Transcription details:

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Transcription results:

[silence]

S1: 00:10 The EPA meeting on methylene chloride and 1-bromopropane will begin in about three minutes.

[silence]

S1: 02:28 Good day, everyone, and welcome to this public webinar presented by the US Environmental Protection Agency titled Environmental Justice Consultation on Methylene Chloride and 1-Bromopropane, meeting number one, under the Toxic Substances Control Act, or TSCA. My name is Vincent Brown, from Battelle, which is a contractor providing meeting support for today's meeting. This event is being recorded. The host may use Webex chat to share announcements with all attendees. I will now introduce Meredith Comnes, the leader of this call for the US EPA.

[silence]

S2: 03:16 Thank you, Vince. Good afternoon, everyone. Thank you for joining EPA's Environmental Justice Consultation on Rulemakings under Section 6 of the Toxic Substances Control Act for both methylene chloride and 1-bromopropane. My name is Meredith Comnes. I'm an environmental protection specialist in the Office of Pollution Prevention and Toxics here at EPA. My role today will be to moderate this webinar. I will shortly be turning the call over to our presenters, but before that, I want to take note of some logistics and troubleshooting ideas. First, you should have received an agenda and presentation via email from Niva Kramek on Friday or this morning. It also appears here on the screen. If you do not have the presentation, I just added a link to it in our website in the chat, so you can look there if you access a PDF version of the slides, if you prefer that. Throughout this consultation meeting, if you have any logistical or IT issues such as not being able to hear the speaker, please do one of the following: send us a chat through the Webex or email Vince Brown and myself. And I'm going to add-- in one moment, I'm going to add our email addresses into the chat so that you can see those.

S2: 04:34 Today's agenda will include presentations from several people at EPA. Following the presentations on each rulemaking, we will open the lines for prepared comments by those who registered to provide live comments today. If time allows, we will also be able to have a Q&A section. Vince Brown will call your name after the presentation to make a comment. You can also send questions through the chat. And be sure to, in the To section of the chat here, be sure to select all panelists so that all people in EPA can see your question that you're posing there. If you would like to provide comments on either of these rulemakings, at the end of the presentation, we will provide details on how to do that. And comments are requested by January 18th, 2021. I'm now going to turn the call over to Brian Symmes, who is the acting director of Existing Chemicals Risk Management Division for opening remarks. Thank you, Brian.

S3: 05:35 Thank you, Meredith. As Meredith said, I am Brian Symmes. I'm currently serving as the acting director of the Existing Chemicals Risk Management Division. I want to thank you all for participating in this consultation process which is intended to inform you about implementation of the Toxic Substances Control Act, and in particular the risk management actions to address unreasonable risks for two of the chemicals, methylene chloride and 1-bromopropane. Today you're going to learn a lot more about the findings in our final risk evaluation and about our work to develop proposed regulations under Section 6(a) of TSCA. It's important for us to learn from you on how risk management actions under TSCA may affect environmental justice communities and to hear from people who care about environmental justice. We're ready to listen to your perspective and to hear your knowledge as we move forward with the risk management work.

S3: 06:38 This engagement's really important to us, given the uniqueness of environmental justice issues. We recognize that your communities have unique circumstances with different concerns that we want tohear about. The agency is also fully aware that TSCA may not be one of the laws that some of you have worked with in the past. So today, part of the presentations will help educate you all about its key provisions and our mandates for risk management. Our goal is to help inform our understanding of the unique chemical exposures in the environmental justice community space and to tailor our risk management approaches as appropriate to address these unique chemical exposures. Our team here at EPA, who you will hear from today, are committed to developing protective risk management actions for chemicals in a way that is both transparent and includes proactive and meaningful consultations with the environmental justice communities as well as our other stakeholders. Our goal is to ensure that these future regulations are based on timely information from stakeholders like yourselves and that the regulations are both practical and protective.

S3: 07:53 Our team also recognizes that you are very busy people and have many responsibilities, and we know it isn't easy to take time away from those responsibilities to spend these hours with us here today. But we want to know-- want you to know, we really value your time, your work, your expertise, and your experience. Your perspectives again, are going to be extremely valuable to us. And on behalf of everyone here at EPA, we thank you for your time and contributions. So please take advantage of this opportunity. I think, as you know, we have another discussion scheduled for Thursday, November 19th. This is the start of a dialogue. So let me assure you that our office continues to want to engage in an ongoing dialogue with the environmental justice communities. And we are glad to host additional forums in the future. So on behalf of the Office of Pollution Prevention and Toxics, we look forward to working for you, and I'll turn it-- working with you. We'll turn it back over to our next speaker. Thank you.

S2: 09:02 Great. Thank you so much for your remarks, Brian. I'm now going to turn the call over to Amanda Hauff, who is the environmental justice coordinator for the Office of Chemical Safety and Pollution Prevention. And Amanda is going to provide an overview of the environmental justice consultation process.

S4: 09:19 Thank you, Meredith. Everybody, I really appreciate you taking your time to be here today. I just want to reiterate that this is a consultation for communities and community organizations. So we will have our consultation period from November 2nd to January 18th, with two tribal-- two EJ consultation sessions. And so one is today, and one is later this week. And these sessions are going to provide a technical

overview. It's going to give us the time to hear from you. And then we're going to take your information and have that input be worked and put towards our consideration of looking at the proposed rulemaking as well as making sure that we're understanding and considering some of the issues that are happening in your community. Today you're going to hear from technical staff, and you're also going to hear, hear information that might be overarching. If there is information that we can do from [inaudible]-- if there's anything that we can do to help reiterate this information, make it a little bit clearer, we want you to make sure that you can ask questions as well as provide any input there.

S4: 10:24 Then in addition to that, I wanted to make sure that you realize that we will be-- we will be having ongoing consultation efforts. And this is our first one. So if there's any lessons learned that do not correlate with the rulemaking, but to help me and my staff and others do further outreach, please let us know. And we do want to make sure that you understand that as we start talking about these conditions of use, getting your input is very vital to our-- to our work. And everything that you provide will provide input to the proposed rulemaking in the work that we do to, to work on risk management strategies. So if you have questions, please let us know. [inaudible] with your comments, please also take time to, to make sure that you feel comfortable on what you're providing us. And if there is time that is needed beyond just these two sessions, you can reach out to Meredith or myself because we're here and we want to make sure that you're getting an opportunity to provide input, but I just want to reiterate that we're taking any of your input through January 18th. All right, Meredith.

S2: 11:36 Thank you, Amanda. I'm now going to turn the call over to Niva Kramek, who will provide an overview of the risk management process under TSCA Section 6(a).

S5: 11:47 Great. Thank you, Amanda and Meredith. My name is Niva Kramek, and I'm a team lead in one of the Existing Chemicals Risk Management branches. I'm now going to present the purpose of today's presentation and some information on risk management under TSCA. Slide six, please. So if you were able to participate in our public webinar on the methylene chloride risk evaluation on September 16th or the 1-BP risk evaluation on September 30th, a lot of this information may be familiar to you. But because it's important to keep in mind the risk management requirements under TSCA, I'm going to describe them for a bit before our other presenters get into detail on the two chemicals.

S5: 12:30 As you may know, EPA under TSCA is required to take action to address unreasonable risks that have been identified in the risk evaluation to human health or to the environment. TSCA Section 6(a) lays out what we should do to address the unreasonable risks. Rulemaking itself must be rapid, one year from finalization of a risk evaluation to proposal and one year after that for final rule. For those of you who've been involved with rulemaking, you know that's an extremely fast-paced schedule. There are requirements that we need to take into account as we craft our regulatory approaches, such as alternatives to the chemical substance and a statement of effects for each risk management rule. There are also requirements to engage in consultations like this one. But even without the requirements, we'd still be interested in soliciting input from stakeholders like you. We're definitely interested in an environmental justice perspective. And for these rulemakings under Section 6, we're going to urge you to think beyond a place-based definition of community as we discuss environmental justice. Environmental justice is broader than geographic consideration, and EPA is seeking information on how workers use the chemical in order to conduct the EJ analysis and how consumers use them also. This information is important for risk management, and it builds on the consideration for potentially

exposed and susceptible subpopulations incorporated into each risk evaluation. Please let us know how an environmental justice perspective can inform these rulemakings on the conditions of use that EPA has determined present an unreasonable risk. As Brian and Amanda said, it's critical to our process and our forthcoming rulemaking. Next slide.

S5: 14:16 So these rulemakings will, of course, be using the regulatory options laid out in Section 6(a). These are the seven components here on the slide. And while they seem to be straightforward, there's numerous things we could do. And each component can be used separately or in combination. We can prohibit, limit, or restrict manufacturing, processing, distribution in commerce. For those of you who know the methylene chloride final rule on consumer paint and coating removal, we've prohibited the manufacturing, processing, and distribution of the chemical or products for this one use. So that's one example. Other components of the regulatory options include recordkeeping, monitoring, or testing, and we can regulate commercial use or disposal among other things. Before providing additional examples of potential regulatory options, I'd like to discuss a little more the authorities under Section 6(a). Next slide.

S5: 15:14 On slide eight, I'd like to emphasize that under TSCA, we do have the authority and the requirements to address unreasonable risks in occupational settings. Potentially regulated entities, depending on the condition of use, could include not just chemical manufacturers and chemical processes, but also commercial users and commercial disposal. We can regulate the use of chemicals in the workplace if they present an unreasonable risk. We also have the requirement to address unreasonable risks to consumers, but not the authority to actually regulate the kind of behavior such as wearing PPE or using appropriate ventilation that could be carried out in the workplace. Instead, to address unreasonable risks to consumers, we would regulate at key points in the supply chain. Manufacturing, processing, and distribution, for example. With that context, here's some additional, more general examples of risk management options. Later, you'll hear more from our presenters about what is specifically relevant to our upcoming discussion on methylene chloride and 1-BP.

S5: 16:20 Slide nine. Here's some examples of regulatory options. We could set a concentration limit, which is the weight fraction, and make sure products do not have more than a certain percentage of the chemical in them. We could also require labeling on a product with that warning, ways to use the product, or the health risks that would result from the use of the product. We can also, obviously, prohibit manufacturing, processing, and distribution, which again, is what occurred for methylene chloride in the paint and coating -- in the consumer paint and coating removal rule. We can also mandate workplace controls, such as ventilation, engineering controls, administrative controls, or personal protective equipment at sites. I know you've seen in the risk evaluations themselves that there's an expectation that there's a certain level of PPE already being used in many types of facilities. These examples continue on slide 10. Next slide.

S5: 17:19 So for example, we can require that ordinary business records be kept. And another approach includes one we're looking at very closely. It's an existing chemical exposure limit or an ECEL, E-C-E-L. For those of you familiar with OSHA PEL, or the permissive exposure limits, this is the same kind of idea and approach. It would be a level of airborne concentration that the chemical should not exceed in a regulated workplace. We recognize that for many workplaces, it'd be more appropriate to have this limit, this ECEL, which would then allow that workplace to determine for themselves what's best as it relates to ventilation, engineering controls, PPE, and other things. In some

cases, the workplace may already have things in place that we're thinking of and that could already address the unreasonable risk. This allows flexibility and allows the technological innovation. But there's other worksites where an ECEL is not a good fit. One example could be an auto repair shop. So we recognize we're going to need to have flexibility in our regulatory approaches, and we're going to need information. You're going to hear a lot more about this from Brandon and Ana coming up.

S5: 18:26 EPA is trying to figure out which approaches fit the conditions of use and the unreasonable risks for these two chemicals. That brings me to the last general example on this slide, limiting the access to the chemical or to products containing it. This is a more complicated approach, but it essentially allows people to purchase the chemical or the product only if they can meet certain criteria. Either they have appropriate exposure reductions in place, they meet training requirements, or they're using it in a way that doesn't present an unreasonable risk. At the point of sale, distribution would be limited to people who meet EPA's criteria. We've presented this approach in an advanced notice on proposed rulemaking for methylene chloride in commercial paint and coating removal. And it's something to consider for several chemicals. You're going to hear more about the relevant risk management options from Brandon and Ana later on. However, before we dive into the chemicals and the discussion on regulatory options, I want to highlight one more thing, which is our principles for transparency during risk management and the process for these rulemakings. Slide 11.

S5: 19:38 We're aiming for transparent and meaningful engagement and consultations like this one and also one-on-one meetings with stakeholders, webinars for the general public, and participating in opportunities organized by others. If you've attended some of our other recent events, you've probably seen the same exact slide, and that's to emphasize this message. We're seeking input on potential risk management approaches, their effectiveness, and the impact those approaches might have on businesses, workers, consumers, state and local government, tribes, and anyone with an EJ perspective. Slide 12.

S5: 20:17 So from you, we're very interested in your comments and information. To that end, we're interested in concerns, data, or examples related to environmental justice for these conditions of use of methylene chloride and 1-BP. Do you anticipate these rulemakings would have an environmental justice impact? And do you have other thoughts on the rulemaking? We're in the process of analyzing how the potential regulations could impact minority populations, low-income populations, tribes, and indigenous people and their concerns. And any information you provide will be considered in such an analysis. Also, this formal consultation is only one venue to hear from you. We want to reiterate that we're available for additional meetings, and you can also submit written comments. As you can tell, we have a lot to tell you and also a lot to ask you. We're looking forward to a good consultation. With that, I'm going to turn it over to the methylene chloride team for the first presentation. And just a reminder, please hold your questions until the discussion following the presentation. So with that, I'll turn it over to Brandon. Brandon, please begin.

S6: 21:33 Thank you, Niva, and hello, everyone. Thank you for participating in the environmental justice consultation on the forthcoming proposal makings under TSCA Section 6(a). My name is Brandon Houston, and I work in the Existing Chemicals Risk Management Division of the Office of Pollution Prevention and Toxics. And I am on the rulemaking team for methylene chloride. In today's presentation on methylene chloride, I'll go over the background on the risk evaluation and findings, the focused discussion on specific conditions of use, which under TSCA, conditions of use is

defined as the way that the chemical may be intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, and used or disposed of. After the presentation on methylene chloride, we look forward to questions in an open discussion. Slide 15, please.

S6: 22:34 Okay. To start, we'll begin with an overview of the risk evaluation for methylene chloride. The final risk evaluation was published on June 24th and presented 53 conditions of use. Before publication of the final risk evaluation, a draft risk evaluation underwent peer review by the Science Advisory Committee on chemicals and public comment in December of 2019, receiving 41 public comments. Information regarding the final risk evaluation and additional materials can be found in the dockets listed and that are linked on the slide here. Next slide.

S6: 23:16 For the 47 of the 53 conditions of use, EPA determined that methylene chloride presents an unreasonable risk of injury to health. The determinations are based on risk of injury to workers and occupational non-users during occupational exposures and consumers and bystanders during consumer use and occupational non-users, someone whose work activities don't directly involve methylene chloride or formulations containing methylene chloride but may be exposed to methylene chloride when others are using it in the workspace. EPA's unreasonable risk determination is due to central nervous system effects from acute inhalation and dermal exposures, non-cancer liver effects from chronic inhalation, and cancer from chronic inhalation exposures to methylene chloride. The primary route of exposure is inhalation through consumers-- though consumers may experience acute risks from the dermal end point as well. Central nervous system effects are used because methylene chloride is highly volatile and small increases in exposure can lead to central nervous system effects, such as impaired vision, to more severe effects, including death. The 47 conditions of use with unreasonable risk of injury to health will be subject to some action under the Toxic Substances Control Act to mitigate any unreasonable risks. Next slide.

S6: 24:44 Okay. Slides 17 through 19 contain a list of those conditions of use which present an unreasonable risk. So I'll mention some of the broader uses on each slide and slightly pause in between so you may have time to look over more specific uses on the slide. So here on slide 17, the list includes import, processing into a formulation, repackaging, and numerous industrial commercial conditions of use, including as a solvent for cleaning and degreasing, in paints and coatings, paint and coating removers, adhesives and sealants, and automotive care products. Okay. Next slide. The list continues on slide 18, including industrial and commercial use of lubricants and greases, degreasers and cleaners, and several other industrial and commercial activities. The risk evaluation identifies unreasonable risk for all of the industrial and commercial conditions of use, except for lab use. Next slide, please. On slide 19, we have a list of the consumer conditions of use which present an unreasonable risk. Those uses include aerosol degreasers and cleaners, adhesives and sealants, paints and coatings, automotive ca-care products, among others. All consumer uses of methylene chloride in the-- identified in the risk evaluation present an unreasonable risk and will be subject to some action under the Toxic Substances Control Act to mitigate any unreasonable risk. Next slide, please.

S6: 26:32 On slide 20, we have the basis of the unreasonable risk determinations, starting with occupational exposures for workers and occupational non-users. As mentioned previously, EPA's unreasonable risk determination is due to central nervous system effects from acute inhalation and dermal exposures, non-cancer liver effects from chronic inhalation, and cancer from chronic inhalational exposures to methylene

chloride. In the risk evaluation, EPA assumes the use of PPE for workers. In the case of methylene chloride, the Occupational Safety and Health Administration, or OSHA, standards sets a permissible exposure limit referred to as a PEL, which is 25 parts per million. The PEL is an eight-hour time-weighted average level exposure established as the highest level of exposure an employee may be exposed to without incurring the risk of adverse health effects and t requires air-supplied respirators. Many of the conditions of use presented an unreasonable risk even when respirators with an assigned protection factor of 25 or 50 were considered. With the exception of the use as a spot remover, EPA assumed the use of gloves in commercial and industrial settings and did not identify unreasonable risks from acute or chronic dermal exposures for industrial and commercial conditions of use. Also, EPA does not assume occupational non-users are wearing PPE because they do not handle the chemical directly. Next slide.

S6: 28:12 The basis for unreasonable risk determination for the consumers and bystanders are based off of central nervous system effects from acute inhalation and dermal exposure. EPA does not expect bystanders to handle methylene chloride and does not include dermal exposures for bystanders. On the same lines, EPA does not assume that consumers and bystanders use PPE. The unreasonable risk determinations for consumers are based off high-end estimates. So in many cases, unreasonable risk was also present at the central tendency. Slide 22. All conditions of use that present an unreasonable risk are grouped into one of the 70 groups listed here on slide 22. And we'll go into more detail for each group continuing on in the presentation. Next slide.

S6: 29:07 Okay. So slide 23, for group one, we have industrial vapor degreasing and cold cleaning uses. The three conditions of use in this group are-- they're all in the industrial and commercial use. Those uses are as a solvent for batch vapor degreasing, use for inline vapor degreasing, and use as a solvent for cold cleaning. Methylene chloride is used as a degreasing solvent to remove drawing compounds, cutting fluids, coolants, and lubricants for metal parts. Cold cleaning operations include spraying, brushing, flushing, and immersion as methods of application. Next slide. Okay. Now we'll go over the potential regulatory options for vapor degreasing and cold cleaning conditions of use here in group one. Niva went over, previously in the presentation, the regulatory option examples during the risk management introduction, and I'll go over considerations for each group.

S6: 30:08 Any regulatory option could be used alone or in combination so that methylene chloride no longer presents an unreasonable risk under any condition of use. I will go over the options in more detail in this first group just to start. Some or all of these options will be mentioned as we move along in the presentation in groups two through seven. To start, an existing chemical exposure limit, or ECEL, is an exposure threshold similar to the OSHA permissible exposure limit that EPA could possibly set for industrial and commercial conditions of use. In the case of methylene chloride, having an OSHA PEL, we assume many industrial and commercial users would be familiar with the approach, and the methods of reducing exposures to this limit would be left to the industrial and commercial user for methods of compliance. However, an ECEL for methylene chloride may be significantly lower than the OSHA PEL and might require monitoring and recordkeeping to demonstrate compliance.

S6: 31:06 An alternative to an ECEL is the prescriptive controls. The agency could prescribe PPE in which the APF would reduce exposures such that unreasonable risk is eliminated for conditions of use, though in some cases, unreasonable risk was still present even when workers were assumed to have an APF of 25 or 50 respirators in the risk evaluation. Another potential option is the prescribed administrative controls, such as

excluding occupational non-users from an area while methylene chloride is in use or engineering controls such as ventilation to reduce exposure or achieve a specific air exchange rate. Prohibition is another potential regulatory option, mostly for conditions of use where an ECEL or prescriptive controls are not feasible or sufficient. The last regulatory options I will go over are applied broadly with other restrictions. Those options are recordkeeping, downstream notification, monitoring and labeling, and a training, certification, and limited-access program. For example, a training, certification, and limited-access program could restrict distribution of a chemical or product only to certain users under a limited-access program with a regulatory option. Training and certification could be required with this option. Slide 25, please.

S6: 32:43 For group two, we have commercial use of paints and coatings and their removers in this group. EPA identified unreasonable risks from the use of methylene chloride in paints and coatings and paint coating removers. Paints and coatings may be applied with a roller brush, various spray systems, and curtain coating systems. Because these paints and coatings are often solvent based, they typically undergo a drying stage during which the methylene chloride and other solvents evaporate from the coating. While consumer use of methylene chloride-containing paint strippers was prohibited, commercial use of methylene chloride-containing paint strippers is still ongoing. Methylene chloride could be used to strip a variety of coatings from many substrates, including some activities which may take place off-site or in a home, such as stripping varnish from cabinets or wood flooring and kitchen refinishing. Next slide. The potential regulatory options for group two are the same as I mentioned in the previous group, the ECEL, prescriptive controls, prohibition, broadly applied options such as recordkeeping, labeling, and a limited-access program, with one addition. Also included is the option to set a concentration limit by restricting the amount of methylene chloride in its own formula such as the risk is mitigated. However, a protective limit may or may not be functional within the formulation of the final product. Next slide.

S6: 34:22 Okay. For group three, there are, are a wide range of conditions of use. In this group, they all fall under the industrial and commercial use category. Those uses are in aerosol degreasers and cleaners, lubricants and greases, automotive care products, among others in this group. Next slide. The application methods of methylene chloride are mentioned here in group three. Methylene chloride is found in many packaged or off-the-shelf formulated products for the industrial and commercial uses. It serves as a solvent. It's used in post-market wax and polish applied to fabrics and textiles finishing and surface treatment, used in spot remover for apparel and textiles and used as a solvent in print cleaning. Next slide. In group three, the potential regulatory options mentioned in more detail in groups one and two include the ECEL, prescriptive controls, concentration limit, prohibition, broadly applied options, and a limited-access program could be used alone or in combination so that methylene chloride no longer presents an unreasonable risk under any of the conditions of use here in group three. Next slide.

S6: 35:45 For group four, the conditions of use in this group fall under the industrial and commercial use category. Those uses are adhesives and sealants, paint and coating removers, lubricant and greases, carbon remover and cleaners. Next slide. The application methods of methylene chloride in group four may be used in various formulations made on-site and in its facility-specific formulations. Paint and coating applications include manual application and air and airless spray systems. After application, solvent-based coating typically undergo a drying stage in which the solvent evaporates from the coating. Methylene chloride is used as a solvent in

lithographic printing to clean the blankets and rollers. Next slide. In group four, all potential regulatory options mentioned in groups one through three to include the ECEL, prescriptive controls, concentration limit, prohibition, broadly applied options, and a limited-access program, used alone or in combination so that methylene chloride no longer presents an unreasonable risk under any conditions of use here in group four. Next slide.

S6: 37:09 For group five, other industrial and commercial uses or conditions of use not covered in other groups, such as electrical equipment, appliance and component manufacturing, plastic and rubber products manufacturing, playground and sporting equipment, and use as a processing aid. Methylene chloride is used and applied in a variety of uses, including as a solvent or carrier, novelty items, miscellaneous cleaners, and in plastic manufacturing. Next slide. In group five, all potential regulatory options are listed here and in-include the ECEL, prescriptive controls, prohibition, concentration limit, broadly applied options, and a limited-access program, used alone or in combinations so that methylene chloride no longer presents an unreasonable risk under any conditions of use here in group five. Next slide.

S6: 38:15 Slide 35, we have group six. And all of the consumer uses for methylene chloride are in this group. The conditions of use are consumer use in degreasers and cleaners, adhesives and sealants, brush cleaners for paints and coatings, lubricants and greases, and automotive care products. Next slide. Potential regulatory options for group six are limited to consumers, and EPA could potentially regulate the manufacturing, processing, or distribution of products for consumer use. The options under consumer use that are in consideration are a concentration limit within the formulation, prohibition where restrictions on the concentration limit are not feasible or the use may be phasing out, and broadly applied regulatory options, such as recordkeeping and downstream notification, monitoring and labeling, and a training, certification, and limited-access program. Next slide.

S6: 39:22 For group seven, conditions of use are processing, incorporation into a formulation, mixture, or reaction products and a solvent that becomes part of a formulation are in this group. The application of methylene chloride may require incorporation into a formulation of products and paints and coatings, degreasers, spot removers, and lubricants. Many of these products may be packed in aerosol form. Next slide. In group seven, the potential regulatory options could be used alone or in combination so that methylene chloride no longer presents an unreasonable risk under any conditions of use are the ECEL, prescriptive controls, prohibition, broadly applied options, and a limited-access program. Next slide.

S6: 40:25 Slide 39. Focused comments for methylene chloride include, but not limited to, do you have any experience using the chemical or regulation? Any experience with risk management and specific conditions of use, or any concerns related to environmental justice about these uses? And how do you anticipate rulemaking would have an environmental justice impact? As part of the regulatory development, EPA needs to follow Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. To that end, we are interested in any concerns, data, or examples of exposure to methylene chloride that could affect your communities. We're in the process of analyzing how the potential regulations could impact minority population, low-income populations, tribes, and/or indigenous peoples and their concerns. And any information you provide would be useful in such analysis. This formal consultation is only one venue to hear from you, and we want to

reiterate that we're available for additional meetings, and you can also submit written comments. Next slide.

S6: 41:40 And here on the last slide for methylene chloride, there are additional information and links for general TSCA and current chemical risk management activities, along with methylene chloride context and further information. Ingrid Feustel, the chemical lead for methylene chloride, and Doug Parsons, general risk management outreach contact, are both available by phone or email listed here on slide 41-- or I'm sorry, sorry. Slide 40. Again, thank you for your time and interest in methylene chloride risk management, and I'll turn it back over to Meredith for the next steps.

S2: 42:17 Thank you, Brandon, for your presentation on methylene chloride. We are now transitioning into the public comment portion of the webinar today. Looking at the time, we have scheduled until 3:30 today to give those public comments. So if you have registered to make a comment for either chemical, what we're going to do right now is read through the list of registrants aloud, and we call your name. If you are going to be giving comments on methylene chloride, you can give them now. And if you're going to be giving comments for 1-BP, that will happen after the 1-BP presentation. And then, of course, if after we run through the folks who have registered to give comments today, we will have time for additional comments or questions. So Vince, can you begin reading off the list of people who registered?

S1: 43:19 Sure. This is Vince Brown, the Webex host. For those who have registered to make a comment, what I will do is unmute you in Webex and call your name, and then you'll be free to talk. And then Meredith will be moderating from that point on. So the first name I have is Katherine Bartone. Just disappeared. I swear. I just went to unmute her, and she disappeared. [right now?]--

S2: 43:54 Okay.

S1: 43:56 --[inaudible] she must have just hung up or something.

S2: 44:01 Well, why don't we run through the list, and then we can check back after--

S1: 44:04 Sure.

S2: 44:04 --we've gone through the list.

S1: 44:06 Looking for Camille Velez. Camille, go ahead, please. Camille Velez, please, go ahead. Camille Velez, is your phone maybe muted? We cannot hear you.

S4: 44:45 You can try *6. Is that correct, Vincent?

S1: 44:49 Not on this system. No. Okay. We'll loop back then. Let's try as Trish Komen. One-- it'll be one second here. Trish Komen, please go ahead.

S7: 45:13 Can you hear me?

S1: 45:14 Yes, you sound great. Thank you.

S7: 45:18 Great. Thank you so much. My name is Trish Komen. I am from the University of Michigan in Ann Arbor, Michigan, and I wanted to thank you for the opportunity to address this panel and to provide this input. I have no conflicts of interest to disclose. I would also like to let you know that I feel that this consultation, although I appreciate the need to move forward expeditiously with it, releasing the information on this on, you know, the election time period did not allow enough environmental justice groups to be able to be prepared and to provide information to this consultation. So I recommend that you consider extending and repeating these so

that you can gain full input from various groups. So my role is-- I have worked with a group of scientists to provide comments on methylene chloride, as well as 1-BP, throughout the process of the risk evaluation. And we've noted, several defects related to that risk evaluation that are now spilling into this risk management phase. So I want to make a couple points.

S7: 46:35 First, EPA's approval for the use of these chemicals confers financial value to companies. And so EPA should be very vigilant in being sure that the public health determinations are correct, and they have not yet done so for methylene chloride and the other 10 chemicals that they've started with. In addition, EPA typically produces use and substitute materials for things like chlorinated solvents to educate the public about those specific problems that industry runs into in trying to make substitutions. They've not provided that information at this time, and that might be helpful. Third, EPA should be considering the use of hierarchy of controls with a preference to prevention and engineering control, recognizing that workers don't always have the power to negotiate with their employers or that PPE doesn't always work. In fact, PPE is not required, provided, or consistently used with methylene chloride.

S7: 47:36 So I wanted to come back to a couple points about methylene chloride and strongly support the idea of a ban. In 2017, EPA found that methylene chloride, consumer and commercial stripping uses posed and unreasonable risk and proposed a rule in 2017 prohibiting all consumer and almost all commercial uses. In 2018, in the statement EPA announced that it intended to finalize this proposed rule, but instead, it finalized a rule that only did partial [things?] and left many of the commercial uses unaddressed. And this is not in keeping with the requirements of TSCA, and it puts a number of [inaudible] and communities of color at risk. It's important that EPA ban methylene chloride because there's not another appropriate way to, to handle the risks involved here the agency's already analyzed and previously rejected due to their inability to mitigate unreasonable risks. And so it's really important that EPA consider and finalize a ban as quickly as possible.

S7: 48:51 I also wanted to notice that there's a few issues with the science that EPA needs to be considering, and that involves the use of aggregate and cumulative risk frameworks that have not been effectively used in this situation and also that EPA needs to restrict both consumer and commercial uses in the most effective way to remove these unreasonable risks and prevent further unnecessary tragedies with methylene chloride. Prohibition of methylene chloride paint stripping uses in commercial settings is the most effective way to remove the risks of concern and protect workers and occupational non-users and bystanders. And EPA has already found that methylene chloride poses an unreasonable risk based on its own definition and is therefore required by law to, to address this. And so, I recommend that EPA finalize as quickly as possible a rule to prohibit methylene chloride in these uses that have been [identified?]. Thank you very much.

S8: 50:08 Hello. This is Ingrid Feustel. I am the point of contact for methylene chloride. Trish, I want to thank you very much for your comment. I can address a few of the points that you brought up. And again, I want to emphasize that this is a start of a dialogue of this consultation process, and we really appreciate that you took the timeto bring us these comments. The first point that I want to touch on is relative to what you mentioned about the use of the hierarchy of controls and the PPE for methylene chloride. As Niva mentioned in the risk evaluation in general, we-- EPA expects compliance with federal and state laws, including worker protection standards, for methylene chloride. The only respirators that are effective, as we all know under the OSHA standard and can be used under the OSHA standard are air-supplied respirators. And because of the

burdens associated with the use of those air- supplied respirators, there are some particular conditions of use where EPA did not assume the use of the appropriate respirators as standard industry practice. And of course, we welcome any additional information that you might have about where, respirators might be widely used and where they might not be widely used. Let me look back at my notes. I-- so yeah, I want to echo-- thank you again for your comments and invite any of my EPA colleagues to respond to some of the other points that you raised.

S2: 52:15 Yep. This is Meredith. Again, thank you for your comment. I don't think EPA has anything to add. I'm going to ask that we move to the next commenter.

S1: 52:30 Okay. That would be Katherine or Katie Bartone, please. Please, go ahead. We will try Camille Velez.

S9: 52:53 [inaudible].

S1: 52:55 Please, go ahead, Camille Velez. You are unmuted.

S9: 53:03 [foreign].

S1: 53:09 Camille Velez, if you can hear us, you're very faint. Okay. We'll loop back to Camille when she might be able to get on a better connection. Let's try Jonathan Kalmuss-Katz. Jonathan, please go ahead.

S10: 53:33 Thank you. Can you hear me? And I just-- I have to clarify one point before I begin. I do have prepared remarks that relate to both methylene chloride and 1-bromopropane. And I have a question based upon what was presented today and kind of what was just said. So is it all right if I put-- there will be additional opportunity for comment after the 1-bromopropane [session?]. Is that correct?

S1: 53:55 Yes.

S10: 53:57 Okay. Then I'd like to-- actually, I'm going to hold my prepared remarks because [inaudible] chemicals until that point. And I wanted to follow up [crosstalk]--

S2: 54:06 I'm sorry. This is Meredith. Your, your audio is cutting out a little bit, so just be sure to be close to the mike.

S10: 54:10 Oh. Okay. I'm sorry. I'll speak as closely to the phone as I can. I wanted to pick up on a point that Ms. Komen raised and that EPA responded to related to how PPE factors into this risk management role. It seemed to me from EPA's presentation that EPA had it completely backwards, where historically, EPA has espoused the hierarchy of controls, which is the approach adopted by OSHA, by NIOSH, and by just occupational health and safety experts worldwide, where the preferred controls are substitution and chemical elimination, and then engineering controls and workplace practices are considered. And only after those prove to be inadequate, does EPA or does any regulatory agency consider PPE. And from the presentation, it looks like EPA had relegated a prohibition, effectively, the chemical substitution or elimination, which is at the top of the hierarchy of controls [to the end?] and said that it would only consider that after everything else had already been ruled out. And I just wanted some clarity on that because it does not seem consistent with the position that EPA, OSHA, or NIOSH have taken in the past. And it does not seem consistent with the best available science for occupational risk management, which TSCA requires EPA to adhere to. So is EPA's position that it will only consider chemical substitution or elimination as a last resort?

[silence]

S2: 56:00 This is Meredith. Does anyone at EPA have any comments to answer that question?

S8: 56:04 [crosstalk] thank you. Thank you, Meredith. I was speaking into the-- into the void here [inaudible]. All right. So, I want to thank you very much for the comment. And I want to emphasize that, you know, we do consider the hierarchy of controls as part of our analysis. We welcome any comments, input that you might have and-- as part of this consultation and as we engage on, -- as moving forward, how-- as we conduct our analysis. EPA should prioritize certain regulatory approaches over others. As you know, EPA does have a variety of tools available under TSCA to mitigate the risks, and prohibition is one of those tools. So, I'd like to, again, invite any of my other EPA colleagues to add.

S11: 57:13 Hi. This is Joel Wolf. I am chief for one of the risk management branches in the Existing Chemical Risk Management Division. And if we've given the impression that substitution is a last resort, that is certainly not our intent. We are well aware of the hierarchy of controls and are actively engaging with OSHA on ensuring that the approaches that we're thinking about regulatorily are, are consistent with their approaches, as best as they can align, recognizing we have different statutes that govern the respective work that we do.

S2: 57:57 Thank you, Joel. And I believe-- I believe you also have some prepared comments you would like to add. Do you have-- do you have additional comments [inaudible].

S1: 58:12 [Or?] questions for Jonathan.

S2: 58:16 Yeah. I'm sorry. Jonathan, great. Thank you.

S10: 58:23 So I do, and I'm happy to present them now, or I can do it-- I mean, basically, it touches on both chemicals, so if you'd like to consider them now, I'm happy to do that, or otherwise, I'm happy to wait till after 1-BP [crosstalk].

S2: 58:36 Okay. You have-- you have-- you have, like a combined comment for both chemicals, correct?

S10: 58:41 Correct. Correct.

S2: 58:43 Okay. Let's wait till after 1-BP so that it can be consistent with having just on the 1-BP presentation. And we can move to the next commenter. We'll do it after the 1-PB-- BP presentation. Thank you for clarifying that.

S1: 58:57 I think we have run through-- let me try Camille one more time.

S2: 59:03 Okay.

S1: 59:06 Camille Velez, if you can hear us, go ahead.

[silence]

S2: 59:21 Camille, if, if you're speaking, we can't hear you right now. It sounds like there might be [inaudible], speaking in the background.

[silence]

S1: 59:39 This is Vince Brown, the Webex host. Too-- for any other people who registered to make a comment, if you bailed out of the Webex and called in just by the phone, then I cannot see you, and I, I can't recognize you to unmute you. So if you care to make a public comment, my suggestion is log back in through Webex with your name and email and connect audio so that we can then see you and unmute you when it's, --

when it's your time to speak. Running through the list, again, I do not see anyone else on the pre-registered-to-speak list--

S2: 01:00:15 Okay.

S1: 01:00:15 --who hasn't already spoken.

S2: 01:00:17 Great. Well, well, let's move into questions related to methylene chloride. And if people, if we missed someone who has registered to make a comment, we can, - we can add them to the discussion when we move to 1-BP, the next session. So we do already have a question in the chat, from Diana [inaudible]. "Many industrial facilities falling into group one are likely regulated by the Halogenated Solvent Cleaning NESHAP. Will you be working with your colleagues in EPA's air section, whether to sort of advise the NESHAP or confirm any TSCA rulemaking isn't contrary to existing NESHAP regulations?" So are there folks at EPA who would like to provide some feedback to that question?

S8: 01:01:04 Sure. Thank you, Meredith, and to the question asker. This is Ingrid Feustel again, and I would like to confirm that yes, we are working very closely with our colleagues in the air office, particularly relative to the NESHAPs. And I'd like to invite not just the question asker but any other commenters who might be familiar with NESHAPs and methods of compliance with NESHAPs in your industries or the effects that those methods of compliance might have on businesses or communities to include any, best practices or challenges related to NESHAPs and any, comments that you might provide. We're always interested in how provisions work in communities, and we're ha-- and we are working closely with our-- with the air office.

S2: 01:01:58 Great. Thank you, Ingrid for that. So we do have some time before we are scheduled to move into 1-BP. So I would like to invite anyone [inaudible].

S1: 01:02:13 There's one more question. Just came in on the chat, if I may.

S2: 01:02:15 Okay. Yeah.

S1: 01:02:17 NESHAPs-- shall I go ahead?

S2: 01:02:21 Yeah. I just want to say real quick that, we'll do questions, but also, if there's anyone who's on the call who was registered to make a comment who would like to make a comment now related to 1-- excuse me, related methylene chloride, we can do that now. But let's-- I'm sorry, Vince. Let's answer that question first.

S1: 01:02:40 Okay. This question came from Trish Komen, and it is, "NESHAPs are technology-driven rules, not risk-based rules. And so the provisions may not be adequate for TSCA." I guess that's a comment rather than a question.

S8: 01:03:00 This is Ingrid again. Trish, thank you very much for the comment. And we do acknowledge, as you said very clearly that the NESHAPs are technology based and the, TSCA standard is a risk-based standard, and that's something that we have to recognize as we do our analysis. And of course, under TSCA, we must address the unreasonable risks that we identified.

S1: 01:03:28 Here's a question in chat from Brent Fleming. "How does this review affect the use of methylene chloride when used as a solvent to extract hops, spice, and caffeine?"

[silence]

S8: 01:03:54 This is Ingrid again. Thank you very much for that question. Methylene chloride used as an extraction solvent in food, that would be a use that falls outside the scope of

TSCA. Chemical substances under TSCA don't include chemicals that are regulated by our colleagues at FDA. And additionally, I know that that use has appeared in some of our materials. Moving forward, we are, -- and I think that we are-- we are suspecting that that use may no longer be ongoing, but I would have to confirm that.

[silence]

S2: 01:04:57 Thanks. This is-- this is Meredith. I'm-- let's see. So I'm just looking in the chat right now to see if we have any additional questions. Let's see. EPA folks, am I-- am I missing anything in here? I don't think so.

S4: 01:05:24 No, Meredith. I think we can move on.

S2: 01:05:26 Great. Thanks. So I just want to, once again, open this up for the opportunity for participants today. If you would like to make a comment related to methylene chloride, now is a good time to do that. We can also answer any general questions related to methylene chloride.

S1: 01:05:46 So attendees would need to use the Raise Hand feature [crosstalk]--?

S2: 01:05:50 Okay. Yes.

S1: 01:05:52 Do you want to describe that?

S2: 01:05:53 Yeah. So if you look in the right-hand corner, you can see a Raise Hand button. If you hover on-- over it, you can raise-- and it kind of looks like a little baseball mitt. So if you use that, you can signal to us that we can unmute your line to participate.

[silence]

S2: 01:06:42 All right. Yeah. So-- and, all right. So thank you. I don't see anyone raising their hand here. We have a couple more comments in the chat - let's see - the first being, "[inaudible] the Clean Air Act doesn't include dermal pathways as [inaudible] for both dermal and inhalation risks together." Does anyone-- if you have comments on that input.

S8: 01:07:19 Sure. This is Ingrid again. Thank you. In the risk evaluation, we did evaluate dermal exposures from methylene chloride. The dermal exposures and risks are not the drivers of our unreasonable risk determination for occupational exposures. So the unreasonable risk determinations are based off of the inhalation exposures for occupational users of methylene chloride and bystanders to occupational use. Of course, it's a different story for the consumers, where those determinations are driven by acute inhalation exposure and acute dermal exposure to methylene chloride.

S2: 01:08:10 All right. Thank you, Ingrid. We have a few other comments that are coming in the chat that I just want to share. The next one, from Jordan Brewington. "The participation in the comment period feels incredibly inaccessible to the EJ communities we're discussing. This discussion seems to require a level of exposure to terminology that feels unrealistic to expect every community to have. How is EPA working to make this information more easily digestible for folks who are exposed to these chemicals?" And I think, Niva, you have-- you would like to jump on [on that?].

S5: 01:08:45 Yes, I would. And thank you for the comment and the feedback, Jordan. That is good to hear. And I think one of our primary roles as risk managers is putting a face on EPA's regulations and regulatory process, as well as the chemicals. And we really do want to do what we can to make things more accessible. So we're interested in pointed feedback and how we can present information. If you have examples of other

agencies or state and local agencies outreach you think we should model including terminology and different types of formats, we'd really like to see it. I think you're correct that there's a lot of terminology that we've gotten used to in the risk evaluation process that we need to figure out how to communicate more clearly with the people who are using these chemicals and these products. So I guess the first thing is a question for you, which is, have you seen anyone you think we should take as a model for improving our outreach? And second, how can we work better to identify what we should be doing in terms of the community that you're familiar with? And if you're working in a local organization, how did our message reach you? Because I know we have a lot of people who are not part of national organizations on the line today, and I'm very interested in hearing if our listserv [inaudible]. Do you routinely read them? Was it passed along by other organizations? And, and how did you hear about today's call, and how can we expand that outreach?

S1: 01:10:26 Jordan Brewington, if you're on, you can go ahead, please.

[silence]

S1: 01:10:40 Jordan Brewington, if you can hear us, you may be muted on your phone. We cannot hear you.

[silence]

S1: 01:10:59 Jordan Brewington, if you'd like to make a comment, go ahead.

S2: 01:11:07 Um--

S1: 01:11:07 Your phone is unmuted.

S2: 01:11:10 Vince, this is Meredith. Amanda has some comments.

S4: 01:11:15 Hey, Meredith. I also want to share that we are working closely with our environmental justice coordinators across the nation at the regional and community levels. We do know that this is our first one on the TSCA proposed rulemaking action, so we want to make sure that we're taking lessons learned. But we are looking at, as well as working with our channel partners to make sure that we're making the information more available and understood at the community level as well as breaking it down into different sections. So for example, doing this overarching technical perspective and then be-- making ourselves available for followup discussions, if needed. So we are taking this as a lessons learned. So as I mentioned at the beginning of our opening remarks please feel free to share any of your thoughts or best practices.

S12: 01:12:10 Can I be heard?

S1: 01:12:11 Hey, Jordan.

S4: 01:12:12 Yes. We can hear you.

S12: 01:12:13 Oh, great. Hi. To respond to the-- to the, I guess, question of how I found out about this meeting, I was passed an email that was sent along the line, from communities that have actually been doing this organizing work in the St. John and St. James Parish in Louisiana. And beyond that email, there wasn't much information that I was aware that was shared with that community. For in-instance, like, I, myself, I'm not even of that community but hope to advocate for them. So I'm wondering how you all are, are-- what work exactly are you doing to educate them? That was my main question.

S4: 01:13:02 So our first part is just starting out with these sessions and then meeting with our regional counterparts to hold targeted sessions. So we're working with them on that right now.

S5: 01:13:15 Yeah. This is Niva. And also just for the purpose of our transcript, I wanted to make sure we know that that was Jordan who had the followup comment. So thank you, Jordan. And I am glad that the message reached you and it seems to be spreading on community and organizational listservs. And one of the things we're also trying to do is figure out, in the risk evaluation process, how to make sure people can be involved because there was the public meeting and the peer review and opportunities for public comment. And we know, again, that's not the kind of thing that's accessible to most people, particularly not since the risk evaluation is a significant length and parts of it are very technical. So we have been hoping that our risk management process can build on the awareness from the risk evaluation, but if that's not a correct assumption, then we also want to work sure-- to make sure people are aware of the risk management when it does start occurring. I see Jonathan has his hand up.

S1: 01:14:13 Go ahead, Jonathan.

S10: 01:14:15 Thank you. And it builds upon that, and it also, to some extent, relates to the comments that I'll deliver later, but one critical piece of information, which as far as I'm aware, is not available, is what facilities are potentially excepted by these rules? Now, EPA has identified, I mean, almost, I think, 50 conditions of use between the two chemicals. And these are just the commercial and industrial ones, for which EPA found unreasonable risk. But if you look at the risk evaluation, it doesn't say kind of what facility is responsible for that risk, what facilities are associated with the various processing uses, industrial uses, for which EPA found kind of unsafe exposures to methylene chloride. And without that information, I'm not sure how EPA expects impacted communities to even know if they're interested in these sessions. I mean, I think there are a lot of communities that would show up, but right now, I don't know how people in St. James Parish, people in kind of various communities across the country are supposed to know these effects of the facility nearby. So one of the things that we will be requesting and that we have requested in the letter that went to EPA on Friday is for EPA to do some work to identify facilities that are covered by these conditions of use where EPA found an unreasonable risk and to make that information available, so the communities can determine, "This impacts something in my backyard. This is something that I'm concerned about." Will EPA be during that?

S5: 01:15:44 So this is Niva. I want to address part of the question that I think maybe you didn't ask, but that, that I personally like to emphasize, which is, first, TSCA, especially the methylene chloride risk evaluation, requires, like I mentioned, kind of a broader concept of environmental justice. And Vince, if you wouldn't mind moving the slides back to where the consumer conditions of use are. I think that's on 19. Those are the consumer uses that we found present an unreasonable risk either to the consumer or the bystander or sometimes both. And so that's an unreasonable risk not presented by a facility, not what we traditionally think of as emissions. So that's a product that a person is using in a way that they are likely to be using. And there we found that there was an unreasonable risk. And so what we're looking for is information from anyone, particularly with an environmental justice perspective, on, do you know if there are communities that might disproportionately use these types of products? I don't know, and we are trying to find information on that, but if you look at the, the list of uses, are there particular products that people tend to use more than others? If you look at, Vince, if you could move it to slide 18, please. A lot of these industrial and

commercial uses are also not necessarily in facilities. Industrial and commercial use in an aerosol degreaser and a cleaner is a handheld product that could be in multiple types of commercial establishments. And we found that the workers or the occupational non-users or sometimes both face an unreasonable risk from that condition of use. And so it's not necessarily emissions from facilities. It's the conditions of use as described there and how do these potentially have an environmental justice component.

S10: 01:17:48 Thank you. And I appreciate that for the consumer uses-- I mean, for the commercial uses in particular, I do think that some of these conditions of use for which EPA found unreasonable risk, you are seeing significant releases into the-- like, I mean, again, maybe not all of them. There certainly are some of these. But when you're looking at the interior car care use or some of the other ones which are more widespread, at the same time, I think that there are facilities, kind of major industrial facilities, that use and release methylene chloride associated with some of these conditions of use where you would have a significant amount of community interest if the community was aware this is the facility that EPA's thinking about. This is kind of what it means by processing, repackaging, or kind of industrial batch vapor degreasing. And these are kind of the specific facilities-- the specific types of facilities that are impacted. I just think that right now-- I mean, again, if you look at this list, there's-- it's very difficult, I believe, for communities to determine whether or not this impacts them. And I think there is additional information that EPA can provide that would make that more clear.

S5: 01:18:57 Yes. And I'd like to invite anyone also from EPA who would like to say anything. I know we have quite a few people on the line.

S13: 01:19:05 Hi. Hi, Niva. This is Mark Hartman. How are you? How is everyone? Hope everything's-- I've been listening in, and I just want to kind of go down what Niva just said. I think she really captured the essence of kind of the way we're doing these assessments because they're not really site-specific assessments. I get the point that you're making, and we do have your-- the letter, and we're looking at how we're going to respond. But, I mean-- so, you know, when we look at these conditions of use, we're looking at whether it's manufacturing or consumer or commercial. We're trying-- we're trying to identify and looking at the activities around that, that particular use and applying that-- basically applying that risk estimate to any place that might be, using that chemical in that way. That's not to say that some facilities may have amazing engineering controls or use very little material, etc., etc. But we're not in a position to be able to do a facility-by-facility sort of assessment. What we try to do is, again, focus on the condition of use, and then use that as the basis of our risk determination.

S13: 01:20:13 I mean, that being said, I mean, if you look at some of our other risk evaluations for certain types of things like environmental releases, in some cases where we do get to the facility level, that's because we have facility-level data that's relevant, and, you know, depending on the number of facilities we're looking at, we have used those to characterize certain types of risks. In the case of something like methylene chloride, there are some publicly available, databases like TRI and CDR where folks could get a sense for where use has been reported in the recent past and we'll look at whether or not packaging that information in some way would be helpful to folks in the environmental justice community to help them you know, pinpoint areas where they might want to get more involved in these processes. But, again, I just wanted to reiterate what Niva said, that, we really have to focus on the condition of use and not try to do site-specific types of evaluations in this paradigm.

S2: 01:21:19 This is Meredith. Thank you, Mark, for adding a bit to that session. While we're still on this topic, I just want to note that Diana [inaudible] added into the chat that methylene chloride and MBP-- , 1-BP, excuse me, are TRI-regulated chemicals. [Large-use?] facilities are available through EPA's TRI website. So, reiterating what you mentioned there. I do want to note there was one other comment that-- I believe that-- in the chat that I just want to make sure that we've got. From Trish Komen. [crosstalk]--

S1: 01:21:56 Trish. Go ahead, Trish.

S7: 01:21:58 Thank you. So you asked for best practices related to environmental justice consultations, and I would offer that it would be helpful to have EPA do a class of chemicals 'cause you're going through a lot of information about methylene chloride, and you're goint to come back with how many additional existing chemicals and ask the same places to determine whether or not they're interested in it, etc., etc. It's a very big burden on communities to have to figure that out. And it would be, I think, beneficial for EPA to consider class-of-chemical approaches to these consultations instead of single chemical by chemical. I appreciate that you are trying to, to do your best with the first 10 as they come out. But again, another thing that would be helpful is oftentimes to have meetings at different times of day so that, that people who work in other areas have an opportunity to participate and, likewise, to utilize a number of the community-based participatory research partnerships and, and other networks that exist where EPA might consider coming to those rather than asking others to come to your forums. That way, you already have people who are in attendance.

S7: 01:23:22 You also asked how did we learn about this? I did not hear from my regional office representatives about this meeting, and I didn't see any sort of Region 5 information come forward. I think it is very difficult for community environmental justice groups to learn about this, especially when you release your announcement of the meeting during a major national election. And I think that trying to provide more advanced notice and thinking about what other events are occurring, especially given the pandemic and the stresses that are on communities at this time, which are the same communities that are being impacted in environmental [injustices?]. So again, working through existing networks can be a very helpful way to do this and thinking about ways to bring more consolidated information so that your TSCA consultations can be most effective for the communities who are already suffering from the risks of the-these products. Thank you.

S13: 01:24:37 Hey, Trish. This is Mark. I really appreciate that. And, you know, I think that as we work through these chemicals and look to-- you know, as we continue to evolve the program, looking for opportunities or becoming aware of opportunities where we can go to different groups and give presentations kind of like the one we're giving today in those venues is something that we're certainly open to. gain, our goal is to make sure that we find the most efficient way to reach as many people as we can and get as much engagement and involvement as we can in these processes. So as you or anyone on the call becomes aware of opportunities like that that we can avail ourselves of, please don't hesitate to let the chemical leads know, or myself or one of our-- the other managers here, if it's a more broad, not chemicals-specific sort of engagement that folks are interested in. So we're very interested in taking folks up on the opportunities as arise. So thank you.

AS1: 01:25:38 We have a Joy B. whose hand is raised. Joy, if you would please give your name if you'd like to say something.

S2: 01:25:43 Re-re-real quick, I just want to point out that we're about seven minutes away from 3:30, at which point we will want to move on to 1-BP. So, just keeping that in mind as we move to the next commentary. Thank you.

S14: 01:25:57 Okay. Hello. Can you hear me?

S1: 01:25:59 Yes.

S14: 01:26:01 Hi. Yes. Yeah, I just wanted to, to comment-- I know that we-- a couple of people have mentioned this already. I'm not having the capability to do site specific in terms of the industrial manufacturing, but I'm personally on the-- I'm a member of the St. John the Baptist Parish community in Louisiana. I'm sure you know or many of you are aware of the Cancer Alley, I guess tagline that's been used because of the high level of industrialization and chemicals in the area. And I just-- I wanted to, to swing back to that point-- circle back to maybe, you know, site specific I, I guess, focus is not something that can be done at the moment, but I do think that there are regions, that are heavily industrialized and that have these chemicals that there should be [inaudible] focused understanding from the-- on the manufacturing side from-- because from my, you know, my personal community, if you are trying to reach, you know, those members, that is the immediate need, and, you know, and I think someone had mentioned connecting the dots between the usage, you know making people aware of the way that these products and these chemicals are being used, breaking it down, into [inaudible] a little bit more condensed and accessible by a larger community. And using the co-- the, organizations that are active already in environmental justice [inaudible] [work?] would be the better way to go from this-- go forward with this, but I, I do appreciate you having this dialogue. But I don't want, you know, the, the manufacturing part of this, which is again, a, a really [inaudible] put on the side because of the, you know, the focus on, on the end products. Thank you.

S8: 01:28:00 Joy, this is Ingrid, the chemical lead. Thank you so much for your comment. And I really appreciate you taking the time to share that information with us, and we'll certainly take it into consideration as we move towards risk management options on methylene chloride and other chemicals.

S2: 01:28:24 This is Meredith. We only have a couple more minutes before we need to move on to 1-BP, but we-- Trish did have a question in the chat that I just want to pose to EPA. The question is, "What are the most likely controls that EPA will propose for methylene chloride?"

S8: 01:28:46 This is Ingrid again. Thank you so much for the question. I know that Niva and Brandon in their slides, went through the suite of options that we have under TSCA 6(a) as tools to mitigate the unreasonable risks that were identified. At this time, I think it's too early to to tell which ones we-- we're considering all of them. That's just to say. And so what we're really interested to hear from you is whether there are some of these options that might be pre-preferable for your community over some other options. At least myself, when I'm thinking about the options, , I kind of, - I kind of grouped them in, in a few different ways. You know, we have the hierarchy of controls, and we have considerations of alternatives and all sorts of other requirements that Niva touched on that we have to consider as part of our analysis. So I want to reiterate that we're really interested to hear from you on how we should consider certain factors in our analysis. And I invite any of my EPA colleagues to add to that.

S11: 01:30:04 Hi. This is Joel Wolf. I'll just add to Ingrid and say we are not settled on any specific regulatory approach yet. That's why we have been doing the outreach that we've been doing and are doing these consultations to get the information that will inform the best regulatory approaches for the specific conditions of use. So it is very important that we continue to receive your thoughtful feedback on our path forward.

S2: 01:30:44 All right. [inaudible]. At this time-- we have a few other comments in, in the chat, but I-- at this time, I want to transition to the 1-BP presentation. And we'll bump these to the discussion after we go through the 1-BP pre-presentation. I just want to make sure that we have enough time to get through all the information we want to present to you today. And I, again, want to thank everyone for, your prepared comments and engaging with us with your questions because that really informs our process here at EPA and is essential for the work that we're doing. So, like I said, we're going to transition into the discussion of 1-bromopropane. And Ana Corado is going to be presenting on that today. So Ana, I'm going to pass the meeting off to you.

S15: 01:31:46 Thank you, Meredith. Good afternoon, everybody. And thank you again for participating in [inaudible] taking the time to provide us with your questions, comments, and advice. As mentioned, I'm Dr. Ana Corado. I'm the point of the contact for the risk management of 1-bromopropane or 1-BP. And, today I want-- I want to do a presentation on the, um, the specific conditions of use that we found unreasonable risk and to focus on the risk management. Then we will do your comments and advice for EPA. Next slide, please.

S15: 01:32:43 The final risk evaluation of 1-bromopropane was published in August, and it presented the evaluation of 25 conditions of use of 1-BP. The risk evolution was a culmination of a process that included the publication of the draft risk evaluation, problem formulation, and a scope document. Public comments were received during the process. The draft risk evaluation received 32 public comments and was peer reviewed by the Science Advisory Committee on Chemicals in September of 2019. Information regarding the final risk evaluation and additional material can be found in the docket listed here on slide 42. Next slide, please. As a result of the risk evaluation, EPA determined that 16 of the 25 conditions of use of 1-BP present an increasing risk of injury to health. EPA found that these conditions of use present unreasonable risks to workers and occupational non-users, also referred to as ONUs, during occupational exposures, but also to consumers and bystanders during consumer use. The unreasonable risk was based on cancer and non-cancer adverse effects from acute and chronic inhalation and dermal exposures to 1-BP. The EPA used developmental toxicity based on post-implementation loss in animal studies as the most sensitive end point for non-cancer adverse effects. Next slide, please.

S15: 01:34:28 The conditions of use that present unreasonable risks are listed in the following slide. Slide 44 lists the processing of 1-BP into formulations, mixtures, or reaction products and the use of 1-BP in industrial and commercial degreasing operations, including several types of vapor degreasers, cold cleaners, and in aerosol spray degreasers and cleaners. Slide 45. This slide presents other industrial and commercial uses that present unreasonable risk, in adhesives and sealants, in dry cleaning solvents, including the spot cleaning and stain removers, in liquid cleaners, and in other applications such, such as automotive care products, anti-adhesive agents, electronic and metal products, and laboratory use.

S15: 01:35:27 Slide 46, next slide, contains the full list of consumer uses that present unreasonable risk. All consumer uses with the exception of intubation present unreasonable risk. Next slide, please. As mentioned before, the unreasonable risk determinations for

workers and ONUs are mainly due to developmental toxicity from acute and chronic inhalation exposures and due to cancer from chronic inhalation exposures. In occupational settings, the risk evaluation calculated risk estimates for workers handling 1-BP and risk evaluation for occupational non-users or ONUs. ONUs are workers who do not directly handle 1-BP but perform work in an area where 1-BP is present. In the case of 1-BP, many conditions of use present an unreasonable risk to workers, even when EPA assumes use of respirators with an APF of 50. Dry cleaning uses also present unreasonable risk due to dermal exposures, and EPA is not assuming use of gloves in dry cleaning. EPA also does not assume that ONUs use personal protective equipment because they do not handle the chemicals direct. Next slide, please.

S15: 01:37:00 Slide 48 explains the basis for unreasonable risk for consumers and bystanders. EPA's determination is based on developmental toxicity from acute inhalation and dermal exposures, although EPA does not assume dermal exposures for bystanders since they do not handle the products containing 1-BP. Also, EPA does not assume use of PPE by consumers or bystanders. The unreasonable risk determination was based on the high-intensity use, but for many conditions of use, unreasonable risk was also present for low- and moderate-intensity use. Next, next slide, please. We have organized the conditions of use that present unreasonable risk into four groups listed here. Group one would be the processing into formulations. Group two, industrial and commercial use in degreasing operations. Group three, other industrial and commercial uses. And group four, consumer use. Next slide, please.

S15: 01:38:08 The slide 50 presents the first group, which is processing into formulations, mixtures, or reaction products. This is when 1-BP mi-- is mixed or blended with other raw materials to obtain a single product or preparation. 1-BP can be incorporated into formulations for further distribution, such as formulators for vapor degreasing, adhesives and sealants, and other products. Next slide, please. EPA is considering several regulatory options for these conditions of use. The following regulatory options could be considered individually or in combination. Some of these are very familiar, based on Niva's and Brandon's presentation earlier. First is establishing an existing chemical exposure limit, or ECEL, which will work similar to a PEL. Under this regulatory option, EPA will determine an exposure limit, and users will determine how to meet the ECEL based on what works best for their workplace. Another regulatory option under consideration is to require use of the specific personal protective equipment, or PPE, although, as explained before in the risk evaluation, we already considered respirators with an APF of 50, and there's still unreasonable risk for workers. EPA could also establish engineering or administrative controls for these exposures, or EPA could prohibit the processing of 1-BP into formulations. In addition, other regulatory options that might be used to support other restrictions such as recordkeeping, downstream notification, monitoring and labeling, and/or limited-access programs. For example, if an ECEL is set for these conditions of use, most likely monitoring would be required to demonstrate compliance with the requirements. Next slide, please.

S15: 01:40:21 The slide 52 presents the second group of conditions of use and includes all the industrial and commercial uses in degreasing operations. The group includes both batch vapor degreasing and inline vapor degreasers and also open-top and closed-loop vapor degreasers. This group also includes cold cleaning and aerosol with spray degreasers or cleaners. 1-BP is used as a degreasing solvent in vapor degreasing [inaudible] from metal parts. 1-BP is used in cold cleaning operations like spraying, brushing, flushing, and immersion of parts into 1-BP. Also, there are aerosol spray

preparations, such as engine degreasers, brake cleaners, and metal product cleaning. Next slide.

S15: 01:41:16 EPA's considering several regulatory options for the industrial and commercial degreasing operations, similar to the ones presented before, including establishing an ECEL, requiring use of a specific PPE, or EPA could also establish engineering or administrative controls to these exposures. For example, use of closed-loop paper degreaser seem to reduce exposure to workers, but risk might still remain for ONUs. Additionally, administrative controls might mitigate unreasonable risk to ONUs. Another option is to restrict the concentration or weight fraction of 1-BP with the degreasing formulation, or EPA could prohibit use of 1-BP in industrial and commercial degreasing operations. Similar to other groups, other regulatory options might be used to support the constrictions, such as recordkeeping, downstream notification, monitoring and label, or a limited-access program. For example, EPA could require recordkeeping to demonstrate compliance with the requirements. Next slide, please.

S15: 01:42:33 The slide 54 presents the third group. This group includes all the other industrial and commercial conditions of use, such as use of 1-BP in adhesives, dry cleaning solvents, liquid cleaners, and in other miscellaneous uses. 1-BP is used in solvents in, in these products. Adhesives containing 1-BP are used in foam cushion manufacturing and fabrication and usually used in the spraying guns. Also, 1-BP can be used in dry cleaning formulations. 1-BP was marketed as drop-in replacement for perch or as a specific solvent for 1-BP dry cleaning machines. 1-BP also was used in spotting agents, where the liquid product was applied with a brush, a spatula, or pressurized air to remove or flush away stains. Also, 1-BP can be used in a variety of products for other applications, such as adhesive accelerant, automotive care products, anti-adhesive agents, electronics and metal products, functional fluids, cutting oils, asphalt extraction, and laboratory chemicals. Next slide, please.

S15: 01:44:00 EPA's considering several regulatory options for these industrial and commercial conditions of use, similar to the options mentioned before. Establishing a-an ECEL, require use of a specific PPE, require engineering or administrative controls to reduce exposures. For example, use of exhaust boots with specific inhalation rates could be required. Another option is to restrict the concentration or weight fraction of 1-BP within the formulations for these industrial and commercial conditions of use, or EPA could prohibit the use of 1-BP. And similar to before, recordkeeping, downstream notification, monitoring and labeling, or a limited-access program could be used to support the regulatory options. Next slide, please.

S15: 01:44:58 The slide 56 presents group four. This last group encompasses all consumer uses with unreasonable risk. This includes products available to consumers such as aerosol spray degreasers or cleaners, in spot cleaners and stain removers, liquid cleaners, other liquid or spray and aerosol cleaners, adhesive accelerants, refrigerant flush, and mold cleaning and release products. These formulations can be in aerosol or spray form or as liquid, where the consumer would dip the item for cleaning, such as the coin cleaner. Next slide, please. To address unreasonable risk to consumers, EPA has the authority to regulate at the manufacturing, processing, or distribution level in the supply chain. Other options available to EPA include restrictions on the concentration or weight fraction of 1-BP in the final formulation or prohibition of consumer use, including those uses that might be phasing out. Also, EPA could consider other regulatory options such as requiring recordkeeping downstream notification, monitoring and labeling, and/or a limited-access program to address unreasonable risk to consumers. For example, EPA could require a limited-access program so only

industrial and commercial users could have access to 1-BP-containing products while prohibiting the availability of products to consumers. Next slide, please.

S15: 01:46:39 We are looking for your concerns about the uses of 1-BP in your communities and how these rulemakings impact residents in your communities. The slide 58 outlines some of the information we are looking from you. As mentioned before, as part of the regulatory development, EPA needs to follow the Executive Order 12898 regarding federal actions to address environmental justice in minority populations and low-income populations. To that end, we, we are interested in your concerns and any data or examples that you will have regarding exposures to 1-BP that could affect your communities. We are in the process of analyzing how the potential regulations could impact minority populations, low-income populations, tribes, and other or indigenous peoples and their concerns. And any information that you can provide will be very useful in this analysis. I want to reiterate what has been said before. This is only one venue to hear from you. We are interested in continuing the dialogue and receiving additional comments [inaudible] forum or through additional meetings with us. Next slide, please.

S15: 01:48:01 This, the slide 59 links the-- has links to the webpages where additional information regarding the TSCA ongoing risk management ac-activities can be found, including the risk management of 1-bromopropane. Also, you'll find my contact information, if you have additional comments or questions, and also the contact information for Doug Parsons, who is available to schedule any additional outreach or engagement that you are interested, particularly if you would like to meet with us. Again, thank you for your time. And look here-- look forward to hearing from you. And now I'll turn it back to Meredith to facilitate your comments and questions.

S2: 01:48:52 Thank you, Ana, for your presentation. As we mentioned before, we're now going to transition into the comment portion of the meeting for 1-bromopropane. So we're going to do similarly to how we facilitated the last discussion. Vince's going to go through the list of folks that have registered to provide comments. And if you have a comment pertaining to 1-BP, we ask that you give that now. Once we run through folks who have registered to provide comments, we'll then open up for discussion for more comments and any questions that people may have. So Vince, I'm going to hand it off to you to read through the list.

S1: 01:49:39 Very good. Let's try, please, Camille Velez. Let's see if she has a better connection yet. I'll unmute you now. Camille Velez, please go ahead.

[silence]

S1: 01:50:04 I'm not getting any audio there. Let's switch to Trish Komen. Trish Komen, do you have any comments on 1-bromopropane?

S7: 01:50:16 Yes, I do.

S1: 01:50:18 Go ahead.

S7: 01:50:20 Thank you. My name is Trish Komen. I'm a researcher at the University of Michigan in Ann Arbor, Michigan. And thank you very much for the opportunity to comment on 1-bromopropane and its environmental justice considerations. I do not have any conflicts of interest to disclose. I would like to remind the committee that, that EPA's approval of the 1-bromopropane in commerce confers financial values to companies, to the manufacturers, processors, importers, and users of, of the product. And that should be considered as part of this process. The agency has asked if there are environmental justice considerations with respect to 1-bromopropane. Yes, there are

absolutely justice considerations related to 1-bromopropane. I support a ban for consumer uses and a ban or the most stringent envi-- engineering controls for commercia-- or excuse me, industrial uses of 1-bromopropane.

S7: 01:51:28 In addition, 1-bromopropane-- EPA has not accurately identified all of the risks related to this chemical. And these are especially important in low-income tribal, indigenous, minority communities. As a result, it's really important that EPA consider its information on the risk side as it is considering risk management. There is a number of effects, including [inaudible] and reproductive and developmental as well as neurological toxicity that are put in, excuse me, environmental justice communities at risk. In particular the developmental effect, raised the concern that it may result from a single exposure during a critical window of development. Therefore, the best possible way to be sure that that is not occurring is the elimination or prevention of this chemical, especially for the, the general population and for pregnant women. EPA should again use the hierarchy of controls that , preferentially considers prevention and engineering controls over other types of controls. This recognizes that workers don't always have power to negotiate with employers for PPE and that PPE does not always work, is not always required, provided, or consistently used. And especially in an environmental justice community, workers don't often have the ability to negotiate with us.

S7: 01:53:14 You asked about information regarding data that would be relevant to this. EPA should be, consider the data from the National Health and Nutritional Examination Survey, or NHANES, as well as the National Children's Study, which suggests the widespread exposure to 1-bromopropane, including among pregnant women in the general population and potentially among children. It's important to consider this information as it would give EPA a much clearer idea of which communities are more at risk and would allow EPA to provide better risk management. In particular, there is a biomarker available and in the NHANES study a study reported 99% detection of BPMA in the urine of 108 pregnant women in the National Children's Study, suggesting the possibility of low-level but very widespread non-occupational exposures to 1-bromopropane because it's a vulnerable population. And despite des- describing the metabolite as a valid biomarker, EPA did not use this as it could have to be sure that it was adequately making its risk determination. In addition, EPA does not adequately account for children's potential exposures to 1-bromopropane. And these include children in low-income communities, tribal and indigenous communities, and minority communities. Biological factors, such as age, can significantly affect health impacts from chemical exposure. Prenatal life stage can be the most sensitive to developmental and reproductive toxins such as 1-bromopropane. And these can be especially important in urban settings.

S7: 01:55:10 Despite considering the reproductive system as a target of concern, EPA's assumption that a single exposure during critical [fetal?] development may be sufficient to pro- produce adverse developmental effects. And the 1-bromopropane risk evaluation fails to consider children, especially children of working-class families, in its exposure assessment, especially related to dry cleaners. And so EPA should be especially taking a careful look at the controls for that. In addition, EPA is excluding studies with relevant data on workers and underestimates workers' risks through assumptions about PPE throughout this risk evaluation. And EPA is also not looking at legacy contamination and aggregate and cumulative risk frameworks. To adequately account for environmental justice considerations, EPA needs to be thinking about how communities are exposed to multiple exposures of chemicals from a variety of sources and controlling them accordingly. Thank you very much.

S1: 01:56:27 Great. Thanks. We have Brandi Crawford Johnson on the line, and she was- we skipped her in the methylene chloride. So I'm going to unmute her just a second. Brandi, if you have any comments, please go ahead.

S16: 01:56:43 Hello. My name is Brandi Crawford-Johnson. I'm an environmental justice activist and a homeowner in the northside neighborhood of Kalamazoo, Michigan. And I think that methylene chloride and bromopropane should-- 1-bromopropane should be prohibited. We are a community that is located next to two hazardous facilities that are leaking out both of these chemicals and causing asthma rates five times higher, a respiratory cancer rate higher than anywhere in the region, and it's just causing [inaudible] death. And I can't express [inaudible] hazardous and toxic these chemicals are to human life and the environment. One of the facilities that is leaking out some of these chemicals-- because both of them do not have pollution prevention in place as well as using old equipment. One of the facilities is expanding, and it's going to further pollute the environment and the health of our neighborhood and probably the whole state of Michigan because these chemicals, as you know, do travel. So I'm totally against these chemicals being allowed to be in the industry or even in the consumer industry at all. I think they're completely hazardous to our health, and we need to do what we can to protect ourselves [inaudible]. Thank you.

S1: 01:58:18 Okay. We'll switch to Jonathan Kalmuss-Katz. Go ahead.

S10: 01:58:26 Thank you. Good afternoon. I'm John Kalmuss-Katz, a staff attorney with Earthjustice. Earthjustice represents several communities and organizations that are disproportionately impacted by both methylene chloride and 1-bromopropane. These include the Labor Council for Latin American Advancement in a challenge to EPA's exclusion of workers from its ban on methylene chloride paint strippers; community organizations in Chicago and New Jersey in a challenge to EPA's methylene chloride risk evaluation; and community organizations in California and Alabama in a challenge to EPA's failure to regulate 1-bromopropane under the Clean Air Act. My comments today are presented solely on behalf of Earthjustice. The harms caused by methylene chloride and 1-bromopropane are not shared equitably. Like many other industrial chemicals, the greatest releases of those substances often occur in communities of color and lower income communities who have historically been excluded from decisions about the citing and regulation of polluting facilities. When Congress amended TSCA in 2016, it directed EPA to address this environmental injustice. The amended statute requires EPA to consider and to protect potentially exposed or susceptible subpopulations who due to either greater susceptibility or greater exposure may face greater risks than the general public from the chemical substances.

S10: 01:59:52 Frontline communities who live in close proximity to major emitters of methylene chloride and 1-bromopropane are potentially exposed or susceptible subpopulations. They face greater exposures to those chemicals from the air they breathe and the water they drink, and thus face increased risk of cancer, liver disease, and other serious health effects. When EPA said earlier today that its risk evaluations were not based on facilities, I'm not sure I know what that means. Each determination that a condition of use presents unreasonable risk, particularly for the commercial and industrial uses, is a determination that facilities within that condition of use present unreasonable risk. Those facilities threaten not only their workers, but also the communities that surround them. In fact, EPA has heard from residents in some of those communities today. So the fact that EPA failed to consider risks to exposed communities in its risk evaluations does not permit EPA to repeat the same mistake in

the risk management process. EPA must issue risk management rules, but eliminate unreasonable risk to all potentially exposed or susceptible subpopulations, including frontline communities.

S10: 02:01:03 To understand those risks and to develop those rules, EPA must conduct additional outreach to impacted communities. I've explained in a letter that several environmental justice organizations and others sent to EPA last Friday, which I referenced in my comments earlier, the consultation session scheduled by EPA did not provide adequate opportunity for community participation and input because EPA has not provided the information required for communities to determine whether they are impacted by EPA's risk management rules. EPA found that 35 industrial and commercial uses of methylene chloride and that 9 industrial and commercial uses of 1-bromopropane present unreasonable risk, but it has not disclosed the facilities engaged in those same uses. Now, I heard-- I believe it was Mark Hartman earlier today say, "Well, you can go to the TRI or the CDR and figure out where these chemicals are released or kind of manufactured." And that's true. And with that data, you still cannot tie into EPA's unreasonable risk determinations. Only EPA can tell you whether the facility that does release methylene chloride in your backyard is part of these conditions of use for which EPA found no-- or found unreasonable risk. And thus far, EPA has not done that. Without that information, there's no way for communities surrounding those facilities to know whether they are impacted by EPA's unreasonable risk determinations and its risk management rules.

S10: 02:02:26 EPA has acknowledged in its environmental justice action plan that vibrant stakeholder engagement and partnerships are essential to achieving meaningful outcomes for overburdened communities. To facilitate that engagement, EPA must develop a list of major facilities associated with each finding of known unreasonable risk for methylene chloride and 1-bromopropane, publish that information along with a non-technical explanation of EPA's risk evaluations and risk management process, and conduct targeted outreach so those communities are aware of EPA's environmental justice consultation sessions. We urge EPA to take those steps and to conduct additional environmental justice consultations so the communities who are most affected by EPA's rules have the ability to participate.

S10: 02:03:09 Now, one final point. Now that EPA has acknowledged the need for environmental justice consultation prior to the issuance of risk management rules, and I certainly agree that is correct, we call on EPA to conduct similar consultation sessions for the upcoming risk management rules for five persistent, bioaccumulative, and toxic chemicals. Those PBT chemicals have clear environmental justice impacts that EPA has previously acknowledge. Yet, at least since the proposal of those rules, no environmental con-- justice consultation has occurred. So I ask whether EPA will be scheduling those sessions for the PBT chemicals prior to rule finalization. And I thank you for the opportunity to speak.

S2: 02:03:53 This is Meredith. Thank you, Jonathan, for your comments and also for, for holding [to doing it?] to this portion of the presentation today. We are going to do a followup to your comments right now, but I just want to note that-- for Trish and Brandi, thank you for providing your comments. We'll circle back to you after we talk to Jonathan, and then I just want to make sure that you know that we will respond to the input that you gave right before this. But I just want to let you know that we're not going to skip over you. So thank you, Jonathan. Mark is, I think, going to provide some comments on that.

S13: 02:04:38 Hey. And thanks, thanks, Meredith, and thanks, Jonathan. I appreciate your comment. And, I mean, you mentioned a, a number of things. I want to go back to the letter as is-- again, to, to, to acknowledge that we've received the letter, and then we're-- you know, I-- we're, we're thinking about how best to be responsive to the, the requests that you made in that letter. And, you know, you can expect to hear a response back from us, in the not-too-distant future. You know, I think that, you know, it is important for folks to be able to understand how the conditions of use that were identified and the basis of the risk evaluations that we're conducting under TSCA relates to their particular situations where that's possible. I think that, you know, we'll look at-- it, we'll look back and see if there are ways that we could do a little bit more - again, connect the dots I think has been used before - so that folks who may not be as versed in the documents that we produce can navigate them more effectively and be able to determine whether or not there's these, chemicals that may be of particular interest to them.

S13: 02:05:58 So, you know, again, I think that, you know, we will go back and think about ways in which we can figure-- you know, have that play into the way we continue to do this outreach for these rules and the rules that are upcoming for the ri--that are coming out of the risk evaluations that we're completing and think about, how,-- and not just that, but also, you know, as Niva mentioned earlier, we're always looking for ways to have these documents be more effective, communicating, the risk picture that we're finding. They tend to be very large. They're very technical. And we-- you know, while we do produce a non-technical summary, and we in-- for those of you who may have looked at some of those, we would love to hear your feedback on those and whether or not they're meeting the need of trying to, to make these very technical, complex assessments more accessible to folks that would in various communities. So I just want to kind of reiterate that. And again, I think that our goal in doing these risk management rules is if we find risk, and we have found unreasonable risk for practically all of the conditions of use for methylene chloride and for almost all of them for 1-bromopropane, is that as we design these risk management rules and, and the approaches that we're going to take, that those approaches are going to be very broad based and will be able to be applied to a wide variety of facilities and situations.

S13: 02:07:32 While I said earlier that we don't do a facility-by-facility risk assessment, we do do an assessment based on the conditions of use and that we're charged with finding ways to deal with, you know, whether that facility is-- you know, - wherever that facility might be, whatever scale that facility might be operating at, you know, our rules need to deal-- be able to deal with those situations effectively. And, you know, that's, that's one of our goals. So the-- to the extent that as we proceed down this path and as it becomes more clear the different options that we have available to us and where we're leaning that will-- that should-- would become clear that those approaches are aimed at dealing with all the unreasonable risks, whether-- wherever they may be. And, you know, I think that this is an important point to make so folks understand that, while we aren't doing site-specific assessments, we are designing risk management approaches that should in fact cover risks that may be found, wherever this conditions of use are being or are operating. And Jonathan, I'll have to get back to you on your question on, on EJ consultations for the PBT rules. And that's-- I'm goin to have to go back to talk to the teams and see where we're at on that. And so I'll take that question back to the PBT team when we get off this call. Okay?

S13: 02:08:59 And again, on the point of targeted outreach, we're very open to any ideas folks have to help us to target and effectively reach folks who are interested, whether it be in

	the EJ-- environmental justice community or elsewhere who, might have an interest in being participants in these processes, and so that we can be very effective in reaching them and giving them the tools and, and the access to the process that they need in order to, to, to have their voices heard as we kind of continue down this process of developing these rules. That's, that's, that's all I have to say at this point. Thank you.
S2: 02:09:42	This is Meredith again. Thanks, Mark, for jumping in on that. I just want to make sure that we have the opportunity for discussion for the two prior commenters. The first was-- so-someone is about to jump in.
S15: 02:09:57	Yeah. Hi, Meredith. This is Ana. I just wanted to, thank Brandi - I believe that's her name - for her comments about the impacts from, from, methylene chloride and 1-BP. Definitely the, cancer risk, I was able to weight it, and, and, we'll be taking into consideration her recommendation of prohibition of the-- of the two chemicals in, in our risk management approach. And also, I wanted to, to respond to Trish a little bit about her comment-- so recommendations on banning customer uses and engineering controls for, for 1-BP. Thank you very much for that. You also mentioned the role of the, shortcomings in the risk evaluation. And we are very aware of them. I mean, we're aware of the [inaudible] children's health, legacy and aggregate exposures. We, we did some estimates to address these issues. And, and as you mentioned, we are not meeting your expectations. So to the extent that, that you can provide additional information or recommendations for how we [inaudible], that would be useful.
S15: 02:11:36	But we do, you know, as mentioned before, we are looking at the hierarchy of controls and you know, how we, we address unreasonable risks that we found. Also, probably is worth mentioning our sister office, the Office of Air, is going through the process of listing 1-BP as a hazardous air pollutant and to that ex-- you know, they will be taking more, their actions will be probably more geared towards the general population impacts than TSCA might do. Although at the end of the day, we are-- we are going to be looking at the conditions of use and how to limit exposures to workers. And to the extent that those exposures to workers are being reduced, we also will contribute to reducing the, the exposure to [inaudible].
S2: 02:12:56	Excellent. Thanks, Ana. Vince, I'm going to turn it over to you again just to run through folks who have registered to give comments today. We want to make sure that everyone is accounted for to, to comment on [inaudible].
S1: 02:13:13	I did just send an email to Camille Velez to see if she wanted to send me something by email because we cannot get any audio.
S2: 02:13:24	Okay.
S1: 02:13:24	We've gone through the whole list of everyone who had pre-registered, and there is no one else in the attendee pool. I see Trish Komen had her hand up.
S2: 02:13:35	Uh, [crosstalk]--
S1: 02:13:36	[crosstalk] taken it down.
S2: 02:13:38	So yeah.
S1: 02:13:39	[There we go?].
S2: 02:13:39	Trish, I'm going to let you-- let's unmute Trish, and then we'll move to comments and questions in the chat.

S1: 02:13:47 Okay. Go ahead, Trish.

S7: 02:13:49 Thank you. I, I just wanted to respond on the Clean Air Act listing, to say that the Clean Air Act has very different requirements for hazardous air pollutants that are technology based and not risk based to begin with. TSCA is not a cleanup standard to be used after other statutes are applied. TSCA is a comprehensive statute, and it's designed to look at the overall risk profile, especially to at-risk populations such as pregnant women and children, workers, and highly exposed groups. So I would disagree with what was said about relying on the Clean Air Act, but that's really not an appropriate control approach. Thank you.

S2: 02:14:50 Thank you, Trish. So I'm going to move into going over the, the questions and comments that we've gotten in the chat. First I just want to acknowledge Matthew Morris. So we see your comment on meeting information should be posted on the Federal Register. I know you, you mentioned that before we moved into the 1-BP section. And I just want to let you know that we've received that. So the first question we have today is from, from Hilary Jacobs. Hillary says, "General question after 1-BP. Has EPA ever conducted an environmental justice TSCA Section 6(a) consultation previously? Can you provide a very brief history on how this process came to exist?"

S5: 02:15:47 Yes. This is Niva. I'd like to answer the first part of the question. And then Amanda, I'd like to turn it over to you to talk a little bit more about the very brief history of how the process came to exist for EJ consultations. But just as a little bit of context, in the Section 6 world-- yes. In one of our previous proposed rulemakings, the proposed rulemaking for paint and coating removal for methylene chloride and NMP, those were published in 2017, and we held an environmental justice consultation in 2015. So it was that one. We'd call it a condition of use now, but for two chemicals, and it was-- it was very similar to this. The slide had that same green stripe at the top. And, we got some participation online and I think no written comments. That was 2015. It was very similar to this. Amanda, do you want to discuss at all the-- a brief history of the, the process?

S4: 02:16:46 Okay. Perfect. So doing consultation with EJ communities happens in a variety of ways. Some are virtual; some are in person. And what we're-- what we did is we outlined the best approach to make sure that we're doing technical overviews, because we do know this information is technical, as well as getting [turns?] into an area that folks can understand and then making sure that we're working with our regional counterparts to make sure that we're getting on the ground as well. So the structure that we've had is we're making sure that we're working with our national programs as well as our regional programs and then with our community-level folks and using those networks as well. And in addition to that, we have developed to make sure that we're having a process with a good amount of time to get input and make sure that we're available for questions or any followup meetings that are needed.

S4: 02:17:47 So we do want to work just really closely with some of the lessons learned that we have with our tribal consultation. And as you guys know, we hold consultation with tribes that are [inaudible]. We want to make sure that we're providing similar opportunities to communities to be able to hear meaningful input and also make sure that we're answering questions. And so we know that this is our first one on these TSCA Section 6 rulemakings, and we do anticipate further. We got a lot of lessons learned and feedback from some of our counterparts that work on the ground with me. And then that's why we're also opening the door to make sure that we're hearing feedback from you guys to better serve that. And we know that there is,- it is hard to kind of make sure that we're getting some things in terms that are easily understood

by everybody. So we're also still working [inaudible] to get the language into terms that folks do understand as well as making sure that it's useful, what are the chem-- what are some of the uses, making sure that they understand the uses, and it's not just some of these chemicals names [they're not used to?]. So we did do a lot of that work as well. And then, we ended up getting some feedback from folks, but we do plan on getting further feedback to see how we can continue to better our messages overall.

S5: 02:19:06 Okay. Thank you.

S2: 02:19:13 This is Meredith again. I just want to note that we have about 10 minutes before we're going to have to close out the call. But we do have a question from Diana [inaudible] in the chat here that says, "If EPA determines prohibition of methylene chloride and/or 1-BP is required for a particular use, would EPA issue a prohibition for just that particular use, or is EPA more likely to issue a complete prohibition for all uses instead?"

S15: 02:19:48 Hi. Thank you, Diana. This is Ana Corado. At least for, you know, 1-BP, as we mentioned before, we are still in the process of considering what is the regulatory option that will be more appropriate to address the unreasonable risk. In general, we will need to do the assessment or the analysis by conditions of use because each condition of use has a slightly different, unreasonable risk determination. They are very similar to the endpoint of concern but the circumstances around each condition of use might be-- might be different. So the fact that we prohibit one particular condition of use doesn't mean all other conditions of use need to be prohibited or-- and vice versa. You know, one-- we could prohibit all of them, and, you know, that could happen as well. So it's just part of the analysis we will need to undertake.

S2: 02:21:06 Thank you, Ana. We have a-- we have a comment here in the chat from [RCAC?] Shirley. "As a NEJAC member, I appreciate the public comments I heard." Thank you. "A reminder, during public NEJAC meetings, we also conduct a public comment period, and I invite you to share your comments and concerns within the NEJAC community." Thank you, and thank you for those comments. Does EPA have anything you want to add to that?

S4: 02:21:39 This is Amanda. I just want to say that we do want to thank NEJAC. They did give us some early input on how we can manage our EJ consultation session, and we do plan to continue to circle back with you guys. Thank you.

S2: 02:21:55 This is Meredith. We have about five more minutes. So if anyone has a comment or an additional question, please raise your had. Oh--

S1: 02:22:06 Brandi Crawford-- Brandi Crawford-Johnson, please go ahead.

S2: 02:22:09 Oh, thank you.

S16: 02:22:11 Yes. I-- Mark said something about some ideas for environmental justice in the community so that they can become aware of how to comment and become aware of environmental justice issues. I started doing a, a lot of research this summer, and that's when I learned of the environmental justice tools that the EPA has. And I have to say it is amazing. And I think that more people need to be aware of this tool. And I'm not sure if you could, you know, say, have the news stations locally announce it or have it put into schools or colleges or something. But I just feel like more people need to be aware of the EPA's environmental justice tool because it really helps you become aware of how toxic your community is. Thank you.

S4: 02:23:08	Thank you. I'll make sure I'll take that back to our Office of Environmental Justice and other national programs so we can utilize that feedback and leverage that. Thank you.
S16: 02:23:18	Thanks.
S2: 02:23:21	If there are any additional comments or questions for those participating, please use the little hand button to notify us that you would like to speak. [silence]
S1: 02:23:45	[Pat?] [inaudible], please go ahead.
S17: 02:23:48	Can you hear me?
S1: 02:23:50	Yes. You sound fine.
S17: 02:23:52	Thank you. I'm curious, does EPA-- will EPA consider purchasing patterns as it seeks to identify environmental justice concerns? For example, low-income communities may purchase their products more often from dollar stores, which tend to have imported, you know, cheaper products. Imported products don't always get the same oversight that more expensive brand-name products get.
S4: 02:24:24	This is Amanda. We are considering look-- as we're looking at each chemical, we're looking at the findings and then considering how that might impact one community over another and hope to use that to help us increase and improve our targeted outreach. And that is some of the good feedback that we got from some of our EJ partners.
S17: 02:24:45	Thank you.
S2: 02:24:54	Again, if there's anyone who would like to comment or ask a question, you can use the little hand feature to notify us to open up your line to speak. [silence]
S2: 02:25:24	All right. So this is the last call for folks who are participating in this webinar today for questions or comments. And if you would like to make a question-- ask a question or make a comment, please use the hand button to notify us that you would like to do that. All right. Vince, I'm going to ask you to move to the slide where we have next steps of how to submit written comments. Great. So for everyone on the call today, we have here information about next steps. We really appreciate everyone's participation today for this great discussion. And so if you would like to submit written comments to EPA, here we have some instructions to do so. By January 18th, 2021, please email your comments to Amanda Hauff and CC the chemicals leads, depending on which chemical you are commenting on. So for methylene chloride, that is Ingrid Feustel, and for Ana-- for 1-BP, that is Ana Corado. And their contact information is available here. Again, yes, and of course, please send those to Amanda Hauff, who is the environmental justice coordinator for the Office of Chemical Safety and Pollution Prevention. We appreciate your participation in this consultation today, and on behalf of the EPA team, we'd like to thank you for spending this afternoon with us. And so I am going to conclude the call. Oh, and, and Vince is just showing some additional information, which are just links to our website which gives you some background on the risk management activities. Thank you, everyone.
S1: 02:27:31	That concludes the call. We'll be ending the Webex. Thank you.