



HSIA

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SOLVENTS NEWS YOU CAN USE

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HSIA CONTRACTS WITH TESTING LAB TO REVIEW TRICHLOROETHYLENE HEART DEFECTS STUDY

As part of its 2011 IRIS review of the hazard potential of TCE, EPA concluded that exposure to TCE during pregnancy could result in increased heart defects in the developing fetus. This conclusion was based on a University of Arizona drinking water study conducted in rats where pregnant animals were exposed to TCE continuously throughout pregnancy. Following the IRIS review, several states and EPA regions take the position that even a single exposure to TCE during pregnancy could have adverse health effects on the fetus. The quality of the Arizona study is highly suspect, however, and it has been severely criticized within the scientific community. Two high-quality studies, involving different routes of exposure, have been unable to confirm the Arizona study findings. Given the importance of the Arizona study in the regulation of TCE and the concerns with its quality, HSIA has contracted with a testing laboratory to see if the results can be verified or if the results of a well-conducted drinking water study will agree with the other two studies where no impacts were observed. Results are expected to be available in January 2017.

EPA SENDS TWO PROPOSED RULES ON TRICHLOROETHYLENE TO OMB FOR REVIEW

In August, EPA sent for OMB clearance a proposed rule to restrict use of TCE by dry cleaners as a spotting agent and in consumer aerosol spray degreasers. HSIA and the National Cleaners Association (NCA) were granted an EO 12866 meeting (twice, as OMB failed the first time to notify EPA and the Small Business Administration (SBA)) to present our concerns. Among other points, NCA presented data showing a significant economic impact on a substantial number of small entities, meaning that EPA cannot make the required certification under the Regulatory Flexibility Act.

On September 30th, as anticipated, EPA sent for OMB clearance a proposal to regulate the use of TCE in vapor degreasers. As part of a Small Business Advocacy Review in June, HSIA's associate members questioned EPA's pursuit of this rule faulting the Agency's risk assessment, its lack of understanding of the current uses and exposures, and its infringement on areas that are the jurisdiction of OSHA. HSIA has requested an EO 12866 meeting to discuss the proposal.

Three proposed rules are being pursued by EPA under TSCA section 6 including the two mentioned above and a third restricting certain uses of methylene chloride.

EPA SIGNS THE FINAL VERSION OF RULE 21 UNDER THE SIGNIFICANT NEW USE ALTERNATIVES POLICY (SNAP) PROGRAM

On September 26th, EPA Administrator Gina McCarthy signed Rule 21 under the SNAP program along with a final rule to extend the provisions of Section 608 of the Clean Air Act. The final SNAP rule lists acceptable substitutes in several sectors and changes the status of a number of substitutes that were previously listed as acceptable. HSIA met with OMB on the proposed rule and criticized EPA's proposal to delist methylene chloride as a blowing agent in certain foam uses solely on the basis that it is a potential carcinogen. EPA acknowledged that it had not conducted a risk assessment and it did not move forward with the delisting. This was an important action not just for HSIA but for the chemical industry, as the proposed delisting would have opened the door to EPA banning a compound based solely on the identification of a hazard.

VAPOR INTRUSION EXPECTED TO BE ADDED TO THE SUPERFUND HAZARD RANKING CRITERIA

An EPA proposed rule to add vapor intrusion as a contaminant pathway to the Superfund Hazard Ranking System was sent to OMB for clearance in early September and EPA is expected to issue a final rule by January 2017. While EPA stated that it did not expect the rule to result in an increase in sites being added to the National Priority List, Massachusetts has already announced it will be taking another look at 200 TCE sites to determine if they need to be reopened. States such as California, New Jersey and Ohio have all issued final vapor intrusion guidance to-date.

