

# TSCA and Beyond

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# 2016 TSCA reform

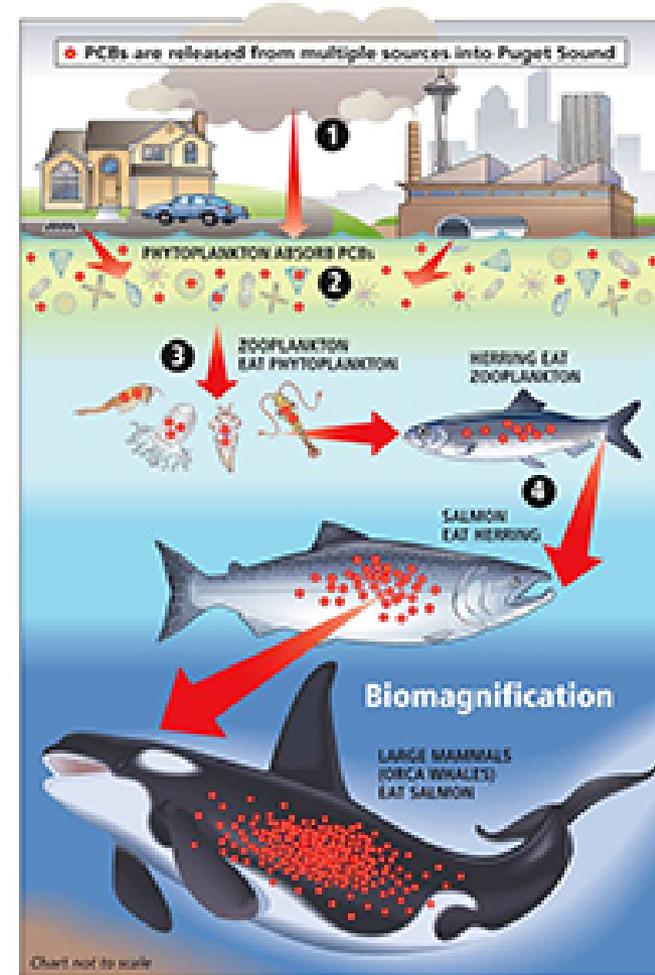
## Lautenberg Act



- Small improvements
- Potential
- State pre-emption
- Continued state action

# PBT's

- Expedited Action
  - No risk evaluation
  - Proposed rule within 3 years
  - Final rule within 18 months
- Limitations
  - On Work Plan
    - Not a metal
  - EPA has not
    - Completed a problem formulation
    - Initiated a review under sec. 5
    - Entered into a consent agreement sec. 4
  - No request for a risk evaluation



# Expedited PBTs

- Decabromodiphenyl ether (DecaBDE)
- Hexachlorobutadiene (HCBD)
- Pentachloro-ortho-phenol (PCTP)
- Tris (4-isopropylphenyl) phosphate (IPTPP)
- 2,4,6-Tris(tert-butyl)phenol



# 2016 TSCA reform Lautenberg Act

- Small improvements
- Potential
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# 1976 TSCA

62,000 chemicals  
In use pre-TSCA  
Assumed safe

23,000 new chemicals  
New Chemicals  
program

TSCA Inventory  
85,000 chemicals

90 priority chemicals on Work Plan

Risk Assessment- least burdensome

No Risk and no Risk Reduction

# 2016 TSCA

Expected new chemicals

EPA must determine safety  
EPA can more easily get info by  
order instead of rule  
No minimum data set

TSCA Inventory  
Active chemicals

TSCA Inventory  
Inactive chemicals

High Priority

Low Priority

Industry request

First 10

Risk Evaluation

Without consideration of least  
burdensome cost at the same time  
Deadlines (3-3.5 yrs)

Pause preemption on high priority

Risk Reduction by rule

Consideration of costs



# Emerging Contaminants

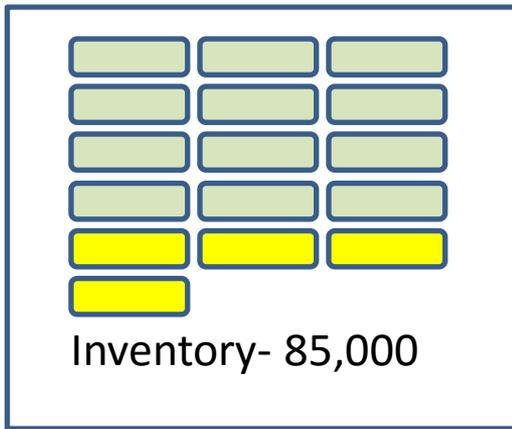
# Emerging Contaminants- many definitions

- Chemicals of emerging concern
- New chemicals
- New sources of legacy chemicals
- Unregulated chemicals/sources

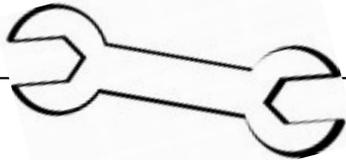
## Federal chemical policy



# Toxic Substances Control Act



No minimum data set  
No test methods



Clean Water Act  
Clean Air Act  
Safe Drinking Water Act  
Resource Conservation and Recovery Act  
State Dangerous Waste  
Comprehensive Environmental Response, Compensation, and Liability Act  
Model Toxics Control Act

Presents an unreasonable risk to human health or the environment





# State regulations

# Proposed 2010-2016

- Hundreds of bills
- Most states
- Chemicals or groups of chemicals
- Product categories



# Product Types

- Children's products
  - Toys
- Packaging
- Mercury added products
  - Lighting
- Electronics
- Cleaning products
- Cosmetics
- Jewelry
- Wheel weights
- Furniture
- Brake friction materials
- Clothing/footwear



# Chemicals of Concern

- Metals (arsenic, lead, mercury, cadmium, copper, chromium, zinc)
- Bisphenol A
- Phthalates
- Flame retardants
- Formaldehyde
- Nonylphenol
- Styrene
- PVC
- PCBs
- Triclosan
- Halogenated solvents
- Perfluorinated



# State Actions 2010-2016

- Bans
- Alternatives assessment/Green chemistry
- Data collection/Disclosure
- Purchasing
- Prioritization
- Product stewardship

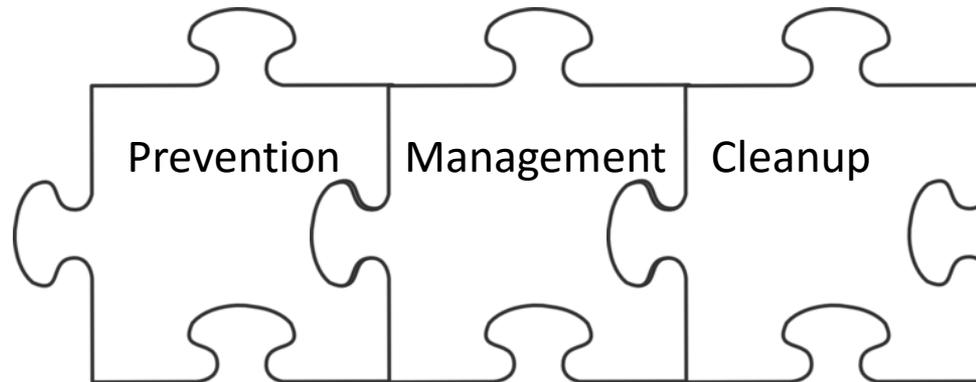




# Washington State Approach

# Preventing and Reducing Toxic Threats

*Prevention is the smartest, cheapest and healthiest approach to protect Washington's environment and our communities.*



# Reducing Toxic Threats

- Product Laws
- Phase out PBTs
- Gather Information
- Safer Alternatives



# Washington State Product Laws

Passed	RCW	Description of prohibition	Effective Dates
1991	70.95G	Lead, mercury, cadmium, and hexavalent chromium in packaging	July 1993
2003	70.95	Mercury in many products	Jan 2006
2007	70.76	decaBDE in mattresses	Jan 2008
		Residential furniture and electronics, after an alternatives assessment	Jan 2011
2008	70.240	Children's products reporting law	July 2011
2009	70.27	Lead in wheel weights	Jan 2011
2010	70.28	BPA in baby bottles and sippy cups/sports bottles	July 2011/2012
2010	70.285	Copper in brake pads	Jan 2015
2011	70.300	Anti-fouling boat paint	Jan 2018/2020
2011	70.295	Coal tar sealants sale/use	Jan 2012
2014	39.26	State purchasing of products containing PCBs	Jan 2012
2016	70.240	Five flame retardants in furniture and children's products	July 2017

# Chemical Action Plan

- Identifies sources of the most problematic chemicals impacting Washington
- Provides recommendations on how to reduce/eliminate the most important sources



# Examples of CAP actions



Chrysler Light Switches

- Mercury
  - Voluntary agreement with dentists
  - Auto switch collection
- PBDE flame retardants
  - Ban on some uses after an alternatives assessment
- Lead
  - Work with Commerce and DOH on assessment and remediation
- PAHs
  - Continue Ecology programs on wood smoke, creosote, diesel emissions
- PCBs
  - Work with OSPI to remove PCB light ballasts from schools
- PFAS



# Product Testing

- Compliance
  - Children's Safe Products Act
  - PBDEs
  - Copper brakes
- Investigation
  - Perfluorinated substances
  - Inadvertent PCBs in products
  - Other flame retardants
- Implementation
  - PCBs for state purchasing



# Children's Safe Products Act

- Established limits for lead, cadmium and phthalates in children's products
  - Substantially preempted by CPSIA
- Requires reporting on Chemicals of High Concern to Children (CHCCs) in children's products



# Cadmium and Lead in Necklaces

- Tested 159 pieces of children's jewelry
  - 132 compliant
  - 27 necklaces with dresses or shirts
    - 4 necklaces with cadmium—98.4%, 93.1%, 53.4%, and 39.7%
    - 1 necklace with 5% lead
  - Work with CPSC
  - State enforcement
    - recall



# Similar State Laws

	Year Passed	First reports	State Agency	Fees	Report Freq	Chemicals	Other
WA	2008	2012	ECY	N	Annual	66 CHCC	Brick level
ME	2008	2015	DEP	Y	Once	Concern, High concern and 7 Priority	Alternatives assessments
MN	2009	N/A	MDH	N	N/A	High Concern and Priority	
VT	2014	2017	Health	Y	Biennial	WA list	Product level
OR	2015	2018	OHA	Y	Biennial	WA list	Phase out or AA; Internal components



# 2016 CSPA amendments

- Currently in rulemaking
- Banned 5 flame retardants (on list)
- Evaluate 6 flame retardants
- Add to list
- DOH report



# Interstate Chemicals Clearinghouse (IC<sup>2</sup>)

- Avoid duplication and enhance efficiency and effectiveness of agency initiatives on chemicals through collaboration and coordination
- Build capacity to identify and promote safer chemicals and products
- Ensure agencies, businesses, and the public have ready access to high quality and authoritative chemicals data, information, and assessment methods



# California Green Chemistry Law

## Safer Consumer Product Regulations

- 1200 Candidate Chemicals
- Work plan with focus areas
- Priority Products List
- Required alternatives assessments



# Challenges

- Data gaps
- Whac-A-Mole
- Safer alternatives



# Coming Attractions



- CSPA rulemaking
- Boat Paint AA
- PFAS CAP
- Update the 2006 CAP Rule
- Purchasing
- Case for prevention



# Challenge

