From: Martin, Trey
Sent: Tuesday, March 22, 2016 4:05 PM
To: Ellis, Rebecca; Schuren, Alyssa
Subject: Re: TSCA - email to Haley, Tom & George Twigg

Categories: PFOA

This looks fine to me. Can you let them know that it was taken from a draft of the high-level, multi-state letter we are working up? In other words, this is not really an exhaustive set of recommendations on the two bills moving through congress, and if they want more bill-specific recommendations, we can provide those...

Trey

From: Ellis, Rebecca
Sent: Tuesday, March 22, 2016 4:01 PM
To: Schuren, Alyssa; Martin, Trey
Subject: FW: TSCA - email to Haley, Tom & George Twigg

Haley Pero has asked if ANR/DEC has recommendations for strengthening TSCA. Below is a draft email that I took from the draft letter prepared by Trey and Lynn. Let me know if you want me to send this to the Congressional delegation.

Thanks,
Rebecca

DRAFT

Senator Leahy, Senator Sanders, and Congressman Welch:

The recent discovery of contamination by the chemical PFOA (perfluorooctanoic acid) in North Bennington, Vermont, has underscored the need to understand the risks presented by the chemicals around us and take actions to manage those risks. Though the use of PFOA in commerce is largely regulated now (through voluntary phase-outs and significant new use rules), the revelation of significant contamination lingering from factories closed long ago reminds us that with over 80,000 chemicals on the TSCA inventory whose risks have not been evaluated, there is a lot we don't know.

- **Strengthen and clarify the current TSCA safety standard**, which is intended to prevent "unreasonable risk" to human health and the environment. That standard is not defined in the Act, but it has generally been interpreted to allow consideration of costs and the availability of alternatives, rather than requiring an empirical, risk-based approach to protecting human health and the environment.

- **Adopt a more protective safety standard**, one that requires EPA to make an affirmative finding for new chemicals that there is "reasonable certainty of no harm," without consideration of cost or other non-risk factors.

- **Protect potentially-exposed and vulnerable populations** including workers, children, pregnant women and those with compromised immune systems. TSCA reform must (1) define vulnerable populations, (2) require that vulnerable population data be provided to and reviewed by EPA in its safety assessment, and (3) require that that information be taken into account in the safety determinations.

- **Strike the "least burdensome" requirement**. When EPA has found that a chemical presents an unreasonable risk, the evaluation of risk management options should not be hampered by extensive alternatives assessments

that delay protective restrictions. To that end, it is promising that both the House and Senate bills strike the "least burdensome" requirement. Revisions should also limit the number of alternatives EPA is required to evaluate and limit consideration of cost to one of a number of factors, not the overriding factor.

- **Provide clear and feasible timelines in TSCA** for starting and completing safety assessments on those chemicals that are already in use in interstate commerce and for acting on chemicals when they have been found unsafe. Deadlines for completion of safety assessments must be coupled with mandates to start a reasonable number of reviews each year on existing chemicals of highest concern such as those already on EPA's TSCA Work Plan. Further, new chemicals should be excluded from interstate commerce until EPA has determined that they meet the safety standard, and timelines for submission of information and EPA decision making should be clarified and/or condensed.

- **Require industry to include test data for new chemicals when they submit their pre-manufacture notices** so that EPA can quickly make a determination of whether or not the chemicals meet the safety standard. For chemicals already on the TSCA inventory, EPA should be able to require testing for safety assessments of existing chemicals with orders rather than by rulemaking.

- **Limit preemption of state regulation**. States should not be preempted from taking action on specific chemicals unless and until EPA takes final action to regulate those chemicals, and the scope of preemption should not be broader than the scope of EPA's action. Further, we urge that any preemption of state and local regulation be carefully cabined to ensure that the system of cooperative federalism and the complementary roles played by states and EPA is retained.

- **Provide funding to EPA to implement TSCA**. EPA must be given the necessary resources to complete work under TSCA including both appropriations and the authority to collect fees from manufacturers for the costs of all phases of the TSCA review process for both new and existing chemicals. If manufacturers are given the ability to request a limited number of safety assessments, those assessments must be fully funded by the manufacturers.

Thank you for consideration of these requests.

Commissioner Alyssa Schuren

From: Pero, Haley (Sanders) [mailto:Haley_Pero@sanders.senate.gov]
Sent: Tuesday, March 22, 2016 3:18 PM
To: Ellis, Rebecca <Rebecca.Ellis@vermont.gov>
Cc: Fiermonte, Phil (Sanders) <Phil_Fiermonte@Sanders.senate.gov>; Thomas, Katie (Sanders) <Katie_Thomas@sanders.senate.gov>
Subject: TSCA

Hi Rebecca,

At our last ANR quarterly meeting, there had been some discussion about how the North Bennington water issue could inform TSCA reform. I think you had mentioned drafting a list of areas of TSCA that could help address issues like we have seen with PFOA. Could you please send me any suggestions if there are indeed areas that could be strengthened?

Thanks,
Haley

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