Chemicals-in-Progress Bulletin

Office of Toxic Substances (OTS)
U.S. Environmental Protection Agency

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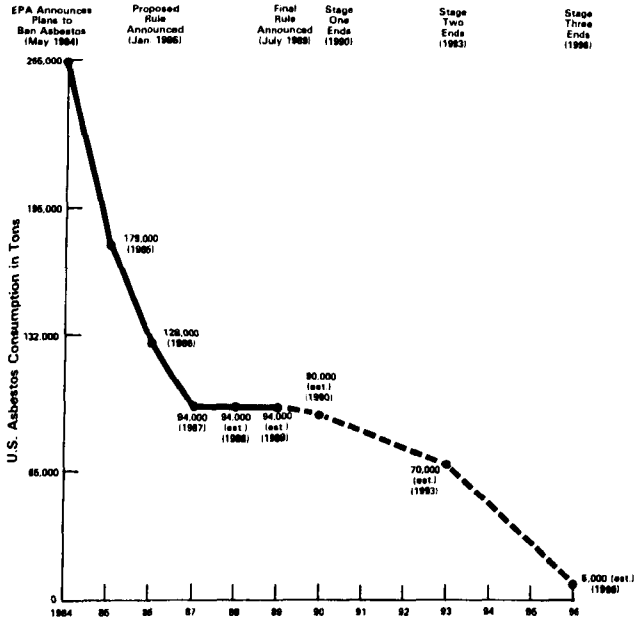
EPA Bans Asbestos Products

EPA has banned almost all asbestos-containing products in the United States in stages over the next seven years. The ban, announced in the *Federal Register* on July 12 (54 FR 29460), applies to new product manufacture, importation and processing. It affects at least 94 percent of U.S. production and imports, based on 1985 production-volume estimates.

"This is pollution prevention," said EPA Administrator William K. Reilly. "We're eliminating a known cancer-causing substance from the marketplace. Virtually all asbestos-containing products will be replaced with safer alternatives."

U.S. Asbestos Consumption 1984-1996



The sweeping ban marks the first time EPA has used its authority under section 6 of the Toxic Substances Control Act (TSCA) to remove virtually all uses of a toxic substance from the marketplace. Reilly said the action, aimed at ending a "terrible legacy of dead, dying and crippled" victims of asbestos-related diseases, could set an example for similar "pollution prevention" uses of TSCA authorities in the future.

The final rule bans manufacturing, importing and processing of most U.S. asbestos products in three stages, beginning with certain products on Aug. 27, 1990, and with others in August 1993 and 1996. Corresponding bans on distribution of the products will occur in 1992, 1994 and 1997. A primary factor in determining the stage at which a category of products should be banned was EPA's projection of the availability of a safe substitute for each asbestos product.

The rule bans, among other things, the use of asbestos in automotive vehicle brakes, beginning with 1994 models. Replacement brakes must be made of non-asbestos products by 1996.

Estimated costs are about $459 million over 13 years.

Exposure to asbestos, a fibrous mineral, has been linked to a number of fatal diseases, including lung cancer, mesothelioma (a cancer of the chest and abdominal linings), gastrointestinal cancer and asbestosis. It also is associated with a variety of other diseases. Controlling the risks posed by asbestos exposure has been especially troublesome because asbestos fibers are odorless, typically minute in size, easily suspended in air and extremely durable. Humans often are exposed unknowingly to asbestos fibers with little means of protection.

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HIGHLIGHTS ...

What's Happening in OTS

By Charles L. Elkins

Toxic Release Data Goes Public

An important milestone in public participation in environmental decisionmaking has been reached. The event could have significant implications for businesses which produce chemicals or use them in other manufacturing processes.

On June 19, pursuant to the requirements of the Emergency Planning and Community Right-to-Know Act, EPA made available to the public a computerized data base estimating amounts of toxic chemicals released into the environment in 1987. At the same time, the Agency released a report (*The Toxic Release Inventory: A National Perspective, 1987,*) analyzing the data from a national point of view and explaining how similar analyses can be done locally using the computerized data base. The collection of massive environmental data specifically for public dissemination and the availability of comprehensive toxic release numbers via computer are truly unprecedented occurrences.

Information in the Toxic Release Inventory (TRI) came from about 74,000 reports submitted to EPA by more than 19,000 facilities. These facilities all employ at least ten persons, fall in Standard Industrial Classification Codes 20 through 39, and had to report if they manufactured, processed or used any of more than 300 chemicals in quantities above certain thresholds.

And what do the data show? They indicate that in 1987 some 9.6 billion pounds of toxic chemicals were released to streams and other U.S. waters, 1.9 billion pounds were sent to municipal wastewater treatment plants, 2.7 billion pounds were put into landfills and 3.2 billion pounds were injected into underground wells. An additional 2.6 billion pounds were sent to off-site treatment and disposal facilities.

A particularly interesting fact is that releases were split almost 50-50 between facilities that produce chemicals and businesses, such as food and textiles operations, that use these chemicals in other manufacturing processes. We also know that there were rather large volume releases from relatively few sources, and that some emissions are highly concentrated either geographically or among a rather small number of facilities.

TRI challenges the old theory that decisions about control of toxics should be left to the "experts," since the data are made available directly to the public, without analysis or interpretation. The written report, however, does explain some of the limitations of the data and lists important caveats that should be kept in mind when using such information.

Although collected explicitly for the public, the TRI data have other uses as well. Already the information is assisting EPA and newly formed state and local emergency planning bodies in identifying potential toxic chemical problems and targeting resources for regulation, enforcement, and pollution prevention efforts.

Independent environmental groups also are using the toxics release data, and EPA is actively encouraging producers and users of chemicals to put the information to work on behalf of pollution prevention and waste reduction. Chemical manufacturers can see how well their customers are using their products; local citizens can see how their communities are potentially threatened; and states can set priorities for regulation and enforcement. Information on how you can obtain the report or get access to the data base is on page 3.

See **TRI, Page 3**

Notice Anything Different?

The *Chemicals-in-Progress Bulletin* has a new look. We've increased the size of both body type and headlines, reorganized the content to make it easier to find articles of interest, and added some new features and departments. All of these changes are designed to make the *Bulletin* more readable and useful for you, the reader.

You may also notice that we've dropped the term "TSCA" from the *Bulletin*'s title. This reflects the changing mission of the Office of Toxic Substances. OTS now administers a portion of the Emergency Planning and Community Right-to-Know Act, as well as the Toxic Substances Control Act. As you'll see from this issue, the *Bulletin*'s content is divided between TSCA news and right-to-know news. With the next issue, we hope to introduce a new title for the *Bulletin*—one that reflects the changing OTS mission. We're looking for something a bit more imaginative than"OTS Newsletter"; any suggestions?

We plan to make other changes in future issues, and we'd welcome your ideas. Let us know how you like what we've done so far, and what else we can do—either in content or presentation—to make the *Bulletin* more "user-friendly." And let us have your ideas for a new title.

Please call your suggestions or comments in to the TSCA Hotline at (202) 554-1404; or write to the Environmental Assistance Division (TS-799), ATTN: *Chemicals-in-Progress Bulletin,* U.S. EPA, Washington, DC 20460

Accessing the Toxics Release Inventory Data

The national inventory of toxic chemical releases created by the Emergency Planning and Community Right-to-Know Act provides a unique opportunity for citizens to readily obtain data about chemicals in their communities, either in their own homes or from a local library.

EPA is providing and distributing a diverse set of Toxic Release Inventory (TRI) products and services to communities to help the public obtain and understand the data. The information can be accessed in a variety of ways, ranging from the National Library of Medicine's on-line database to microfiche available in public libraries (see below for details).

States, communities, organizations and individuals are beginning to obtain those products and services. For example, the Oregon State Library operates and supports a computer system that is accessible to every library in Oregon. The State Library probably will purchase the TRI magnetic tape in conjunction with products received by Oregon's Federal Depository Libraries.

Other examples: New Jersey's Department of Health will be placing compact disk (CD-ROM) readers in each county; Michigan's Department of Natural Resources is interested in incorporating a TRI CD-ROM reader into its computer/telecommunications network; and local libraries throughout the country are expressing excitement about receiving environmental data.

TRI Data Goes Public

(Continued from Page 2)

The Toxic Release Inventory will be updated annually. Reports on emissions during calendar 1988 were due to EPA on July 1. The next reports will probably contain more data because reporting requirements for 1988 and 1989 apply to facilities manufacturing or processing smaller amounts of chemicals. In the meantime, as we wait for new reports to roll in, government, business, community and environmental groups should be thinking about how we can work together to use data on toxic releases to the best advantage. TRI is intended to be not just a report on a shelf or a set of numbers available at the touch of a key, but a tool in the hands of people for setting and reaching new environmental goals.

How to Get TRI Data:

- Online computer access from your personal computer to the complete national TRI data base through the National Library of Medicine, Bethesda, MD. For information on obtaining an account with NLM or on getting assistance in your area in obtaining data from NLM, call 301-496-6351.
- Environmental release data for each state is available for purchase in LOTUS 1-2-3 and dBase III formats for Apple, PS2 and PC/AT microcomputers from the National Technical Information Service (NTIS) at 703-487-4650.
- Complete national or state TRI data microfiche are being distributed to more than 1,400 Government Printing Offices (GPO) Federal Depository Libraries—two or more in each congressional district—and to about 3,000 county or municipal libraries (nondepository libraries) as designated by each state librarian. Microfiche also will be available shortly for purchase from NTIS and GPO.
- Magnetic tapes of the entire TRI in either ASCII or EBCDIC format (1600 or 6250 BPI) are being distributed to States and are for sale by NTIS. Ask for PB 89-186-068.
- A magnetic tape listing the name, address, and public contact/phone number of all TRI reporting facilities (about 19,000) is available for purchase from NTIS. The order number is PB 89-186-118.
- The TRI report, *The Toxics Release Inventory: A National Perspective, 1987,* provides printed detailed summaries and analyses of the TRI data. This publication is being distributed to all Federal Depository Libraries and is available for purchase from GPO and NTIS. The NTIS order number is PB 89-208-144 (Executive Summary PB 89-208-151). The GPO telephone ordering number is (202) 783-3238. GPO suggests ordering between 7:30 and 9 a.m. EST. The GPO order number for the TRI report is 055-000-0290-8 (Executive Summary 055-000-0289-4).
- Shortly, the complete TRI on compact disc (CD-ROM) will be distributed to at least 400 Federal Depository Libraries, each requesting State, 200 other research and academic libraries, and all EPA libraries. GPO and NTIS also will have TRI CD-ROM available for purchase shortly.
- Finally, the TRI Reporting Center in Washington, DC, will make data and reports from individual facilities available in its public reading room and, on a limited basis, will conduct searches and provide printouts on request. Write: Title III Reporting Center, P.O. Box 70266, Washington, DC 20004-0266 (Attn: Public Inquiry).

To obtain more information about TRI or about the law behind it, call EPA's community right-to-know hotline at 1-800-535-0202 (in Washington, DC, and Alaska, 202-479-2449) or write to:

EPA
Emergency Planning and Community
Right-to-Know Hotline
OS-120
Washington, DC 20460

EPA Proposes Export Notification Changes

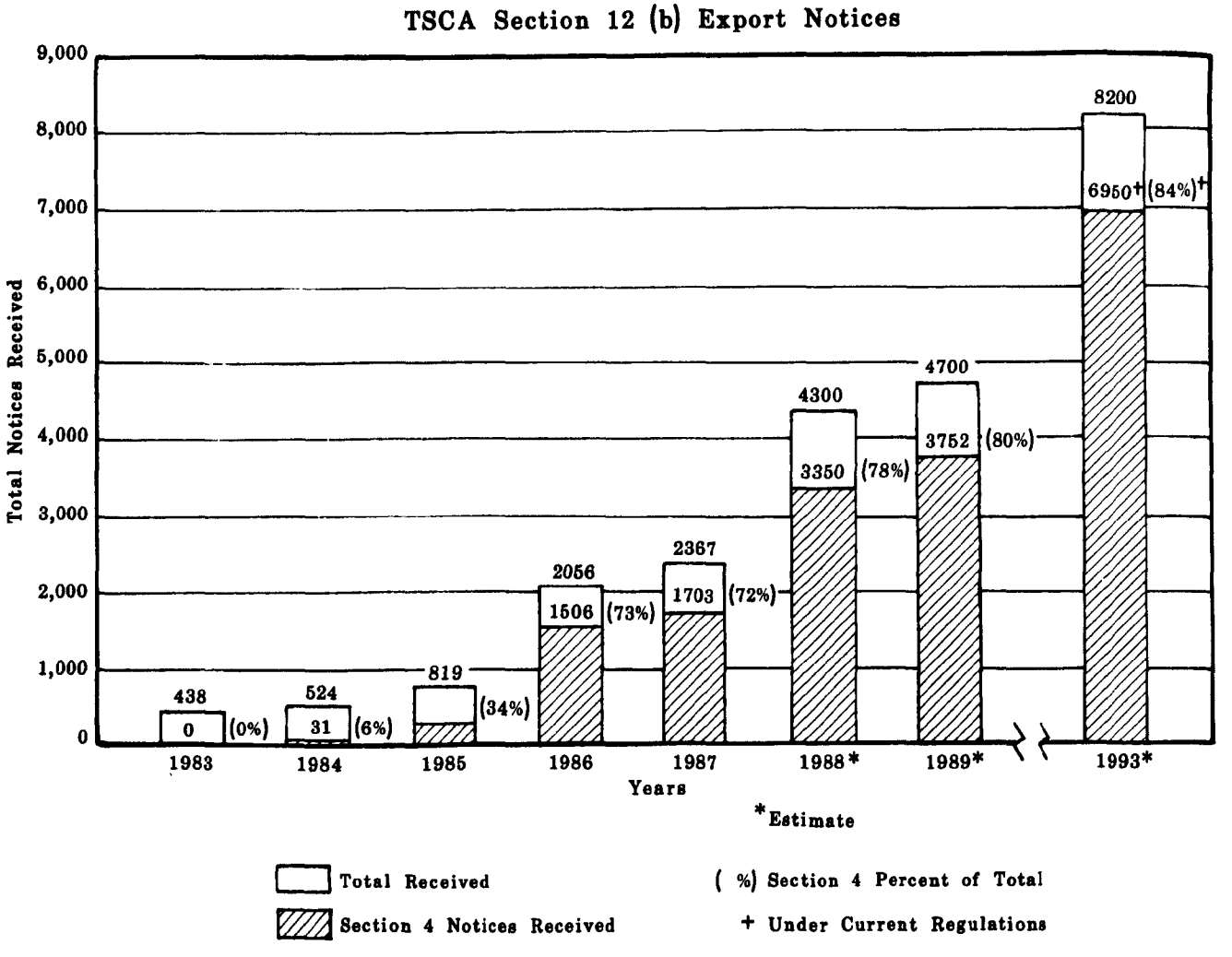
EPA is proposing amendments to regulations governing exporters of chemical substances. Under the proposal, the current annual notification requirement for exporters of chemical substances on which EPA has issued a TSCA section 4 test rule or consent order would be changed to a one-time export notification requirement for each exporter of such a chemical for each country of destination. In other words, an exporting company sending a section 4 chemical to a specific country would have to report to EPA only the first such shipment; notification of subsequent shipments of that chemical to the same country would not be required.

The proposed rule would make no change in the annual notification requirements triggered by a rule, order, action, or relief under TSCA sections 5, 6, or 7.

Persons subject to the rules implementing TSCA section 12(b) are currently required to submit a written notice to EPA for the first export or intended export to a particular country in a calendar year for chemicals subject to a rule, order, action, or relief under sections 4, 5, 6, or 7 of TSCA. Since 1984, there has been approximately a 10-fold increase in the number of notices required from exporters under the 12(b) rule (see chart). By 1993, it is estimated that 84 percent of the 12(b) notices received by EPA from industry will be in response to test rules. In 1989, it is estimated that from one-third to one-half of EPA's export notifications to foreign governments will be in response to test rules.

EPA believes the proposed amendments would aid foreign governments' monitoring of chemicals by relieving the administrative burden imposed by the present annual notices received on section 4 chemicals and through encouraging the thoughtful review of notices regarding chemicals subject to more restrictive regulatory action. Additionally, the proposed amendments are necessary to reduce the notification burden on EPA and industry. Under the current annual notification requirement, the large volume of notices received has hampered EPA's ability to respond to requests from foreign governments for additional information on a particular chemical or export notice.

This proposal was published in the *Federal Register* on July 12 (54 FR 29524). Comments on the proposed amendments are due to EPA (Public Docket No. OPTS-12-0004) by September 11.



EPA Seeks $235,000 from Four Companies for TSCA Violations

On July 21, EPA's Office of Compliance Monitoring (OCM) filed complaints against four companies for failing to comply with various provisions of TSCA relating to manufacture of chemicals. The total penalties sought amount to $235,000. Three of the companies are based in New England.

OCM issued an administrative civil complaint against Surface Coatings Inc., of Wilmington, Mass., for manufacturing seven chemical substances not on the TSCA Inventory. OCM is seeking a $28,000 penalty. The noncompliance was discovered in December 1986, during an inspection of the company by OCM's National Enforcement Investigation Center (NEIC), which operates out of Denver.

OCM filed an administrative civil action against Cavedon Chemical Co., Inc., of Woonsocket, R.I., for failing to notify EPA of an intention to manufacture four chemicals not on the TSCA Inventory. OCM is seeking an $85,000 penalty, which is half of an original OCM-proposed $170,000 fine. The proposed fine was reduced because Cavedon officials had voluntarily confessed to OCM that the company was out of compliance with TSCA's section 5 premanufacturing notice (PMN) regulation.

OCM filed a civil administrative complaint against 3-V Chemical Corp., of Charlotte, N.C., seeking a $112,000 penalty for violating several provisions of TSCA. The company is charged with violating the PMN requirements, the certification provision of section 13, and for twice violating the section 4 test rules provision, by failing to submit a letter of intent to test or a valid request for exemption from testing. The company also is charged with violating section 12, the export notification provision. The company sent a late submission of export notification. Originally, OCM sought a $150,000 penalty against 3-V but that proposed fine was reduced 25 percent because company officials voluntarily disclosed the violations to OCM.

In the fourth case, after an NEIC investigation, OCM filed an administrative civil action against Howard Hall International, of Cos Cob, Conn. OCM is seeking a $10,000 penalty for the company's violation of section 5, importing a chemical substance not on the TSCA Inventory. A section 13 count was not added because the illegal importation took place before the effective date of the section 13 final rule.

TSCA QUESTION OF THE MONTH:

Q. We are importing a shipment of chemicals into the United States. What must we do to be in compliance with the Toxic Substances Control Act (TSCA)?

A. All chemicals are subject to TSCA except:
1. Pesticides
2. Food and Drug Administration (FDA) - regulated products
3. Tobacco or any tobacco products
4. Any nuclear material, special nuclear material or byproduct material
5. Firearms
6. Chemicals incorporated into an article

Pesticide intermediates, however, *are* regulated by TSCA. If your substance is subject to TSCA, you must determine whether it is on the TSCA Chemical Substance Inventory and which TSCA rules and regulations, if any, apply.

Importation of a chemical substance subject to TSCA that is *not* on the TSCA Inventory is a TSCA violation.

To search the public and confidential inventory, it is best to file a *bona fide* intent to import or manufacture with EPA (40 CFR 720.25). It is also possible to search the public file through CAS Online or Dialog subscriber services. The 1985 printed edition of the Inventory is available for purchase through the Government Printing Office, and also can be found in many large college or university libraries. A supplement to the 1985 edition will be printed sometime in 1990—after the Inventory Update Rule has been issued.

To obtain the most up-to-date regulatory status on your chemical, call the TSCA hotline after determining that the substance is on the TSCA Inventory. Rule searches can be done only for substances on the Inventory.

If the substance you wish to import is not on the TSCA Inventory, you must file a premanufacture notice (PMN) (40 CFR 720.). The review period for a PMN is 90 days, starting when EPA receives the PMN.

Once an importer has met the Inventory and rule search obligations, import of the substance into the U.S. Customs Territory can begin.

All shipments subject to TSCA must have a positive TSCA certification statement, as must all research and development shipments exempt under 40 CFR 720.36. Shipments containing pesticides, nuclear source material, firearms and ammunition all require a signed negative certification statement. FDA foods, food additives, drugs, cosmetics, or devices, tobacco or any tobacco product, and articles (40 CFR 720.3) do not require certification.

EPA OKs Manufacturers' Acrylate Test Program

OTS has approved a program under which a trade organization, the Specialty Acrylates Manufacturers (SAM), will test certain acrylate chemicals. The group has agreed to conduct a series of toxicity tests that will provide OTS with better information on the potential health effects of acrylate chemicals. Some acrylates cause cancer in animals and humans.

During the development of the data, EPA will modify slightly its regulatory strategy for acrylates, while maintaining stringent controls on worker protection and training activities. During the testing EPA will revise its warning label requirement for acrylates that already are covered by TSCA section 5(e) consent orders. The revised warning will continue to require full dermal and respiratory protection for potentially exposed workers. However, the specific health endpoints of cancer and neurotoxicity will be replaced with a more general statement about health concerns.

The testing program includes several tiers. EPA and SAM will approve each tier before that testing stage can begin. Each tier will trigger a modification in EPA's regulatory strategy, perhaps leading to a significant new use rule (SNUR) for all new acrylates. A SNUR would broaden the coverage already provided by section 5(e) consent orders, making their provisions applicable to other manufacturers and processors of acrylates.

With more than 450 acrylates on the TSCA inventory and a large number of premanufacture notices (PMNs) filed for new acrylates, the information generated through SAM's testing plan will increase the understanding of their health effects and help develop a strategy for managing risks associated with new acrylates. EPA and SAM also hope to promote safe handling of new acrylates throughout the chemical industry, while encouraging the replacement of older, more toxic acrylates with newer products.

EPA Proposes Changes in TSCA Small Quantity Reporting Rule

EPA is proposing to change its TSCA test rule procedures for certain small-quantity chemical manufacturers who are subject to TSCA section 4 test rules. Under the proposal, small-quantity manufacturers would be treated as processors now are under the rule.

The proposed rule, published on May 17 (54 FR 21237), would eliminate the requirement that manufacturers of small quantities (less than 500 kg, or 1,000 pounds, per year) file letters of intent to test and exemption applications, unless no other manufacturer subject to a section 4 test rule submits a letter of intent to test. Because small quantity manufacturers do not conduct testing on their own, little impact on industry's testing capacity is expected.

The proposed rule also would eliminate the requirement to submit study plans at least 45 days before testing begins.

Fish Toxicity Data Available from Studies

Two fish toxicity screening studies, completed in the mid-1970s but never published, are now available from OTS. The data were developed by Craig MacPhee and Fred F. Cheng of the University of Idaho. A review is provided on additional sources of fish toxicity screening tests and how these data have been used in the development of quantitative structure-activity relationships (QSARs) for estimating aquatic toxicity.

In a 1989 preface to the EPA report, *Fish Toxicity Screening Data,* Dr. Robert Lipnick of OTS says these data, on the effects of more than 2,000 organic chemicals on a variety of fish species, should prove valuable to scientists interested in the potential hazards posed by the release of chemicals into the environment. The screening data have helped EPA assess potential risks posed by the release of new and existing industrial chemicals into aquatic environments.

HDI Test Rule Proposed

EPA has proposed a test rule for 1,6-hexamethylene diisocyanate (HDI) under section 4 of TSCA. The proposal, which would require testing HDI for oncogenicity, mutagenicity, reproductive toxicity, developmental toxicity, neurotoxicity, pharmacokinetics, and hydrolysis, was published on May 17 (54 FR 21240).

The Interagency Testing Committee designated HDI for priority testing consideration for health effects in its 22nd report to the EPA Administrator. HDI is an important component of resins and trimers used in polyurethane paint systems.

EPA Clarifies Policies On Free-Radical Initiators

EPA has published a policy statement aimed at clarifying the premanufacture notification (PMN) requirements and TSCA Inventory reporting regulations for polymers manufactured using free-radical initiators.

The policy, published in the *Federal Register* on June 28, requires that manufacturers and importers of polymers using free-radical initiators at levels greater than two weight percent in the manufacture of a polymer, include the initiator in the polymer description. This policy applies only to polymers not listed on the Inventory as of July 28, 1989, the effective date of the *Federal Register* notice.

Copies of the policy statement may be obtained by calling the TSCA Hotline at (202) 554-1404.

EPA Expedites New Chemical Follow-Up

EPA has established an expedited procedure to ensure that any restrictions on the manufacture and commercialization of a new chemical are applied equally to all manufacturers of the chemical.

The rule, published in the *Federal Register* on July 27 (54 FR 31298), was developed during a series of informal and public discussions involving EPA, the Toxic Substances Dialogue Group, and concerned citizens. It applies to new chemicals for which EPA has issued consent orders under section 5(e) of TSCA, as well as to new chemical substances for which no consent orders have been issued but which may present hazards to health or the environment if exposure or release is significantly different from those described in the premanufacture notice (PMN).

The purpose of the action is to ensure that all manufacturers of a chemical face the same requirements as the first manufacturer, and that such restrictions are put in place quickly and economically.

Under TSCA, whenever a company decides to manufacture a new chemical, it is required to notify EPA and to provide basic information about the chemical. In fiscal year 1988, the Agency received more than 3,000 PMNs for the manufacture of new chemicals.

EPA has 90 days to review the submission and determine if the chemical's manufacture, processing, distribution in commerce, use or disposal should be subject to restrictions. EPA places restrictions on about 15 percent of the chemicals for which notifications are received. Restrictions generally control workplace exposures, releases to the environment, or uses of the new chemicals in consumer products.

If EPA determines that restrictions are necessary, an agreement is reached with the manufacturer on the limitations of manufacture and commercialization of the chemical. That agreement, however, is binding only on the first manufacturer of the chemical unless EPA initiates a formal rule-making to impose the restrictions on all subsequent manufacturers of the chemical.

The new rule establishes an expedited process for issuing significant new use rules (SNURs) on new chemicals which will ensure that all manufacturers of the new chemicals are subject to the same rules. The rule also codifies the criteria which EPA uses under the new chemical program to determine when a new chemical should be included in this program.

EPA also is establishing standard language for use in designating certain significant new uses and recordkeeping requirements. The standard language will be referred to as needed in individual SNURs.

"Creating a level playing field for all chemical manufacturers of new chemicals is only fair and equitable," said Victor Kimm, EPA's deputy assistant administrator for pesticides and toxic substances. "That is the purpose of this rule under the new chemical program.

"Otherwise," said Kimm, "subsequent manufacturers of the chemical would be free to do as they wish while the first manufacturer is subject to restrictions which protect the environment, workers, and consumers."

SNUR Proposed for 1,3-benzenediamine

Citing concerns about potential human health hazards, EPA has proposed a significant new use rule (SNUR) for 1,3-benzenediamine, 4-(1,1-dimethylethyl)-*ar*-methyl under section 5(a)(2) of TSCA. The proposed rule was published on May 31 (54 FR 23228).

This chemical's use as a chain extender for reaction injection molding polyurethane elastomers already is regulated by a consent order developed under section 5(e) of TSCA that requires use of appropriate controls. EPA uses consent orders to limit manufacture, processing, distribution, use or disposal of a chemical pending development of information needed to evaluate its potential health or environmental effects.

This consent order was developed after evaluation of a 1985 premanufacture notice (PMN) submitted to EPA. At that time EPA evaluated test results from structurally similar chemicals, and found that 1,3-benzenediamine may cause cancer and chronic organ and systemic effects. However, the consent order applies only to the PMN submitter. By proposing a SNUR now, EPA would ensure that all manufacturers, importers or processors are subject to similar reporting requirements.

The terms of the SNUR are approximately the same as those of the consent order, which requires dermal and inhalation protection for persons exposed to the chemical, notifying exposed persons of possible hazards, labelling of containers that may be distributed in commerce, and limited production pending completion of certain tests.

PEB SNUR Issued

EPA has issued a significant new use rule (SNUR) that will require persons planning to manufacture, import or process pentabromoethylbenzene (PEB, CAS No. 85-22-3) for any use, to notify the Agency at least 90 days in advance. This final rule, under authority of section 5(a)(2) of TSCA, was published on April 28 (54 FR 18283).

EPA believes that this SNUR is necessary because PEB may be hazardous to health and the environment. The notice will provide EPA with the information needed to evaluate any proposed use and an opportunity to protect against potentially harmful exposure to PEB before it can occur.

PEB has been used as an additive-type flame retardant.

OTS Prepares Rule Covering Microorganisms

OTS has completed a review of public comments on EPA's approach to regulating commercial uses of microorganisms under TSCA. The timetable for proposing the rule is also being developed.

Comments were submitted in response to a Feb. 15 *Federal Register* notice (54 FR 7027). In addition EPA has received over 300 letters from concerned citizens encouraging the Agency to get the rule out.

EPA solicited comments on five subject areas:

- Scope of microorganisms subject to TSCA
- Review of research and development activities involving release of microorganisms to the environment
- Definition of "commercial purposes" in the context of research conducted at educational and research facilities
- Definitions of "release to the environment" and "contained facility"
- The extent to which independent review groups, such as environmental biosafety committees, should be established.

Many comments addressed whether the 1986 Coordinated Framework for regulating biotechnology was actually working, while other commenters indicated that the only way the Coordinated Framework could work was for EPA's TSCA rule to be published soon.

One major controversial issue often raised was about the criteria used to establish what is risky under TSCA. Many comments questioned what criteria should be used to identify microorganisms which should be screened to determine what is risky.

EPA has indicated that once it reviews a genetically engineered microorganism, any regulatory control of a microorganism would be based on its potential risk. Many commenters felt that EPA should limit its review to only those microorganisms and activities that may pose a significant risk to human health or the environment. An equal number of commenters; however, indicated that EPA's decision to screen or review all "inter-generic" microorganisms, those with genetic material from organisms of different taxonomic genera, was appropriate given the current state of scientific knowledge. Other commenters suggested EPA link submission for review to phenotype rather than what appeared to be the Agency's preferred genotypic approach. Some felt that low risk microorganisms should be exempted from review.

Many respondents said that naturally occurring microorganisms should not fall under the scope of EPA review.

In the area of commercial R&D, the draft proposed rule requires reporting only for environmental releases of inter-generic microorganisms. Some commenters approved of EPA's oversight of R&D field tests of inter-generics. Some thought EPA's oversight was too restrictive and will impede innovation while still others gave suggestions for expanding the scope to be more inclusive and have stringent review.

Under the draft proposed rule, a researcher would be allowed to submit a TSCA experimental release application (TERA) in lieu of a premanufacturing notice (PMN) for R&D releases to the environment of inter-generic microorganisms. While most commenters favored the TERA system of abbreviated reporting, some urged further streamlining or clarification of the process.

Many comments were received on the draft proposed rule's distinction between academic R&D and commercial R&D. A wide variety of comments were given ranging from: no distinction can be made between a same experiment done in a commercial setting or an academic setting, to only having oversight of "commercial purpose" academic R&D, to not regulating academic R&D because it would decrease academic freedom and innovation.

Many people commented on the establishment of the independent review groups or environmental biosafety committees (EBCs). Concerns were raised over the design, jurisdiction, funding, liability and makeup of the committees.

On other issues, major comments were received on confidential business information and the public's right to know the contents of submissions under TSCA.

CHIP on CTP Available

OTS has completed a Chemical Hazard Information Profile (CHIP) on N-(cyclohexylthio)phthalimide (CTP).

CHIPs are summary reviews of all the readily available information concerning the health and environmental effects and potential exposure to a chemical. CHIP candidates are chosen on the basis of information indicating a potential for adverse health or environmental effects, along with evidence of significant production or some type of exposure.

Chips are available by contacting:

Environmental Assistance Division
Office of Toxic Substances
U.S. Environmental Protection Agency (TS-799)
Washington, DC 20460, or
by calling—(202) 554-1404

CAIR Technical Amendment Published

EPA is adding over 600 chemical substance trade names to the list of substances subject to the Comprehensive Assessment Information Rule (CAIR). This amendment, published on June 14 (54 FR 25398), is necessary because certain processors may purchase and process a CAIR regulated substance under a trade name and not realize they are required to report.

Persons who purchase and process a substance known to them by any of the trade names listed in the amendment must comply with the reporting and recordkeeping obligations set forth in the CAIR rule, which was published on December 22, 1988 (53 FR 51698).

OTS Begins Dialogue On Asbestos in Buildings

By Tom Tillman

To help EPA determine the most appropriate actions to take in dealing with asbestos in public and commercial buildings, OTS has begun a policy dialogue with representatives of all major groups which have an interest in the issue.

The groups include building owners, service employees, mortgage bankers, asbestos contractors and consultants, asbestos manufacturers, real estate interests and insurance companies. Also participating are representatives of the various federal, state, and local organizations responsible for the development and implementation of asbestos policies.

OTS has hired the Conservation Foundation to convene and facilitate the discussions, which began with a public meeting in Washington on May 3. Several more meetings will be held before October. At least two of the meetings will be held outside the Washington area.

The early discussions will focus on issues identified at the May 3 meeting. They include:

- *"Right to know"*—the obligation of building owners to inspect buildings for asbestos and notify occupants of the results.
- *Standard of care*—deciding what to do when asbestos is found in a building.
- *Accreditation and training*—how to upgrade the quality of asbestos abatement personnel.
- *Improperly performed removals*—how to ensure that asbestos removal work is performed properly.

EPA hopes the meetings will produce new ideas and, perhaps, areas of consensus among the participants as to what federal, state and private organizations should do to resolve the asbestos-in-buildings problems.

If the participants develop suggestions about any programmatic or regulatory steps that EPA should take, OTS Director Charles Elkins has pledged to bring these matters to the Agency's top management for consideration.

ITC Adds No Chemicals to Priority List

In its recently released 24th report to the EPA Administrator, the Interagency Testing Committee (ITC) added no new chemicals to the list of chemicals to be given priority consideration by EPA. The ITC did remove one chemical, diisodecylphenylphosphite from the priority list because EPA issued a consent order requiring testing of the chemical.

Chemical Strippers

EPA Seeks NMP Data

OTS is seeking both published and unpublished information on N-methylpyrrolidone (NMP; CAS No. 872-50-4). This chemical is currently being reviewed by the Consumer Product Safety Commission (CPSC) because it is used as a substitute for methylene chloride in paint strippers. OTS will develop a proposed test rule under section 4 of TSCA in support of the CPSC's need for health effects data.

OTS is encouraging individuals and firms to submit unpublished or recently published reports and all other hard-to-obtain studies on population exposure, commercial production and uses, environmental levels, and health effects data on NMP. OTS is also interested in current testing of NMP or ongoing assessment activities by other organizations. Submissions must contain complete study protocols and raw data in addition to final reporting results to be considered useful.

Persons who have unpublished data on NMP, but who also want answers to questions prior to responding, should contact Robert Jones, of the OTS Test Rules Development Branch, at 202-475-8150, as soon as possible.

All information submitted in response to the solicitation will be placed in a public file and made available for public inspection, unless the submitter is able to assert a claim of confidentiality under the provisions of section 14 of TSCA. EPA will handle all confidentiality claims in accordance with its procedures governing the confidentiality of business information.

All published or unpublished information should be submitted to:

Lynn Marcus
TSCA Public Docket Office (TS-793),
Office of Pesticides and Toxic Substances,
Environmental Protection Agency,
Rm. NE-G004,
401 M St., SW.,
Washington, DC 20460.

EPA Again Sending PMN Letters

Submitters of premanufacture notification notices (PMNs) are once again receiving written acknowledgements that their submissions have been received by OTS. This practice, which was temporarily suspended on March 15 because of budgetary constraints, was resumed on June 28.

The acknowledgement letter shows the date the PMN was received and the PMN submission number assigned to the case. Submitters need this information to file accurate notices of commencement once manufacture of a new chemical begins. The letter now also includes a unique "User Fee (TS) number," which is supplied by each submitter, in lieu of the chemical identity.

EPA Bans Almost All Asbestos Products

(continued from page 1)

Asbestos has been in widespread use in many important industrial, construction and other applications in the United States since early in this century. Although the use of asbestos has declined significantly since this rulemaking was initiated in 1979—from 561,000 metric tons to less than 85,000 metric tons today—there is continued significant use in a variety of products.

Reilly recommended against unnecessary replacement of certain asbestos-containing products.

"Disturbing asbestos brakes, shingles or siding already in place, when there is no health or safety reason to do so, can cause a much greater health hazard than leaving them in place," he said. "If asbestos-containing products must be replaced, consumers should seek professional advice and assistance in identifying safe substitutes and in properly removing the asbestos products."

Phasing Out Asbestos:

First Stage Ban — 1990

Felt Products
- Pipeline wrap
- Roofing felt
- Flooring felt

A/C Products
- A/C sheet, corrugated
- A/C sheet, flat

Products out of use
- V/A floor tile
- Asbestos clothing

Second Stage Ban — 1993

Friction Products
- Drum brake linings (OEM)
- Disc brake pads, LMV (OEM)
- Disc brake pads, HV (OEM)
- Clutch facings
- Automatic transmission components
- Industrial and commercial friction products

Gaskets
- Beater-add gaskets (except some industrial uses)
- Sheet gaskets (except some industrial uses)

Third Stage Ban — 1996

Coatings
- Roof coatings
- *Non-roof coatings*

Paper Products
- Commercial paper
- Rollboard
- Millboard
- Corrugated paper
- Specialty paper

Friction Products
- Brake blocks (OEM)
- Brake blocks (AM)
- Drum brake linings (AM)
- Disc brake pads, LMV (AM)
- Disc brake pads, HV (AM)

A/C Products
- A/C pipe
- A/C shingle

Not Banned

Missile liner
Asbestos diaphragms
Battery separators
Arc chutes
Acetylene cylinders
Asbestos thread
Asbestos reinforced plastic
Sealant tape
Electrical paper
Asbestos packings
Some industrial uses of sheet gaskets
Some industrial uses of beater-add gaskets
Mining and milling

A/C — asbestos cement
V/A — vinyl asbestos
OEM — original equipment market
AM — after market
LMV — light and medium vehicles
HV — heavy vehicles

The *Chemicals-in Progress Bulletin* is intended to inform readers about recent developments and near-term plans of EPA's Office of Toxic Substances, which administers TSCA and a portion of the Emergency Planning and Community Right-to-Know Act.

Editor: Joe Boyle
Associate Editor: Beverly Lehrer
Staff for this issue: Todd Edelman
Eric Maclure

Single copies of most TSCA documents mentioned in the *Bulletin* are available from the OTS Environmental Assistance Division (EAD). To obtain these items write to: EAD (TS-799), EPA, Washington, DC 20460; or call (202) 554-1404.

For information or documents related to the Emergency Planning and Community Right-to-Know Act, write to Right-to-Know Information, EPA, OS-120, Washington, DC 20460, or call 1-800-535-0202. (For Alaska and the Washington, DC area, call (202) 479-2449.)

TSCA Section 8(e) Notices, FYI Submissions

Listed below are 8 initial TSCA Section 8(e) notices and 5 initial "For Your Information" (FYI) submissions received recently by EPA.

TSCA Section 8(e) Notices

Under section 8(e) of TSCA, persons who obtain information that reasonably supports the conclusion that a chemical substance or mixture that they manufacture, import, process or distribute in commerce presents a substantial risk of injury to health or the environment, must notify EPA in writing within 15 working days. OTS reviews initial section 8(e) notices and prepares "status reports," which are made public in order to make section 8(e) information widely available and understandable. A section 8(e) status report typically contains a description and preliminary evaluation of the submitted information, a statement regarding production and uses of the subject chemical(s), and recommendations for appropriate OTS follow-up actions or activities.

Log No. 8EHQ-	Pages*	CAS No.
0489-0792	280	
1,2,4-Triazole		288-88-0
Final results of two oral teratology studies in rats.		
0489-0793	6	
5-Methyl-3-heptanone		541-85-5
Preliminary results of a 13-week oral toxicity study in rats.		
0489-0794 S	102	
Substituted aryl sulfonic acid (generic name)		
Final results of an oral teratology study in rats.		
0589-0795	39	
4,4'-Sulfonylbis(phthalic anhydride)		2540-99-0
Final results of a pulmonary sensitization study in rats.		
0589-0796	39	
Benzophenone tetracarboxylic dianhydride		2421-28-5
Final results of a pulmonary sensitization study in rats.		
0589-0797	6	
Antimony trioxide		1309-64-4
Ophthalmologic findings from a 2-year inhalation study in rats.		
0589-0798 S	24	
Chlorinated aliphatic ketone (generic name)		
Final results of an Ames mutagenicity assay.		
0589-0799	1	
Dichlorodifluoromethane (R12 Refrigerant)		75-71-8
Dimethyl ether (DME)		115-10-6
Bis(chloromethyl)ether (BCME)		107-30-2
Chloromethyl methyl ether (CMME)		542-88-1
Detection of parts per billion (ppb) quantities of BMCE and CMME in a simulated automotive air conditioning application study of a 93%/7% mixture of R12 Refrigerant and DME, respectively.		

FYI Submissions

The For Your Information (FYI) submission classification system was established by OTS to distinguish such submissions from notices submitted formally to EPA under section 8(e) of TSCA. FYIs are voluntary submissions that cover a wide variety of information and may include data on chemical toxicity and exposure, epidemiology, monitoring, and environmental fate. FYI's are submitted by chemical manufacturers, processors, federal, state, or local agencies, foreign governments, academia, public interest and environmental groups, and the general public. The FYI reporting mechanism is used also to solicit information for preparation of Chemical Hazard Information Profiles (CHIPs).

FYI Number Chemical Name	Pages*	CAS No.
OTS-0389-0684	85	
White mineral oils		none
Full final reports of two 90-day feeding studies in rats.		
OTS-0489-0686	4	
1,3-Butadiene		106-99-0
Summarized report of an NTP chronic inhalation study indicating lung cancer in female mice.		
AX-0489-0687	317	
SARA 313 Chemicals		none
Final report of monitoring ambient air concentrations around three oil refineries.		
AX-0489-0688	164	
Aromatic hydrocarbons		none
Final report of an evaluation of the biodegradation predictive equations in EPA's CHEMDAT6 Model.		
OTS-0589-0689	624	
Methyl-t-butyl ether		1634-04-4
Final reports of inhalation developmental toxicity studies in mice and rabbits.		

"S" following the Section 8(e) or FYI Log No. indicates that a sanitized (i.e., non-confidential) version of the document is available.

"P" following the Section 8(e) or FYI Log No. indicates that a portion of the submission is protected under the Privacy Act.

*Page count is for initial TSCA Section 8(e) and FYI submissions. New data are constantly being added to EPA's Section 8(e) and FYI files; thus, the number of pages at the time of a request for copies may exceed the no-charge 166-page cutoff.

Public Availability

The section 8(e) notices and status reports, as well as the FYI submissions, are located in the OTS Public Reading Room, Room NEG004, 401 M Street SW, Washington, DC 20460. Single copies of section 8(e) status reports are available from the OTS Environmental Assistance Division, EPA, TS-799, Washington, D.C. 20460; telephone: (202) 554-1404.

To obtain a copy of a full section 8(e) or FYI submission, write to: EPA, Freedom of Information (A-101), Washington, DC 20460. Although there is no charge for duplicating the first 166 pages, at page 167 there is a $25.00 fee and there is a 15-cent charge for each additional page (e.g., 167 pages will cost $25.15).

EPA, Coast Guard Tangle Over PCB Spill in Alaska

EPA Region X has issued a civil administrative complaint against the U.S. Coast Guard for PCB violations at the Coast Guard facility at Kodiak, Alaska. The complaint, issued on June 5, is the second PCB complaint against the service at the same site. EPA charges the Coast Guard with failure to begin the cleanup of a PCB spill discovered in 1985.

The Guard's position is that the property was sold in 1984 "as is" to the Kodiak Electrical Association, Inc., and any EPA action should be against the new owner. KEA operates the support center for the Coast Guard. In the latest legal action, EPA said the property sold to the KEA did not include land or buildings, all of which remain the Guard's property.

In January 1989, in a similar PCB case, Rockwell International Corp., the operator of the Rocky Flats nuclear weapons facilities near Denver, admitted EPA's jurisdiction over the U.S. Department of Energy-owned facility. In another contractor-operated federal facility at Cincinnati, EPA collected civil penalties from National Lead Inc. for PCB violations.

EPA is becoming more aggressive in dealing with federal facilities that fail to comply with laws it administers, according to Michael J. Walker, assistant enforcement counsel for EPA's Toxic Litigation Division. " The risks to public health and the environment from spilled PCBs are no different at federal facilities," Walker said. "Federal facilities must comply with the same (PCB) use and disposal requirements that are applicable to the private sector."

If EPA chooses, it can pursue the complaint against the Coast Guard by using the provisions of Executive Order 12088 by escalating the dispute to the U.S. Office of Management and Budget.

EPA Fines Ethox Chemicals $67,000 for TSCA Violations

EPA has filed a $67,000 civil complaint against Ethox Chemicals Inc., of Greenville, S.C., for failing to submit a premanufacturing notice (PMN) for a chemical not on the TSCA Inventory and for failing to comply with the Act's notice-of-commencement requirements for three other substances.

The violations were discovered by inspectors from EPA's National Enforcement Investigations Center.

Manufacturers and importers must submit a PMN at least 90 days before manufacturing or importing a chemical not on the TSCA Inventory so that EPA can review the substance. TSCA also requires a manufacturer or importer of a chemical that has cleared the PMN review process to submit a manufacturing commencement notice to EPA. All three chemicals for which Ethox failed to submit a commencement of manufacturing notice have since been reviewed by EPA and now are listed on the TSCA Inventory.

EPA, Dow Reach Accord In $1 Million PMN Case

EPA and Dow Chemical Co. have reached an agreement in principle to settle the TSCA civil administrative action subject to a complaint filed June 16. The complaint seeks a $1.013 million penalty. The terms of the agreement, reached on July 6, will not be released until the settlement is finalized.

In the original civil administrative complaint, Dow Chemical was charged with 227 counts of manufacturing a new polycarbonate plastic without having first submitted a premanufacturing notice (PMN) in accordance with section 5 of TSCA.

The chemical implicated in the complaint is also the subject of five other EPA administrative actions under TSCA sections 5 and 13. Four of these actions were filed against Japanese importers for failing to submit PMNs and for failing to correctly certify the chemicals' import status with the U.S. Customs Service. All four of the importers have signed consent agreements, which EPA has forwarded to the Chief Judicial Officer for final approval.

The fifth action, filed against the General Electric Co., was for the failure to submit a timely TSCA section 5 notice of commencement for the substance. The GE case was settled for $17,000. Jon Silberman represented EPA in all six cases.

Judge's Ruling Boosts EPA's PCB Enforcement Inspections

EPA's right to inspect PCB facilities received a boost in June, when an EPA administrative law judge rejected a company's attempt to limit Agency inspections.

In May 1989, Energy Systems Co., Inc. (Ensco) filed for an authorization to conduct discovery. In support of this legal action Ensco said EPA inspections of its PCB and hazardous waste incineration facility at El Dorado, Arkansas, were so much more frequent than at any other facility that the visits were unconstitutional under the due process and equal protection clauses of the Constitution.

Under a 1986 contract with EPA, Ensco is permitted to dispose of PCBs at El Dorado. In 1987, EPA insisted the authorization be amended so that the facility could be inspected by the State of Arkansas up to three times a day. The cost of the inspections is borne by Ensco.

In rejecting Ensco's claim, Judge Marvin E. Jones said the discovery request was "actually an attack on the contract entered into with the State of Arkansas" and that "this is not the appropriate forum to test the validity of this or any other contract." Jones also ruled that the disposal permit conditions were binding, and he rejected the company attempt to claim that EPA's inspection requirements, which are greater than at other facilities, were unfair.

Judge Denies Motion By Kodak in PMN Case

In a recent pretrial order, an EPA administrative law judge has denied a motion by Eastman Kodak Co. to compel discovery by EPA in a TSCA premanufacturing notice (PMN) case. Judge Frank W. Vanderheyden also denied a motion seeking "amplified summaries" of EPA's prehearing exchange.

In denying Kodak's motion to compel discovery, Judge Vanderheyden said that although discovery can lead to admissible evidence and judicial economy, "discovery, as a litigation art, can be put to inapposite uses." He also held that "there is no basic constitutional right to pretrial discovery in administrative cases."

The decision "is significant to the practice of administrative law in that it discourages dilatory discovery exercises" by the defendant's counsel, said Michael J. Walker, assistant enforcement counsel in EPA's Toxic Litigation Division. The ruling also affirms that discovery, other than what is ordered by a judge for pretrial exchange, is to be subject to stringent review by a court, Walker said.

EPA Wins Significant PCB Case

Boliden Metech, Inc, of Providence, R.I., has been fined $32,000 for improperly disposing of PCBs in violation of the TSCA. The TSCA case is also the subject of a companion case in the U.S. District Court of Rhode Island involving the Federal Rivers and Harbors Act.

The TSCA action was vigorously contested by Boliden, according to Michael J. Walker, assistant enforcement counsel, in EPA's Toxic Litigation Division. Walker noted several "significant" aspects of the opinion by EPA Administrative Law Judge Frank Vanderheyden:

- It is not always necessary to take a "representative sample" to prove a violation of the PCB regulations;
- Procedures for taking samples set forth in the TSCA inspection manual are "guidelines." Failure by EPA to follow sample collection procedures of TSCA "are not fatal" and does not destroy the validity of the samples;
- EPA is not required to prove that spilled PCBs were released into the surrounding soil to prove improper disposal;
- The PCB regulations require analysis "by any scientifically valid method";
- EPA's PCB tests are reliable;
- Sampling outside a company's property (in this case sampling in the Providence River) does not violate unreasonable search and seizure prohibitions of the Fourth Amendment to the Constitution.

Second Judge Rules:

TSCA Not Subject to Time Limit

For the second time within a few months, an EPA judge has rejected a claim that a general federal statute of limitations restricts EPA from taking action under the TSCA.

In the new case, Rollins Environmental Services, Inc. claimed EPA was precluded from bringing action in a PCB case because the violations took place more than five years before the complaint was issued. Rollins acknowledged that TSCA does not contain a statute of limitations clause but argued that the general federal five-year statute of limitations governing enforcement does apply.

Rollins also claimed that it did not violate TSCA when it incinerated kerosene containing less than 50 ppm of PCBs in a non-TSCA permitted incinerator.

On July 13, Administrative Law Judge Marvin E. Jones cited an April 2 ruling that the general federal statute of limitations provision did not apply to EPA administrative penalty actions under TSCA (May *Bulletin*, p. 2).

Judge Jones also rejected Rollins claim that since the federal statute of limitations provision applies to other EPA measures, such as the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act, it should apply to TSCA.

The judge ruled that the other laws differed from TSCA because TSCA alone provides for civil penalty assessment with enforcement left to the federal District Court. The other laws include enforcement provisions, he said, ruling that the clock begins only when the TSCA inspection is made.

Judge Jones also ruled that the disposal of the PCBs, although below 50 ppm, violated TSCA because PCBs cannot be diluted with liquid to avoid proper disposal in a PCB incinerator.

'No-Show' Costs $16,500

In two cases involving PCB violations, an EPA administrative law judge has issued a default order against Stephan Zbikowski and two Colorado-based corporations he controlled. The fines totaled $16,500, but the respondents failed to appear at a hearing set for May 18. Earlier, they had failed to comply with a prehearing order of the same judge, Marvin E. Jones.

On June 19, Judge Jones found that the "willful failure of Respondents to comply with the orders issued in this proceeding is aptly demonstrated by the record."

Charges against the defendants were brought after EPA inspectors discovered leaking PCB capacitors and transformers that were not stored or disposed of as required by PCB regulations issued under TSCA.

Right-to-Know

EPA Proposes $1.65 Million in TRI Fines

EPA has proposed fining 42 companies a total of $1.65 million for failing to report toxic chemical releases as required under section 313 of the Emergency Planning and Community Right-to-Know Act. This information must be reported annually and is included in EPA's Toxic Release Inventory (TRI).

"These companies have a legal responsibility to provide the data," said EPA Administrator William K. Reilly. "We have an obligation to enforce the law and to assure that this national inventory of discharged toxic chemicals is publicly available. We will not allow nonreporting companies to thwart the right of citizens to find out which toxic chemicals are being released into their communities."

The companies were required to submit data on 1987 emissions to air, land, and water by July 1, 1988. The cited companies either produce or process chemicals. The companies range from cardboard manufacturers to commercial printers.

EPA has now sought fines totalling $3.95 million from 85 companies nationwide for violations of the law during the first reporting year. In addition, the Agency has issued 1,318 notices of noncompliance.

Penalties were assessed based on company size, total chemical quantity unreported, and quantities manufactured, processed, imported or used. Each of the assessed firms was inspected by EPA to determine compliance with the law.

Failure to prepare and submit the required annual reports can result in civil penalties of up to $25,000 a day. About 74,000 reports were submitted to EPA last year by more than 19,000 facilities.

Companies Cited and Proposed Penalties

Sola-Opthalmics
Phoenix, AZ $25,000

Dolphin, Inc.
Phoenix, AZ $51,000

Beringer Vineyard
St. Helena, CA $17,000

Diceon Electronics
Chatsworth and Irvine, CA $262,000

Integrated Device Technology
Santa Clara, CA $67,000

Elpower Corporation
San Diego, CA $76,000

Hemet Casting
Hemet, CA $17,000

Perkin Elmer Corp.
Los Angeles, CA $17,000

Newport Corp.
Fountain Villa, CA $34,000

Matchmaster Dyeing & Finishing
Los Angeles, CA $42,000

ABC Rail
Pueblo, CO $68,000

Eyelematic Manufacturing, Inc.
Watertown, CT $59,000

A & S Fiberglass, Inc.
Jacksonville, FL $5,000

Sipi Metal Corporation
Chicago, IL $92,000

Metal Lubricants
Harvey, IL $51,000

Park Rubber
Lake Zurich, IL $17,000

Kaw Valley Inc.
Leavenworth, KS $15,000

CPC Rexcel, Inc.
Ludlow, MA $17,000

ChemFax Inc.
Gulfport, MS $51,000

LaValley Construction
Biloxi, MS $34,000

St. Louis Paint Manufacturing Co.
St. Louis, MO $17,000

Decora
Williamstown, NJ $17,000

United Wire Hanger Corp.
Hasbrouck Heights, NJ $68,000

Lehigh Press
Pennsauken, NJ $25,000

Colonial Processing Inc.
Camden, NJ $10,000

Grinnell Lithographic Co., Inc.
Islip, NY $17,000

Harmac Industries
Buffalo, NY $17,000

ESCO Corporation
Portland, OR $68,000

Woodfold-Marco Manufacturing
Forest Grove, OR $17,000

Reilly Whiteman
Conshohocken, PA $6,000

Damascus Steel Castings Co.
New Brighton, PA $5,000

Teledyne-Uasco
Latrobe, PA $17,000

Johnson Matthey
West Chester, PA $34,000

Falls Manufacturing Co.
Fairless Hills, PA $51,000

Allen's Manufacturing, Inc.
Providence, RI $5,000

Nyman Manufacturing, Inc.
East Providence, RI $17,000

BASF Corporation
Chattanooga, TN $17,000

Vandervoort
Fort Worth, TX $59,000

International Extrusion Corp.
Waxalachie, TX $101,000

American Plant Foods
Galena Park, TX $42,000

Southwestern Plating
Houston, TX $15,000

Rohr Industry, Inc.
Auburn, WA $17,000

EPA Proposes Additions to TRI List of Chemicals

EPA is proposing to add 10 chemicals to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act. This law requires the collection and public release of data, through the Toxic Release Inventory (TRI), on more than 300 hazardous or toxic chemicals.

Nine of the chemicals were chosen after a review of the list of hazardous substances developed under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Allyl alcohol, creosote, 2.3-dichloropropene, diethylamine, m-dinitrobenzene, O-dinitrobenzene, p-dinitrobenzene, dinitrotoluene (mixed isomers) and isosafrole were chosen based on their cancer-causing potential or other chronic toxicity.

The tenth entry, toluenediisocyanate (mixed isomers) was chosen because it is expected that mixtures of these isomers would generally cause the same serious chronic health effects as individual isomers already on the list.

The Agency will continue to review other sources to locate candidates for the section 313 toxic chemicals list. EPA is currently looking into the development of screening criteria for making modifications to the list. The proposed rule was published in the *Federal Register* on April 21 (54 FR 16138).

Sodium Sulfate Deleted

EPA has removed sodium sulfate (Na_2SO_4) from the list of toxic chemicals included in the national Toxics Release Inventory (TRI). The TRI, a national inventory of toxic chemical discharges, is required by section 313 of the Emergency Planning and Community Right-to-Know Act.

Sodium sulfate was delisted because EPA determined that available data do not demonstrate that the chemical causes or can reasonably be anticipated to cause significant adverse health or environmental effects as set forth in section 313. The action was announced in the *Federal Register* on June 20 (54 FR 25851).

Sodium sulfate accounted for more than half of the chemicals reported to the TRI in 1987, with releases and transfers of more than 12 billion pounds. Most of the chemical was discharged to surface waters and public sewage treatment plants.

EPA's action means that companies covered by the section 313 reporting requirements do not have to report their 1988 releases of sodium sulfate.

In related actions, EPA has proposed to delete nonfibrous aluminum oxide, and Pigment Blue 15, Pigment Green 7 and Pigment Green 36 from the reporting requirements of section 313 for toxic chemicals. The proposals were published on April 24 (54 FR 16376) and May 15 (54 FR 20866).

EPA's proposals to remove these substances are based on the Agency's conclusion that the chemicals do not cause nor can reasonably be anticipated to cause adverse human health or environmental effects.

However, EPA has proposed to retain fibrous forms of aluminum oxide on the list because EPA believes there is evidence that breathing the fibrous form may lead to the development of cancer in humans.

Firm Held Liable for Reporting Violations

A New England chemical facility has been held liable for failing to report an accidental release of chlorine as required by two federal laws.

The case involved a release of 180,000 pounds of chlorine from All Regions Chemical Labs, Inc., a facility in Springfield, Mass., on the morning of June 17, 1988. The release caused an evacuation of some 6,000 people from homes and schools.

The company was charged with failing to notify the National Response Center as required by section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (the Superfund law) and section 304 of the Emergency Planning and Community Right-to-Know Act. The company admitted that it had not provided the required notice but asserted that "other parties" had notified the appropriate authorities. Since the "purposes" of both laws were accomplished, the company argued, there was no violation.

EPA to Waive TRI Fees for Selected Committees

An EPA pilot program may make it easier for some Local Emergency Planning Committees (LEPCs) to obtain information about toxic chemicals. Under the program, announced on June 7 (54 FR 24415), EPA will waive fees for accessing the national Toxic Chemical Release Inventory (TRI) data base for selected LEPC's based on a showing that the waiver is in the public interest.

LEPC's were established by the Emergency Planning and Community Right-to-Know Act to develop emergency plans to prepare for and respond to chemical emergencies. They draw their members from state and local governments, health and safety officials, environmental and transportation agencies, the news media, community groups and affected businesses and industries.

The fee waiver program is designed to ensure that access to the TRI data base is not limited by financial constraints, and to encourage use of the TRI data by LEPCs and other community organizations and citizens.

Based on its experience with the pilot program, EPA will consider making fee waivers more widely available in the future.

New Division Created in OTS

On June 27, a new unit, the Environmental Assistance Division (EAD), was officially established within the Office of Toxic Substances (OTS). To form EAD two existing OTS units were merged—the TSCA Assistance Office (TAO) and the Hazard Abatement Assistance Branch (HAAB). Until now HAAB's main activity was implementing EPA's asbestos-in-schools program. Michael M. Stahl has been appointed director of EAD.

In a memo on the establishment of the new OTS division, Stahl listed seven goals for EAD:

- Involve EPA regions, the states, interest groups and the public in decisionmaking about toxic substances;
- Increase understanding of toxic substances control programs;
- Enhance state and local capabilities to carry out toxic substances control programs;
- Build a national toxic substances control program with EPA's regions;
- Reduce risks through communication;
- Develop EPA/private sector nonregulatory initiatives;
- Develop and implement programs to control asbestos in buildings.

The decision to merge TAO and HAAB was made because the "center of gravity" of EPA's asbestos-in-schools program has shifted from Washington to EPA's regional offices and to the states, Stahl said. HAAB in its asbestos activities has been the principal OTS practitioner of the themes now set out for EAD. "More than any other OTS program, the asbestos program (HAAB) has established a presence in the regions and states and is in the forefront of the OTS effort to enhance toxic substances programs in the states," Stahl said.

... TIPOFF ...

... Interested in publishing a statewide inventory of toxic chemicals based on section 313 data, or in knowing how others are analyzing statewide TRI data?...try to get copies of five good reports:

- *Toxics Released* ... Vermont Public Interest Research Group; (802) 223-5221
- *Toxic Hazards* (11/88) ... Massachusetts Public Interest Research Group; (617) 292-4800
- *1st Annual Toxic Chemical Report* ... Illinois EPA; (217) 782-3637
- *Toxic Air Pollution in Illinois* (2/89) ... Chicago Lung Association; (312) 243-2000
- *N.Y. State TRI Review;* (518) 457-4107

... This may be a first ... to help its citizens effectively use the federal right-to-know law, Kansas has started a bulletin ... John Flint (913) 296-1690 says he'll add your name to the *Kansas Right-to-Know News* mailing list ... it they're coping in Kansas we all have a right-to-know how they're doing it ...

... For the latest on assessing potential health risks of dioxin in paper products, see the magazine *Environmental Science and Technology,* # 6, 1989 ... to better understand how FDA monitors for pesticide residues in foods, see the *Journal of Official Analytical Chemists,* May/June 1989 ... that same issue has a report on levels of PCBs and pesticides in bluefish, before and after cooking...

... If you've wondered about chemicals in bottled water, pick up the March/April 1989 *Archives of Environmental Health* ... to learn how workers reacted when notified that while they were asbestos-exposed there was a medical screening program on hand, see vol. 15, #4 of the *American Journal of Industrial Medicine* ... this same journal in vol. 15, #5 has an editorial on benzene and lymphoma ... then turn to the *American Journal of Epidemiology,* vol. 129, #5, for a letter and reply on 'benzene and leukemia'...

... Joe Boyle

Environmental Assistance Division (TS-799)
Office of Pesticides & Toxic Substances
U.S.E.P.A.
Washington, D.C. 20460.