January Meeting

NTTC Training Updates—*Zender Environmental*

TSCA outreach video:

https://vimeo.com/494329956 Password: TSCA

NTTC: Informative video about the Toxic Substance Control Act. Many tribes and pueblos are familiar with the CWA. CAA, etc. but TSCA mandates consultation with exposed sub-populations, vulnerable communities, and uniquely susceptible populations.

OPPT Updates—Irina Myers*, EPA*

- **EPA released Final Risk Evaluation for Perchloroethylene (PERC)**

  https://www.epa.gov/sites/production/files/202012/documents/1_risk_evaluation_for_perchloroethylene_pce_casrn_127-18-4_0.pdf

  EPA response to Public Comment:

  https://www.epa.gov/sites/production/files/2020-12/documents/2_summary_of_external_peer_review_and_public_comments_and_disposition_for_for_perchloroethylene_pce_response_to_support_risk_evaluation_for_perchloroethylene_pce_0.pdf

  Findings:

  Unreasonable risks to workers and occupational non-users from 59 out of 61 COUs

  No unreasonable risks to the environment

  Unreasonable risks to consumers and bystanders from ALL consumer uses

  Common consumer uses include as a dry cleaning solvent; in cleaning and furniture care products; automotive care products like brake cleaners, lubricants, and greases; and adhesives in arts and crafts. The risk to consumers from perchloroethylene's use in dry cleaning is from short-term skin exposure to items cleaned with perc..
- **EPA Issues Stronger Lead Regulations to Protect Children's Health**

  https://www.epa.gov/lead/hazard-standards-and-clearance-levels-lead-paint-dust-and-soil-tsca-sections-402-and-403
- **EPA Released Final Rule on 5 PBTs—DecaBDE, PIP 3:1, 2,4,6-TTBP, HCBD, PCTP**

  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/persistent-bioaccumulative-and-toxic-pbt-chemicals-under
- **EPA Released Final Risk Evaluation for NMP**

  https://www.epa.gov/sites/production/files/2020-12/documents/1_risk_evaluation_for_n-methylpyrrolidone_nmp_casrn_872-50-4.pdf

  EPA response to public comments:

  https://www.epa.gov/sites/production/files/2020-12/documents/2_summary_of_external_peer_review_and_public_comments_and_disposition_for_n-methylpyrrolidone_response_to_support_risk_evaluation_for_nmp.pdf
- **EPA Issues New Guidance on Disposal and Destruction Methods for PFAS Waste—60-day Comment Period**

  https://www.epa.gov/pfas/interim-guidance-destroying-and-disposing-certain-pfas-and-pfas-containing-materials-are-not

  Interim Storage

Permitted Deep Well Injection
Permitted Haz Waste Landfills (RCRA Subtitle C)
Solid Waste Landfills (RCRA Subtitle D) with composite liners and leachate colletion
Hazardous Waste Combustors
Other Thermal Treatment

- **EPA to Implement Consistent Economic Analysis for New CAA Rules**
  The new finalized rule would require "EPA to prepare a benefit cost analysis for all future significant proposed and final regulations under the CAA"
  https://www.epa.gov/sites/production/files/2020-12/documents/final_rule_increasing_consistency_and_transparency_in_considering_benefits_and_costs_in_the_clean_air_act_rulemaking_process_-_prepublication_version.pdf
- **EPA Releases Fall 2020 Regulatory Agenda, busy year ahead for TSCA**
  Summary:
  https://www.lexology.com/library/detail.aspx?g=4ed7941a-fae5-4d5a-a6ce-9c0dde2e1777&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2020-12-18&utm_term=
- **Tribal Lead Curriculum Training**
  January 13th from 1:00 – 3:00 PM EST, visit: https://leadcurriculumtraining.eventbrite.com

  February 10th from 1:00 – 3:00 PM EST, visit: https://febleadcurriculumtraining.eventbrite.com

  A USB format is available to tribes and pueblos without internet access. Includes; Welcome letter from NTTC, guidebook, all training modules, and other resources.

- **EPA Proposal Increases Flexibility, Reduces Burden under TSCA Fees Program**
  https://www.epa.gov/tsca-fees/proposed-revisions-tsca-fees-rule
- **Letter Peer Review Comments on the Revised Draft TSCA Risk Evaluation of Pigment Violet 29 Available**
  https://www.regulations.gov/docket?D=EPA-HQ-OPPT-2018-0604
- **EPA Reopens Reporting Period for TSCA Active-Inactive Rule**
  https://www.epa.gov/tsca-inventory/tsca-inventory-notification-active-inactive-rule
- **EPA Releases Final Risk Evaluation for 1,4-Dioxane**
  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-14-dioxane#riskevaluation
- **EPA Environmental Justice Consultation on HBCD and Carbon Tetrachloride**
  February 2nd and February 18th
  Register here: https://www.eventbrite.com/e/us-epa-environmental-justice-consultation-on-hbcd-and-carbon-tet-tickets-131239792753

February Meeting

Meet and Greet—*Kaitlin Picone,* new Branch Chief, OPPT, EPA
OCSPP has done a reorganization
Under OCSSPP, we now have OPPT, OPPT the Pesticide side, and a new office—the Office of Program Support. The office of Science and Technology is gone and those folks are now in OPP, aligning with TSCA SACC, too. One of the parts out of OPS, Mission Support Division-outreach, stakeholder engagement, international partners, some communications.

We are hoping to share a work chart with you soon.
Intergovernmental Relations and Community Outreach
Kaitlin has Tribal and International, community engagement, and Environmental Justice under her perview. She is now our supervisor. Kaitlin comes from office of pesticides and has also worked with our politicals.

NTC transition priorities—*Shavonne Smith,* NTTC/NTC

NTTC Priorities:
Restore Safer Choice Program
TSCA Risk Evaluations
- Review of potentially exposed and susceptible subpopulations that were considered
- Failure to consider environmental exposures because of other statutes
- Disposal of commercial products in unlined landfills as a condition of use
- Evaluation of legacy uses
- Aggregate exposures
- Protect tribal health and lifeways and environment
- Address health disparities
- Fracking
- Support tribal colleges and university and other education

PFAS Action Plan—in 2022 they plan to "identify sensitive and susceptible species; synthesize information on bioaccumulation in organisms and food chains; where appropriate develop benchmarks and thresholds for ecological toxicity." to protect aquatic ecosystems and protect recreational and cultural values such as hunting and fishing (Action Plan page 7). Part of this effort should and could be delegated to tribes as it pertains to hunting and cultural resources.

OPPT Updates—Irina Myers*, EPA*

- **EPA Issues Test Orders for 9 Chemicals (from next 20) Undergoing Risk Evaluation Under TSCA**
  After reviewing available data on these chemicals, EPA has determined additional data are needed and is using its TSCA test order authority to require companies to develop and submit information on environmental hazard and inhalation and dermal exposures for workers.

  The 9 chemicals are:
  Chlorinated Solvents: 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,2-Dichloroethane, 1,2-Dichloropropane, Trans-1,2-Dichloroethylene, o-Dichlorobenzene, p-Dichlorobenzene;
  Flame Retardants: 4,4'-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA), Phosphoric acid, triphenyl ester (TPP)
- **EPA and OSHA Sign Agreement Supporting Coordination on Chemical Reviews and Advancing Worker Safety Under TSCA**
  https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/memorandum-understanding-between-epa
  TSCA requires EPA and OSHA to collaborate on workplace exposures, as part of EPA's review of new chemicals
  Highlights from MOU:
  - Establishing designated staff and management points of contact from each agency to discuss and resolve workplace exposure issues related to EPA's review of new chemicals;
  - Providing OSHA with regular updates on EPA's new chemical determinations, including any necessary worker protection identified during EPA's review; and

- Documenting EPA's role in identifying and notifying OSHA of the need for formal consultation on EPA's review of new chemicals.

- **Latest Update to TSCA Inventory Available**
  The TSCA Inventory is a list of all existing chemical substances manufactured, processed, or imported in the U.S.
  https://www.epa.gov/tsca-inventory/how-access-tsca-inventory

- **Updates to the EPA List of Alternative Test Methods to Animal Testing**
  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/strategic-plan-reduce-use-vertebrate-animals-chemical
- **Court Grants EPA Motion to Vacate and Remand Final Rule on Science Transparency**
  EDF vs EPA

  The Court stated that "EPA's decision to make the Final Rule immediately effective on publication was "arbitrary, capricious" and "otherwise not in accordance with the law".

  The rule would have limited the agency's use of research that cannot be reproduced and data that is not publicly available. Under the rule, researchers would have to disclose the raw data involved in public health studies, including "dose-response studies," which assess how a person's risk of injury changes based on exposure levels. These types of studies have often been used to support regulations targeting the nation's air and water.
- **EPA Announces Public Comment Period for Manufacturer-Requested Risk Evaluation for Fragrance Ingredient—45 days**
  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/list-manufacturer-requested-risk-evaluations-under-tsca#OTNE
  Four chemical substances as a category—the octahydro-tetramethyl-naphthalenyl-ethanone chemical category (OTNE)
  OTNE is used as a fragrance ingredient
  Two chemicals in the OTNE category are considered persistent, bioaccumulative and toxic (PBT) chemicals under TSCA

Other Updates —

- **Biden Administration—List of Agency Actions for Review**
  https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/

  Included:
  EPA's Science Transparency Rule
  Methylene Chloride Final Risk Evaluation
  Methylene Chloride Regulations in paint and coating removal consumer products
  Actions on 5 specific PBTs
  Regulations of PBTs under TSCA
  Procedures for Chemical Risk Evaluations under new TSCA
  Dust Lead Post-Abatement Clearance Level Final Rule

- **Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government**
  https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

    - Reversal of Trump restrictions on diversity training and inclusion training programs that were focused on critical race theory and white privilege
    - Mandate to all federal agencies to promote diversity in their policy making endeavors
    - EO calls on each federal agency to assess whether there are barriers to underserved communities accessing their services and to identify the means to assess inequality and allocate agency resources in ways that promote fairness and diversity

- **Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships**
  https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/

  "American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change — all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations."
- **Biden Administration Plan for Tribal Nations**
    - Strengthen the Nation-to-Nation relationship
    - Provide reliable, affordable, quality health care and **address health disparities**
    - Restore tribal lands, address climate change, and safeguard natural and cultural resources
    - Ensure Native communities are safer and tackle the crisis of violence against Native women, children, and the elderly
    - Expand economic opportunity and community development in Native communities
    - Invest in education and youth engagement
    - Meet obligations to and commemorate Native veterans
    - Ensure Native Americans can exercise their right to vote
- **Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making**
  https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/

  "It is the policy of my Administration to make evidence-based decisions guided by the best available science and data. Scientific and technological information, data, and evidence are central to the development and iterative improvement of sound policies, and to the delivery of equitable programs, across every area of government. Scientific findings should never be distorted or influenced by political considerations. When scientific or technological information is considered in policy decisions, it should be subjected to well-established scientific processes, including peer review where feasible and appropriate, with appropriate protections for privacy. Improper political interference in the work of Federal scientists or other scientists who support the work of the Federal Government and in the communication of scientific facts undermines the welfare of the Nation, contributes to systemic inequities and injustices, and violates the trust that the public places in government to best serve its collective interests."
- **Executive Order on the President's Council of Advisors on Science and Technology**
  https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-presidents-council-of-advisors-on-science-and-technology/
  26 members
  Science Advisor to the President will be co-chair

"The PCAST shall advise the President on matters involving policy affecting science, technology, and innovation, as well as on matters involving scientific and technological information that is needed to inform public policy relating to the economy, worker empowerment, education, energy, the environment, public health, national and homeland security, racial equity, and other topics."

- **Executive Order on Tackling the Climate Crisis at Home and Abroad**
  https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/

The Biden Administration has pledged to integrate **Environmental Justice** into all aspects of its climate and environmental policy

- This EO revises the last major presidential executive order addressing EJ — EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Feb. 11, 1994) — to create a White House Environmental Justice Interagency Council led by the Council on Environmental Quality (CEQ). The Interagency Council will "develop a strategy to address current and historic environmental injustice," develop performance metrics to assess these issues, and publish an annual public performance scorecard to measure implementation. To assist further, the EO creates a White House Environmental Justice Advisory Council.

- This EO also sets federal agency responsibilities with regard to EJ. It directs EPA to strengthen enforcement of environmental violations "with disproportionate impact on underserved communities" and create a community notification program to monitor ongoing pollution in real time. The EO also tasks EPA and DOJ with developing an EJ enforcement strategy to "provide timely remedies for systemic environmental violations and contaminations, and injury to natural resource," and directs DOJ to consider creating an Office of Environmental Justice to coordinate EJ activities across the Department. Council on Environmental Quality is also required to create a geospatial Climate and Economic Justice Screening Tool within six months of the EO and publish interactive maps each year to highlight disadvantaged communities.

- This EO establishes the "Justice40 Initiative" with the goal of having 40 percent of the benefits of certain federal investments flow directly to disadvantaged communities and with specific focus on renewable energy and energy efficiency, transit, affordable and sustainable housing, training and workforce development, remediation of legacy pollution, and clean water infrastructure development. These are to be reflected in an annual Environmental Justice Scorecard.

March Meeting

OPPT Updates—Irina Myers*, EPA*

- **EPA Will No Longer Use the 2018 "Applications of Systematic Review in TSCA Risk Evaluations" Document**
  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/application-systematic-review-tsca-risk-evaluations

  In February 2021, EPA announced that it will refine its approach to systematic review. EPA is not using, and will not again use, the systematic review approach document published in 2018.

  The National Academies of Science, Engineering, and Medicine conducted peer review of Systematic Review Doc:
  https://www.nap.edu/read/25952/chapter/1#x

EPA is committed to addressing recommendations and ensuring strong science is the basis for all chemical risk evaluations. A TSCA systematic review protocol is being developed to incorporate approaches from IRIS program, which NAS recommended.

- **EPA Announces Public Comment Period for Manufacturer-Requested Risk Evaluation for Fragrance Ingredient—Comments due April 5th**

  https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/list-manufacturer-requested-risk-evaluations-under-tsca#OTNE

  Four chemical substances as a category—the octahydro-tetramethyl-naphthalenyl-ethanone chemical category (OTNE)

  OTNE is used as a fragrance ingredient

  Two chemicals in the OTNE category are considered persistent, bioaccumulative and toxic (PBT) chemicals under TSCA
- **Tribal Consultation Opportunity: Improving EPA's Consultation with Tribes: Development of the U.S. EPA's Plan for Improving Implementation of EO 13175, Consultation and Coordination with Indian Tribal Governments**
- **EPA Takes Action to Address PFAS in Drinking Water**

  https://www.epa.gov/newsreleases/epa-takes-action-address-pfas-drinking-water
- **Challenges to EPA's Part I of Asbestos Risk Evaluation**

  Only looked at chrysotile asbestos, excluding other fibers types

  Petition for Review filed—seeking review of EPA's conclusions and the comprehensiveness of its analysis. Risks of other asbestos fibers (not chrysotile) were not considered at all.

  Notice of Intent to Sue under TSCA. Alleges EPA failed to perform its duty because the entire risk evaluation was not complete by June 19, 2020 and it failed to address the **use and disposal of legacy asbestos**