UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

JUL 30 1992

MEMORANDUM

SUBJECT: TSCA REVITALIZATION BRIEFING

FROM: Mark A. Greenwood, Director
Office of Pollution Prevention & Toxics

TO: OPPT Staff

On July 9, 1992, I presented a briefing to Deputy Administrator Hank Habicht to discuss the revitalization of OPPT. The briefing, entitled "Revitalization of the Toxics Program (It's Not Just TSCA Anymore)", highlighted many of the accomplishments of our program, and was very well received by Mr. Habicht.

Attached is a copy of the Habicht briefing package. I think it reflects a culmination of the efforts you, the OPPT staff, have dedicated to making OPPT a "top-notch" program within the Agency.

At a time when we are undergoing change, it may seem difficult to determine what is good about what we are doing. However, the successes of the program, as shown in the briefing package, are an indication that we're still on the right track.

Attachment

cc: Joe Carra

REVITALIZATION OF THE TOXICS PROGRAM

(It's Not Just TSCA Anymore)

TALKING POINTS

(in italics)

July 8, 1992

TRADITIONAL AGENDA OF THE TOXICS PROGRAM

- Administering the Many Different and Disjointed Pieces of TSCA
  - Existing Chemicals Program
  - New Chemicals Program
  - Chemical Testing
  - Information Gathering
  - Biotechnology
  - PCBs
- Elements Have Been Added Over Time to the Toxics Agenda
  - Asbestos (ASHAA and AHERA)
  - Lead (Pb)
  - Toxics Release Inventory (EPCRA)
  - Pollution Prevention
  - Special Voluntary Programs (e.g., 33/50)

OPPT

- Pie Charts of FY88 and FY92 FTE
  - + *We're doing more with less.*

TRADITIONAL STRENGTHS OF THE TOXICS PROGRAM

- Information Collection and Dissemination
- Quality Science in Real Time for New Chemicals
  - + *20,000 new substances reviewed since 1979*
  - + *90-day assessment period*
  - + *on average, 2,000 new substances reviewed a year*
  - + *approximately 10% (or 200) of these reviews result in full blown risk assessments*
- Rapid Risk Assessments That Are Truly Multi-Media
  - We analyze risks throughout the life cycle, including:
    - occupational risks
    - consumer risks
    - environmental release and disposal risks
- Effective Decision-Making and Risk Reduction on New Chemicals
  - + *Regulatory action taken on 1700 of new chemicals reviewed*
    - ++ *500 chemicals subject to consent orders to control risks pending the development of additional data*
    - ++ *400 chemicals subject to complete prohibition on manufacture pending the completion of upfront testing*
    - ++ *800 chemicals withdrawn voluntarily in the face of EPA's regulatory findings*

OPPT'S NEW VISION FOR THE TOXICS PROGRAM

- Integrates OPPT's Activities into Four Principles:
  - PROMOTE POLLUTION PREVENTION AS A PRINCIPLE OF FIRST CHOICE;
    - + *Promote pollution prevention within the Agency*
    - + *Promote pollution prevention outside the Agency through information, training, and grants; National Pollution Prevention Center*
    - + *Extend focus to non-industrial sectors: agriculture, energy, transportation; work with other Federal agencies*
  - * PROMOTE THE DESIGN, DEVELOPMENT AND APPLICATION OF SAFER CHEMICALS, PROCESSES AND TECHNOLOGIES IN THE INDUSTRIAL SECTOR OF THE ECONOMY;
  - PROMOTE RISK REDUCTION AND RESPONSIBLE RISK MANAGEMENT PRACTICES THROUGHOUT THE LIFE CYCLE OF MAJOR CHEMICALS OF CONCERN; and
    - + *The reorganized OPPT will have a single division where all work on Pb, asbestos, and PCBs will be integrated.*
  - PROMOTE PUBLIC UNDERSTANDING OF THE RISKS OF CHEMICALS
    - + *TRI*
    - + *pollution prevention clearinghouse*
    - + *publicly available database of all TSCA test submissions*
    - + *share information with other companies, federal agencies, and organizations*
    - + *actively review and, where appropriate, challenge claims of confidential business information*
- Reflects OPPT's Mission Beyond TSCA
- Utilizes QATs, in Areas such as Risk Assessment and Chemical Testing Reform, to Reinforce These Principles and Their Implementation.

OPPT VISION PRINCIPLES AND PROGRAM ELEMENTS

Principles	Elements
Pollution Prevention Advocacy	**EXISTING CHEMICALS PROGRAM**
SAFER CHEMICALS, PROCESSES, & TECHNOLOGIES	**NEW CHEMICALS PROGRAM**
	CHEMICAL TESTING
Life-Cycle Management of Major Chemicals	Information Gathering
Environmental Information for the Public	Biotechnology
	PCBs
	Asbestos
	Lead
	TRI
	Pollution Prevention
	Special Voluntary Programms

CHANGES WE ARE MAKING TO PROMOTE SAFER EXISTING CHEMICALS

1. Increasing Productivity Through Better Management
2. Integrating Our Approach to TSCA
3. Producing Quality Science in Real Time
4. Taking the Program Public
5. Orienting the Program Around Pollution Prevention
6. Managing Risk Creatively
7. Strengthening Relations with Other Agencies and Governments
8. Linking the Toxics Program to Other EPA Programs

1. INCREASING PRODUCTIVITY THROUGH BETTER MANAGEMENT

- o Clarifying Risk Management Process
  - RM1/RM2 decision points and timeframes
    - + *Refer to flow chart on the RM process*
- o Clarifying Risk Management Agenda
  - The Master Testing List
    - + *Allows EPA to ensure that limited testing resources are optimally used to meet the highest data needs.*
- o Tracking Status of Chemicals
  - Recording improvements
    - + *development of an automated system that lets you know where a chemical is in the assessment process and where it has been.*
    - + *Identifying and managing lower-profile chemicals ("grazing buffaloes") which may have received earlier attention, but had not been carefully tracked or assigned a "risk management" action. [In response to GAO report]*
    - + *from an initial set of 296 "untracked" chemicals, 136 cases are now being managed with the program.*
    - + *The remaining 160 cases have been logged into a tracking system and are being prioritized for entry into the new program.*
- o Standardizing Methodologies
  - -- Standard pollution prevention analysis of major RM2 projects
- o <u>Examples of Results</u>

1] <u>Improved chemical testing productivity</u>

- > *Turn to slides from Synar hearing*
- + *In the 9 years from 1980 to 1989, EPA proposed testing actions on 201 chemicals*

+ *During 1990 and 1991 alone, testing actions were proposed for 262 additional chemicals -- 163 of these as part of the High Production Volume - Screening Information Data Set (HPV-SIDS) testing program of the OECD.*

+ *During about the same period during the 1980s, final action was taken to initiate testing on 165 chemicals.*

+ *In 1991 alone, we took final action on 40 chemicals, again with 37 chemicals through the HPV-SIDS program.*

2] *Improved RM1 productivity*

+ *since the beginning of the new process in April 1990, some 575 chemicals have passed through RM1*

3] *RM2 outputs are now also slowly rising*

+ *11 cases are now in the RM2 assessment state where, among other steps, pollution prevention and cost analyses are occurring.*

+ *Example of the cases we're working on:*

  * *RCFs*

    - *an insulation material used in a variety of industrial and high-technology applications and which appears to be a potent carcinogen.*
    - *1st Section 4(f) case initiated since 1985.*
    - *Industry has established a model product stewardship program that goes a long way in addressing our concerns to reduce RFC exposure*

2. INTEGRATING OUR APPROACH TO TSCA

- o Actively Pursuing Data Submissions
  - Section 8(e) Compliance Audit Program
    - + *Encourages companies to submit <u>delinquent</u> information with set penalties*
    - + *To date, EPA has received approximately 2,000 CAP submissions.*
- o Linking Testing and Risk Management
  - Use RM process to set testing agenda
    - + *CAA chemicals; high emission TRI chemicals*
  - Use RM process to respond to testing submissions
    - + *Set time frame for review of incoming test data*
    - + *Put into RM1 queue*
    - + *Ex: action on RCFs began with 8(e) submission*
- o Integrating the Intent of Two Special TSCA Sections into the New Process
  - Sections 4(f) and 9

3. PRODUCING QUALITY SCIENCE IN REAL TIME

- o Transferring This Traditional Strength in the New Chemicals Program to Existing Chemicals
  - + *We already review, on average, 2,000 substances a year through the new chemicals program.*
- o Embodying This Strength in the RM1 Step of the Existing Chemical Review Process
  - - RM1 profiles are completed within 12 weeks and are in demand due to their quality.
    - + *requests from inside and outside EPA*

4. TAKING THE PROGRAM PUBLIC

- Making Agency Decisions on Chemicals Publicly Available
  - \+ *creation of an administrative record*
- Notifying the Affected Industry
  - \+ *sending "letters of concern" to companies*
  - \+ *some companies have responded with voluntary chemical substitutions or emission reductions*
- Promoting Stakeholders' Involvement
  - \- Policy dialogues
- Effecting a Client Base
  - \+ *Example: public and industry interest in write-up of chemicals we've dropped*

5. ORIENTING THE PROGRAM AROUND POLLUTION PREVENTION

- Embodying Prevention Principles in the RM2 Step of the Existing Chemical Review Process
  - + *Pollution prevention analysis is always done*
  - + *We use the **environmental management** hierarchy approach in developing solutions*
- Targeting a Chemical Cluster (Rather than Chemical-by-Chemical) Approach
  - + *Enhances our ability to look for source reduction*
  - + *Enhances our ability to determine which chemical, process, or technology is the safest*
- Examples:
  - Indoor air -- spray paints, varnishes
  - Formaldehyde -- indoor air sources of emissions
  - Design for the Environment (DFE)

DESIGN FOR THE ENVIRONMENT

- DfE: Building Environmental Health Considerations into the Design of Chemical Products and Processes
  - Examples: BMW
    INTEL
- Long-Term Investments
  - University of Michigan Pollution Prevention Center
  - Chemical Design
  - New Initiatives (e.g., insurance, accounting)
- Short-Term Investments
  - Printing pilot
  - Dry cleaning
  - Possible new areas (metalworking fluids, electroplating)

6. MANAGING RISK CREATIVELY

+ *Problem: Agency doesn't traditionally recognize efforts that quietly reduce risk*

o Promoting Voluntary Approaches

- Examples:

  -- 33/50

  -- carpet dialogue

  -- RCFs

  + *RCF companies have voluntarily submitted a wide variety of data on production levels, exposure, and animal testing*

  + *RCF companies have voluntarily agreed to negotiate a consent agreement on exposure testing*

o Using Significant New Use Rules (SNUR)

+ *Negotiate phaseout*

+ *Seal with a SNUR*

+ *Example: metalworking fluids containing amines*

o Negotiating Risk Management of Chemicals In Lieu of Requiring Chemical Testing

+ *negotiating consent agreements with companies to reduce emissions of high-release TRI chemicals in lieu of requiring costly testing*

o Pursuing an Integrated Strategy

- Example: Chloranil

  + *combined effort of:* *initial consent order*
  test data from a test rule
  voluntary agreements
  enforcement initiatives
  SNUR (under consideration)

o Holding Companies to Their "Responsible Care" Commitments

7. STRENGTHENING RELATIONS WITH OTHER AGENCIES AND GOVERNMENTS

- OSHA NIOSH EPA (ONE) Committee
  - + *Coordinating activities and exchanging information through monthly meetings*
  - + *Examples of coordination:* *asbestos in buildings*
    acrylamide
    RCFs
- Toxics in Consumer Products Committee
  - Developing CPSC relationship
    - + *Example:* *formaldehyde strategy: working to develop a voluntary national consensus standard in lieu of section 6 rulemaking*
- International Forum
  - OECD - Screening Information Data Set (SIDS)
    - + *As noted earlier, our participation in this program is dramatically increasing our testing productivity.*
  - Information Exchange on Major Projects
    - -- Paint Stripping
    - -- Dry Cleaning
      - + *May 1992*
      - + *Heavy European and Japanese participation and a strong pollution prevention orientation*
    - -- Pulp and Paper
      - + *August 1992 (He was scheduled to be briefed on July 7th about this)*
      - + *Foreign participation for technological and chemical alternatives to conventional bleaching*

8. LINKING THE TOXICS PROGRAM TO OTHER EPA PROGRAMS

- Linking EPA Programs
- Examples:
  - Indoor Air
  - OSWER Projects
  - Testing for Air Program
  - Support for SRRP
- Linking Beyond Traditional Technical Support
  - Support for Emergency Response

ROLE OF THE NEW CHEMICAL PROGRAM

- Well-established for many years
- Traditional role -- preventing high-risk chemicals from entering commerce
  - High productivity
    - + *20,000 new substances reviewed since 1979*
    - + *on average, 2,000 new substances reviewed a year*
    - + *approximately 10% of these reviews result in full blown risk assessments*
  - Efficiency
    - + *90-day review period*
  - Creative approaches and innovative solutions to reduce risk
    - + *triggers testing*
    - + *regulation pending development of test data*
    - + *use limitations*
- New Directions
  - Fostering pollution prevention
    - + *Pollution prevention information added to PMN reporting form.*
    - + *Considering requiring "pollution prevention plans" under section 5(e) orders*
  - Identifying safer alternatives to existing chemicals
    - + *Examples:*

      Lead substitute: new substance, which might traditionally have been banned by EPA due to possible cancer and systemic effects, was allowed by EPA to be manufactured and used under controlled conditions

      Chlorine bleach substitute: new substance allowed after company completed studies which showed the substance posed no unreasonable risk to human health and the environment

SUMMARY

- Program Has Made Major Progress
  - Elements of the program are clear
  - Real outputs are occurring
- Increased Public Interest in the Toxics Program
  - Ex: June 11 American Chemical Society Forum
    - + *Broad participation*
    - + *Looked at program/management objectives and statutory problems with TSCA*
- Future Issues
  - Crafting the Agenda to Serve Multiple Interests
  - Integrating New and Existing Chemical Programs
  - Developing Strategy for Information Programs
  - Impact of the Asbestos Decision

ATTACHMENT

RM OUTPUTS

RM1

CHEMICALS TO RM1

FY90	97
FY91	127
FY92	306
Total	530

RM1 DECISION

	Test	RM2	Drop/Other
FY90	75	12	10
FY91	37	66	24
FY92	106	3	197
Total	218	81	231

RM2 Chemicals

N-Methylpyrrolidone (paint stripping)

2-Nitropropane

Phosphoric Acid Waste

Chlorinated Paraffins

Benzidine Pigments/Dye Cluster

Acrylonitrile

Chloroethane

1,2 Dichloroethane

Hydrazine

Lead, non-residential paint

Lead, non-plumbing solder

Post RM2 Chemicals

Carpet Emissions Reduction Program

Chloranil

Refractory Ceramic Fibers

Sodium Cyanide

Acrylamide

Dioxin in Sludge

Formaldehyde

Lead fittings

Lead solder

Lead in industrial uses

Asbestos Ban

Nitrates in Metalworking Fluids

Environmental Hazard Communication

REVITALIZATION OF THE TOXICS PROGRAM

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JUL 9 1992

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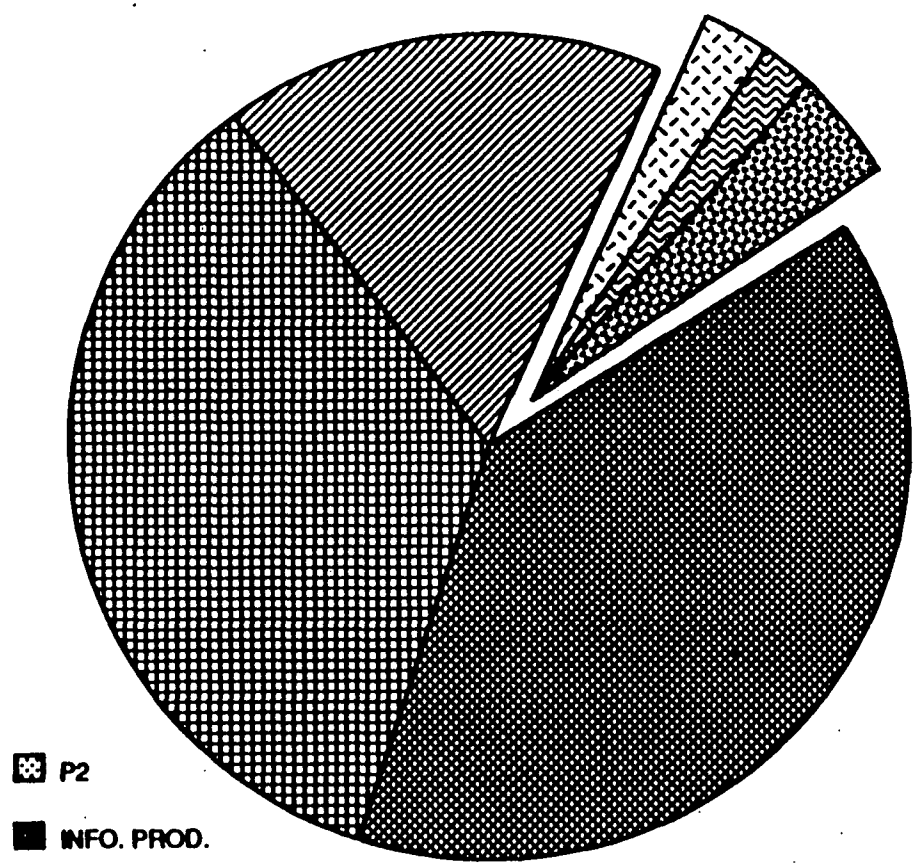
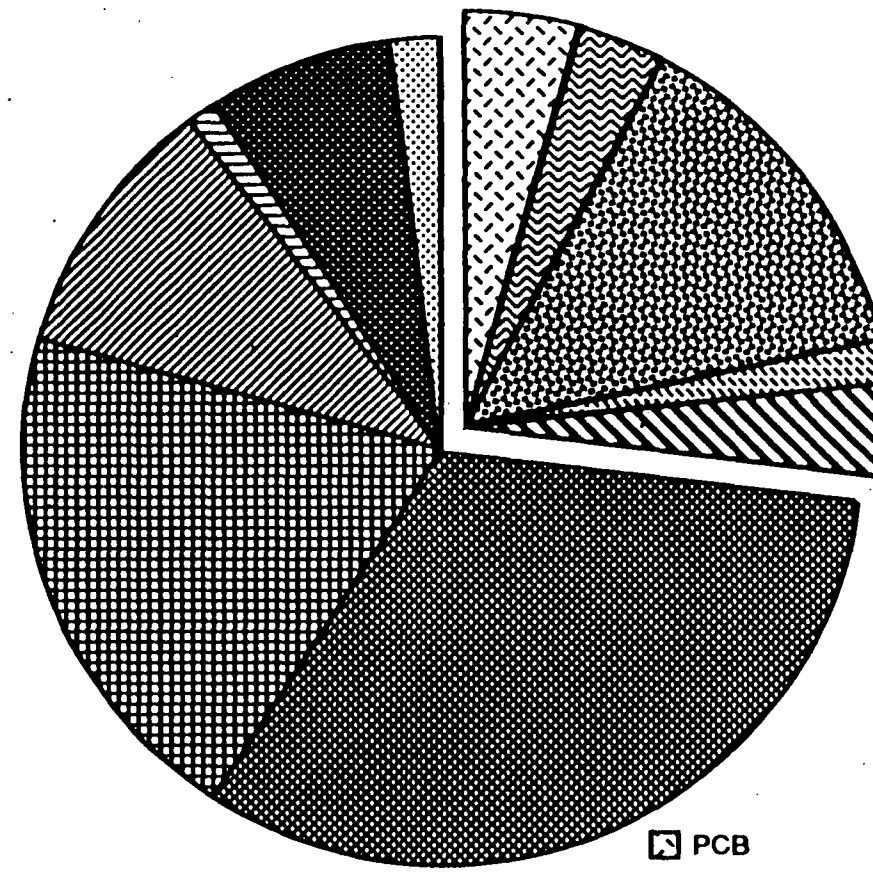
  - Asbestos (ASHAA and AHERA)
  - Lead (Pb)
  - Toxics Release Inventory (EPCRA)
  - Pollution Prevention
  - Special Voluntary Programs (e.g., 33/50)

OPPT

FY88 FTE



FY92 FTE



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- Quality Science in Real Time for New Chemicals
- Rapid Risk Assessments That Are Truly Multi-Media
  - We analyze risks throughout the life cycle, including:
    - occupational risks
    - consumer risks
    - environmental release and disposal risks
- Effective Decision-Making and Risk Reduction on New Chemicals

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OPPT VISION PRINCIPLES AND PROGRAM ELEMENTS

PRINCIPLES	ELEMENTS
• Pollution Prevention Advocacy	• Existing Chemicals Program
• Safer Chemicals, Processes and Technologies	• New Chemicals Program
• Life-cycle Management of Major Chemicals	• Chemical Testing
• Environmental Information for the Public	• Information Gathering
	• Biotechnology
	• PCB's
	• Asbestos
	• Lead
	• TRI
	• Pollution Prevention
	• Special Voluntary Programs

CHANGES WE ARE MAKING TO PROMOTE SAFER EXISTING CHEMICALS

1. Increasing Productivity Through Better Management

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- Clarifying Risk Management Process
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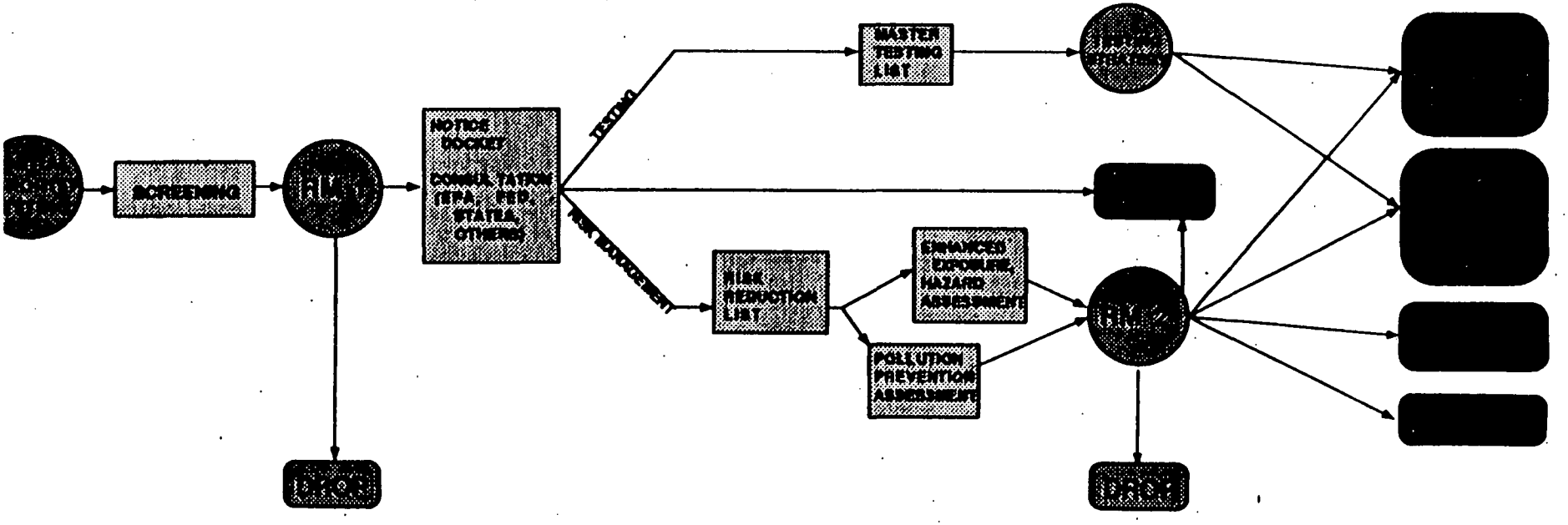
- Clarifying Risk Management Agenda
  - The Master Testing List
- Tracking Status of Chemicals
  - Recordkeeping improvements
- Standardizing Methodologies
  - Standard pollution prevention analysis of major RM2 projects

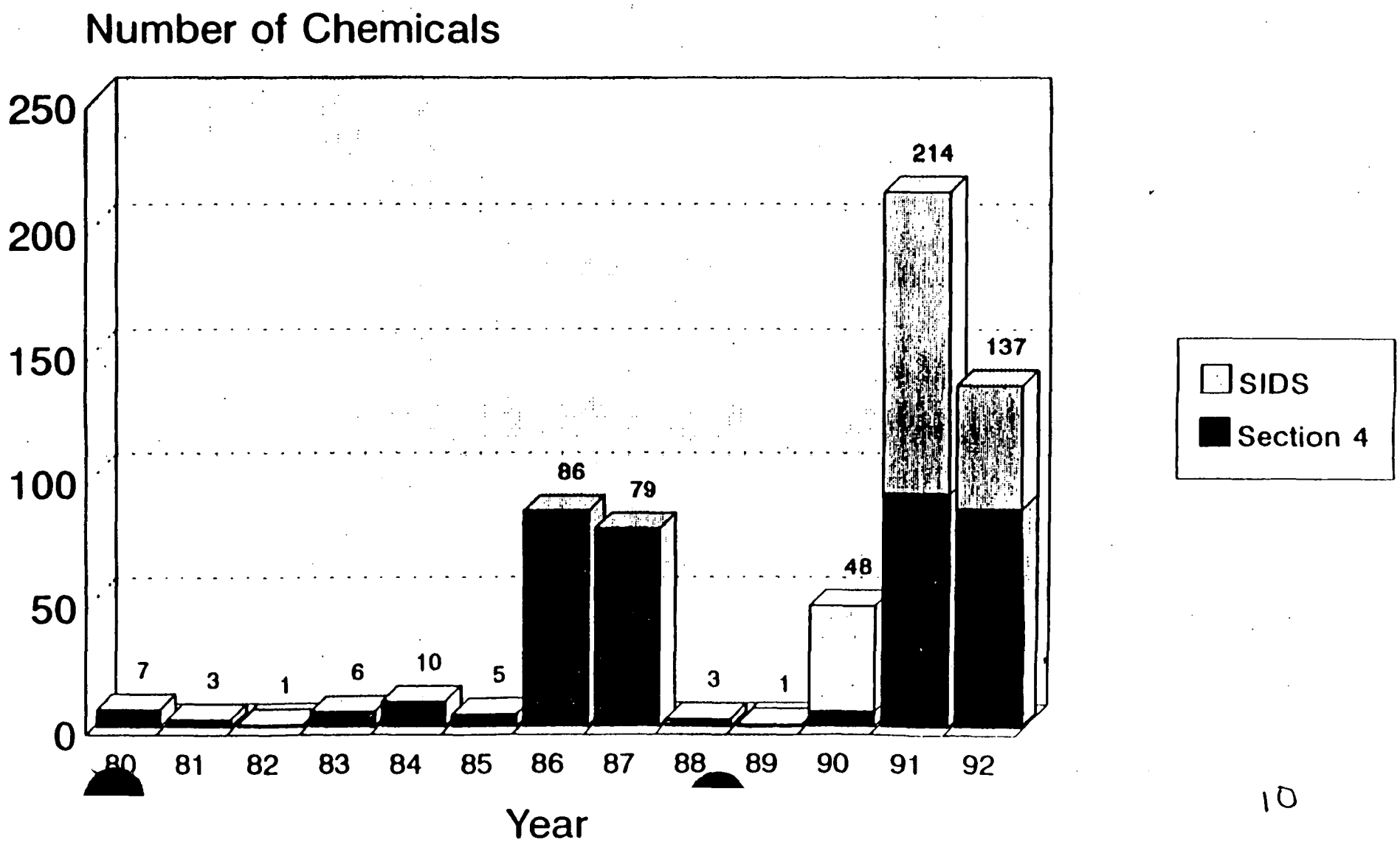
⇨ An Example of Results: Improved Chemical Testing Productivity

EPA EXISTING CHEMICALS PROGRAM



Testing Program Outputs: 1980-1992

Proposed Testing Actions



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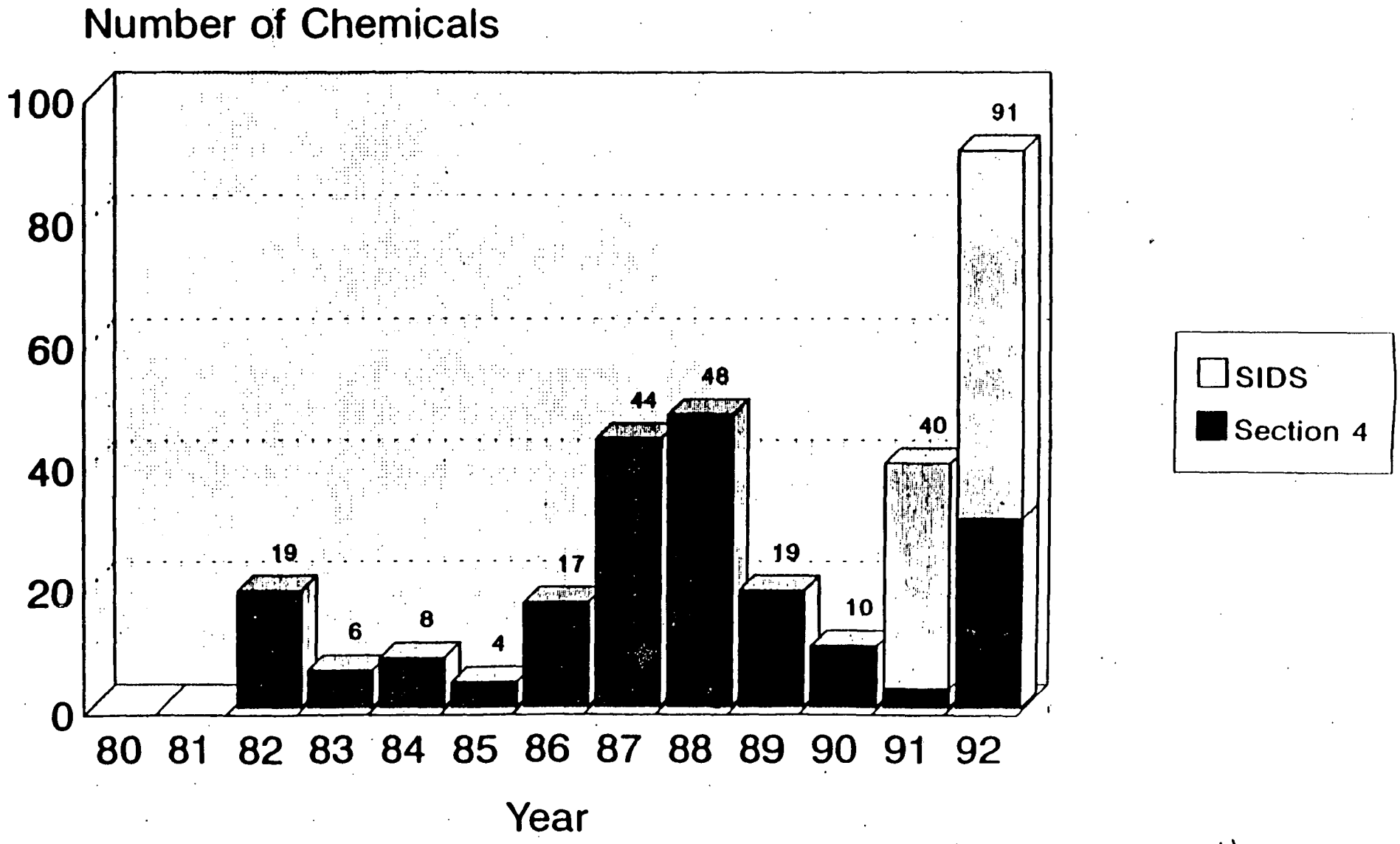

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- Actively Pursuing Data Submissions
  - Section 8(e) Compliance Audit Program
- Linking Testing and Risk Management
  - Use RM process to set testing agenda
  - Use RM process to respond to testing submissions
- Integrating the Intent of Two Special TSCA Sections into the New Process
  - Sections 4(f) and 9

3. PRODUCING QUALITY SCIENCE IN REAL TIME

- Transferring This Traditional Strength in the New Chemicals Program to Existing Chemicals

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- Examples:
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  - Formaldehyde — indoor air sources of emissions
  - Design for the Environment (DfE)

DESIGN FOR THE ENVIRONMENT

- DfE: Building Environmental Health Considerations into the Design of Chemical Products and Processes.

  - Examples: BMW
    INTEL

- Long-Term Investments

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  - Examples:
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- Using Significant New Use Rules (SNUR)
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- OSHA NIOSH EPA (ONE) Committee

- Toxics and Consumer Products Committee

  - Developing CPSC relationship

- International Forum

  - OECD - Screening Information Data Set (SIDS)

  - International Exchange on Major Projects

    ✓ paint stripping
    ✓ dry cleaning
    ✓ pulp and paper

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  - Examples:
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    - ✓ OSWER Projects
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- Linking Beyond Traditional Technical Support
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  - Creative approaches and solutions to reduce risk

- New Approaches
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  - Identifying safer alternatives to existing chemicals and processes

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