedback to happen early on in the process so we have a good foundation as we move forward with risk management. It will help us shape how we're going to address the unreasonable risks that EPA has identified for PCE.

S4: 32:21 Next slide. On the final slide, slide 25, has the links to the webpages with additional information regarding TSCA and the risk management activities and has my contact information if you would like to get in touch with me. Again, my name is Tyler Lloyd. I am the Risk Management Chemical Lead for PCE. To follow or register for other upcoming events, meetings, and webinars on PCE or other high priority chemicals,

you can follow the second link. And if you're interested in being a small entity representative for the formal consultations with small businesses, please email me at lloyd.tyler@epa.gov with your information. For anybody who's listening on the phone, I will spell that out. That's L-L-O-Y-D, dot, T-Y-L-E-R, at E-P-A dot gov. Also, my colleague Doug Parson, who is listed here, is available to coordinate outreach and engagement, especially if you're interested in meeting with us or you have any other general risk management questions or concerns. With that, I thank you for listening to my presentation today. And I'm going to turn it back over to Amy Shuman.

S2: 33:55 Thank you, Tyler. We will now begin the public comment period. When you are making your comment, please state your name and affiliation, if you have one. I am turning the control over to the operator, who will introduce the speaker and open their line. The operator will continue this until all the speakers who have signed up, have completed their remarks. Operator, if you would please begin.

S1: 34:19 Hi, this is Vince Brown from Battelle. I did want to make one quick announcement. If you are a pre-registered public comment person and you are using phone-only, then I, as the host, cannot find you to unmute your line. If you're able to get to a computer and log in using the link, and then connect your audio through Webex, then we will be able to see your name and I can unmute you at that time. We'll go down the list. And the first one I have is Ayub Sehlaoui. Ayub Sehlaoui, you are unmuted. Please go ahead.

[silence]

S1: 35:07 Ayub Sehlaoui, if you can hear us, you are unmuted and can make your public comment now.

S5: 35:16 Hello. I don't have a public comment to make.

S1: 35:20 Okay. Thank you.

[silence]

S1: 35:31 Next one we have is John Meijer, M-E-I-J-E-R. I see he's on here twice. John or Johannes Meijer, if you can hear us, please go ahead.

S6: 35:44 Hi. Yes. Can you hear me?

S1: 35:47 Yes. Please start.

S6: 35:49 Okay. I'm getting some background noise here. I'm sorry. I am John Meijer from the Dry Cleaning and Laundry Institute. And again, I apologize, I'm getting this weird background noise. But we represent the dry cleaning industry, and I just wanted to say a couple things and we'll make comments more about the science end. But the use of perchloroethylene in this industry has decreased since the early '80s and has decreased every year since then. The advances of equipment, based on previous NESHAP requirements for dry cleaners and the upgrade equipment has reduced product exposure tremendously. In fact, to the point where the use of protective vapor monitoring badges are no longer sold because the cleaners, in general, who have tested around the country are well below any established standards. At this point, there are no more perc machines being sold in the United States. And for the most part in North America, in general, if there's one or two, that could be, but it would be surprising. But in general, they're not being sold and haven't been sold in quite some time.

S6: 37:14 About 50 to 60 percent of the industry uses perchloroethylene today and that number continues to drop as alternative solvents are the only way to go at this point. So people who are switching are switching to an alternative solvent for cleaning. The bigger issue more than anything else is, and one of the big factors for dry cleaning going down, is the market. The use of dry cleaners and the consumers' demand for dry cleaning has been going down for years and years and years and continues to go down. As a result, by default, you have decreased exposure in solvents used overall by perc users in this country. It will continue to go down as a result of cleaning going down. There has been an increase in wet cleaning and laundry of those garments that are coming into the stores.

S6: 38:18 On top of this, with this pandemic, and why we don't consider costs and everything, this industry will lose 30 to 40 percent of all dry cleaners in the United States. Unlike restaurants, where there will always be a demand for food, there's not going to be a demand after the pandemic for increased dry cleaning. Work from home situations, the causal wear of this industry, it's changed completely and that's never going to come back. We know this and the industry is looking at other methods for handling clothes like wet cleaning and laundering, and other related types of businesses they can get into to help make their business go. If it wasn't for the existing PPT money that has come in, many of these dry cleaners would have dropped off already. But we are going to lose 30 to 40 percent of the industry, and as a result there'll be less perc used, again, on top of the fact that the demand for perc, because of the fashion industry changing, it just continues to go down, down, down. Sales, which have dropped 70 to 80 percent is a good-- around the United States, this is pretty clear everywhere, just like a lot of other businesses, not just dry cleaners, primarily from the fact that cleaners are no longer dry cleaning as much as they did and we never will again.

S6: 39:59 What we don't understand is, with all of the reductions that have taken place, both because of the updates in equipment, updates in alternatives in going forward, the primary reason that some people are still using perc, and using it safely with advances in equipment, is because you just can't go out and buy a new dry-cleaning machine at 50, 60, 70 thousand dollars. It doesn't happen. If people could have done that, they would have done that in this industry. There's no longer really any grants or monies available to purchase new equipment. On top of that, if they look at restricting the use of perc in an industry that is already using less and less perc every single day, where is this money coming from? The only thing that's going to happen in this industry is for the industry to try to survive post-pandemic and they're already doing more types of cleaning, even more than before that focuses on a different type of cleaning. Wash and fold, wet cleaning, general laundry, related types of cleaning from various industries like hospital linen and what have you. The dry cleaning will continue to go down. To do anything more in terms of trying to regulate the industry will just put more out of business, and while we never consider costs, half of the industry is about ready to go away anyway as a result of the pandemic. So we're already using less solvents every single day and that's really what we have to say. We'll have more, obviously, later on different formats and platforms with regard to the science but this is something I just wanted to stress to everyone. You're not talking about a large industry, you're talking about an industry which has an average number, pre-pandemic, of seven employees. Now they don't have nearly the number of employees. And we're talking the small of the small in terms of industries, there's nothing left in terms of trying to follow additional rules and requirements. The

industry is doing as much as they can, and simply using less and less perc every day, thank you.

S1: 42:14 Great. Thank you. We'll now turn to Carolyn. It'll take me a second to find you in the list here. Carolyn Poutasse? Poutasse? Carolyn, if you can hear us, please go ahead if you have a public comment.

S7: 42:38 Thank you. Yes, this is Carolyn Poutasse with the Rhode Island Department of Health. I mostly focus on Superfund sites and PCE, TCE are fairly common detections. My main comment for this webinar is that when it comes to disposal, we do need to think about some of these historic sites that do see PCE detections, and think about different ways in which members of the public might be exposed, such as through soil-gas intrusion, soil-vapor intrusion, and continuing to think about some of the end-health results, even for individuals who are not consumers. Thank you.

S1: 43:29 Okay. Thank you. Next, we will look to Jordan Caldwell. It takes me a moment just to get you unmuted here. I see Jordan Caldwell on the call but not connected by audio. Jordan, if you can somehow connect the Webex to your phone or computer audio, then we can unmute you. We'll switch now to Taylor Elliott. Taylor Elliott, if you can hear us, please go ahead.

S8: 44:13 I don't have a comment. Thank you.

S1: 44:16 Okay. Thank you. We'll go next to Kathleen or Katie Wolf. Katie, if you would go ahead.

S9: 44:31 Good morning. My name is Katie Wolf and I'm a consultant. I've worked on safer alternative technology made of solvents for more than 30 years. I've done field testing with alternatives to perc with companies using the chemical in a range of different applications. This includes nearly all of the applications deemed by EPA to pose an unreasonable risk in the risk assessment. In vapor degreasing, cold cleanings, spotting chemicals, aerosol cleaning, and dry cleaning, I've seen the chemical used by many facilities in an uncontrolled fashion. I strongly urge EPA to ban perc in all the unreasonable risk applications. A ban, in my view, is the best strategy for dealing with the chemical for four reasons. And these are similar to the reasons I cited in my request that EPA ban methylene chloride, n-propyl bromide, and TCE in the public meetings that EPA held for them recently. First, there are demonstrated viable, safe, and cost-effective alternatives in all the unreasonable risk applications. Second, since EPA does not have adequate resources to examine and develop a diverse set of different regulations for each of the applications that poses an unreasonable risk, a ban on the perc applications would allow EPA to do a thorough job in regulating the businesses. Third, and related to the second reason, a ban is the most reasonable option for enforcement purposes. As EPA knows, many if not all, of their regulations adopted by the agency under other statutes allow the EPA to delegate authority for enforcement to the state. In the case of TSCA, in contrast, EPA wants to enforce regulations adopted under the statute on its own. EPA simply doesn't have the resources to enforce a range of different regulations on uses occurred. And a ban enforced through the producers and importers would be a simpler option.

S9: 46:33 Now, in previous webinars that EPA held for methylene chloride, n-propyl bromide and TCE, EPA mentioned an exposure limit as one of the options for controlling the solvent. They called it an ECEL. And although you didn't mention that one today, I'd like to make some comments on that, assuming you're still considering it. Setting an exposure limit for different applications would require EPA to enforce the specified levels on thousands of facilities, which EPA would likely not be able to do thoroughly.

It isn't really clear how EPA could even do the enforcement. Would EPA badge all of the workers in the facility where perc is used and check the badges when they inspect at the facilities? Furthermore, the ECEL or exposure limit would have to be set so low to avoid an unreasonable risk that none of the operations using perc would be able to meet it. Fourth, there's a historical precedence for banning high-risk halogenated solvents that demonstrate there would be a successful outcome for this strategy. Many years ago, the South Coast Air Quality Management District in Southern California established stringent regulations that prohibited the use of perc in open-top vapor degreasers. Because of certain California-wide regulations, perc cannot be used in spotting chemicals, in the dry cleaning industry, and automotive aerosol applications or in most adhesive applications. Both the South Coast Air Quality Management District and the California Air Resources Board also adopted regulations many years ago to phase out the use of perc in dry cleaning. It will become fully effective in the state in a couple years. In California, perhaps 90% of the cleaners have already converted to and been using alternatives successfully for more than a decade.

S9: 48:36 There's been a lot of movement in recent years in several different types of applications, from one solvent to another. EPA identified four halogenated solvents in the first 10 priority chemicals. And these include trichloroethylene, perchloroethylene, methylene chloride, and n-propyl bromide. Suppliers and users have converted from one to another of these solvents when each has been increasingly regulated. EPA can stop this unproductive and dangerous shell game by banning all four of the solvents in all of the unreasonable risk applications. There are safer alternatives for virtually all applications of the four solvents and they're cost-effective and viable. I also want to bring EPA's attention to the fact that over the last few years, users have been increasingly converting from these four solvents to another less regulated solvent, trans-1,2-dichloroethylene and vapor degreasing. That chemical has been put on the priority list of the second set of 20 chemicals for regulations under TSCA. But this example does illustrate how the shell game just keeps going. In summary then, I urge EPA to adopt a ban on all the perc applications tagged as posing an unreasonable risk. I appreciate the opportunity to comment.

S1: 50:12 Thank you. Next, we have Jonathan Kalmuss-Katz. Jonathan, it will take me a minute to get you unmuted here. Go ahead please, Jonathan.

S10: 50:29 Thanks. Can everyone hear me?

S1: 50:31 Yes.

S10: 50:32 Okay, wonderful. Good afternoon, I'm John Kalmuss-Katz from Earthjustice. Today I'd like to speak about EPA's consideration of Existing Chemical Exposure Limits, or ECELs, and why they are a dangerous, inefficient, and often unlawful approach to risk management under TSCA. And I think that these comments will build upon some of the concerns that Miss Wolf just expressed in her comments. In nearly every risk management presentation so far, EPA has discussed controlling occupational risks by establishing an ECEL, a new limit on the maximum workplace concentration of a given chemical. In theory, EPA would set the ECEL at the level that it found to present unreasonable risk, and let industry decide how to attain it. In practice, this approach has been shown not to work. It would leave workers exposed to unreasonable risk and thus violate EPA's obligations under TSCA. ECELs are modeled after the OSHA's Permissible Exposure Limits, or PELs. That is a poor choice of model, given that OSHA admits that many of its permissible exposure limits are outdated and inadequate for ensuring protection of worker health. Updating PELs has proven so burdensome that in many cases OSHA relies on standards set decades ago, which are not supported by

the latest science. EPA provides no reason to believe that its ECELs would not suffer the same fate. Moreover, even when PELs are set at health-protective levels, they're extremely difficult to enforce and are thus frequently violated. Enforcement requires frequent inspections of thousands of workplaces, large and small, across a range of sectors. With approximately 1,800 inspectors on staff, OSHA conducted more than 33,000 workplace inspections in fiscal year 2019. And states with delegated OSHA programs conducted 42,000 more. It still was not enough.

S10: 52:26 OSHA's respiratory protection standard, which is intended to ensure compliance with many PELs, is one of the most frequently violated OSHA standards, and workers continue to face unreasonable risks from chemicals with long-established PELs. Indeed, Congress expressly required EPA to protect workers in the 2016 TSCA amendments, precisely because of OSHA's failure to do so under the Occupational Safety and Health Act. If OSHA, an agency that is dedicated to occupational health and safety, cannot eliminate unreasonable risks through the setting of workplace exposure limits, there's no chance that EPA will do so under TSCA. EPA estimates that more than 100,000 workplaces use perc, with well over 600,000 exposed workers. EPA simply does not have the resources, expertise, or infrastructure required to enforce ECELs at all of those workplaces. That means EPA's exposure limits will either go unenforced or will end up outsourced to an already overstretched OSHA. Either way, they will not eliminate unreasonable risk if TSCA requires. And these same concerns apply to requirements to wear protective gloves or other PPE. EPA just does not have the capacity to meaningfully enforce those restrictions. ECELs do nothing to address non-occupational risks, including risks to consumers and general public. They would thus require additional layers of regulations to protect non-workers adding to the complexity and burden of the risk management rule. There's a reason that virtually every Section 6 rule under TSCA, from 1976 through the present, has focused on prohibiting or restricting the manufacturing or use of the chemical substances. Such prohibitions are effective, straightforward to enforce, and they avoid the problems associated with ECELs.

S10: 54:19 The first 10 chemicals include some of the most toxic substances on the market, perc among them. Safer alternatives to these chemicals are available, and strong risk management rules would spur the transition to these substitutes. In contrast, an ECEL would perpetuate the use of PERC and other chemicals far longer than it's safe or necessary. If there are critical uses of a chemical for which substitutes are not available, TSCA authorizes EPA to grant time-limited exemptions from a risk management rule, as long as those exemptions do not themselves result in unreasonable risk. While the risk management rules must be based on the chemical at issue, EPA's starting place should not be in ecosystem that offers less protection at far greater administrative burden than a restriction or prohibition on the use of unsafe chemicals. And thank you for the opportunity to speak.

S1: 55:13 Yes, thank you. We have one more speaker to look for here, and I'm going to ask-- we have someone registered as Michelle with no last name. So I'm just going to unmute this person and say-- Michelle Markovsky, if you can hear me and have a public comment, please go ahead.

S11: 55:42 Oh, I apologize, I'm not prepared.

S1: 55:44 Okay. Thank you. Amy, this is Vince Brown from Battelle, the host, and everyone else who is on our list of pre-registered public speakers is not in the attendee pool or is not connected to audio. On the last similar call, Niva asked me to read the names of

those who had registered, just so that it's in the record somewhere. Would you like me to do that, Amy?

S2: 56:21 Yes, please, Vince, if you don't mind.

S1: 56:24 Okay. And again, if you were pre-registered to make a public comment, and you're a call-in user, please use the link and log-in to Webex so that we see your name and find you and unmute you. So those who pre-registered and we've not heard from are Rom Singhal, S-I-N-G-H-A-L, Ayoub Sehlaoui, S-E-H-L-A-O-U-I, Carlos Alberto Garay, G-A-R-A-Y, AbdeljalilMekkaoui, M-E-K-K-A-O-U-I, Charlotte Brody, B-R-O-D-Y, Brent O'Dell, O-'-D-E-L-L, Michael Byrns, B-Y-R-N-S, Jordan Caldwell, C-A-L-D-W-E-L-L, Michelle Markovsky, just a moment ago said she had no comment, and then Michelle Montalvo Jordan, M-O-N-T-A-L-V-O. So Amy, that concludes the list of those who had pre-registered for public comment. And I believe that's everyone we have.

S2: 57:54 Thank you, Vince. And thank you all for the public comments and for the participation in today's webinar on risk management for PCE. An audio recording and a transcript of this webinar will be available at the PCE risk management website. EPA very much appreciates your participation in today's webinar and the team here in the Office of Pollution Prevention and Toxics looks forward to continued dialogue on risk management under TSCA. If you don't mind, Vince, I believe that we should wait for five more minutes just in case any of those that were on the phone that did register to make public comments can log in via their internet browser and have the opportunity to do so.

S1: 58:38 That's fine. I'm happy to leave the line open and I'll keep scanning the attendee list in case anyone's able to join at the last moment here.

S2: 58:49 Great. Thank you.

[silence]

S1: 01:00:26 This is Vince Brown. I'm continuing to scan the list and not seeing any new attendees pop up, Amy. I will note that some of the public comment folks had been in the attendee pool, but left the call early or never connected to audio. So that's where we are. You want to take a couple more minutes, Amy?

S2: 01:00:50 Yes. Just one more minute if you don't mind, Vince.

[silence]

S1: 01:01:48 For those of you that may have--

S2: 01:01:48 All right--

S1: 01:01:49 --joined late, we were just waiting to see if any other public comment people joined and no one seems to have done. Amy, I think I interrupted you.

S2: 01:01:56 It's okay. I was just going to say I believe that that is all the time we have allotted for waiting for others to join. Again, EPA appreciates everyone's participation in today's webinar. The team here and the OPPT team look forward to a continued dialogue on risk management under TSCA. So thank you all again. I am now turning it back to the operator to close out the call.

S1: 01:02:21 Great. That concludes today's event. Thank you very much for joining and I will be ending the call here shortly.

[silence]