



WSPA

CIPA
California Independent Petroleum Association



CALIFORNIA ASSOCIATION of WINEGRAPE GROWERS

August 12, 2020

BY ELECTRONIC MAIL

Mr. Gabriel Ruiz
Manager
Toxics Inventory and Special Projects Section
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Air Toxics "Hot Spots" Program: Draft Materials Posted for Proposed Amendments to the Emission Inventory Criteria and Guidelines Regulation

Mr. Ruiz:

The undersigned organizations provide the following comments on the draft materials developed as part of proposed amendments to the Emission Inventory Criteria and Guidelines (EICG) regulation. We continue to have strong concerns with the proposal to identify an additional ~900 substances for which emissions would be required to be quantified under the "Hot Spots" program without first assessing the extent to which each substance represents a risk to public health from exposure in ambient air and confirming that each substance can be reasonably expected to be released from facilities in the state.

We recognize and appreciate that CARB staff have suggested a two-phase approach to implementing the reporting requirement. However, the addition of such a large number of substances without first confirming an appropriate basis for listing imposes a significant and unnecessary burden on facilities, air districts, and ARB staff. Moreover, implementation of the proposal is likely to generate considerable public concern about air quality without any basis in scientific evaluation of potential health impacts.

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As noted in the spreadsheet developed by CARB, most of the identified substances have not been subject to a review by the state or an authoritative body designated under Health and Safety Code section 44321. CARB staff have consequently proposed the development of provisional toxicity values for those substances for which such toxicity values do not already exist – encompassing all but a handful of the chemicals CARB proposes to add to Appendix A. For example, of the 168 individual substances proposed for ChemSet 1,¹ with reporting beginning in 2022, only 18 have been evaluated by the Office of Environmental Health Hazard Assessment (OEHHA) and assigned a no significant risk level (NSRL) under Proposition 65. Of the remaining ChemSet 1 substances, 50 have been reviewed by OEHHA, the US Environmental Protection Agency, National Toxicology Program, or the International Agency for Research on Cancer. The remaining 102 (61 percent of the total) do not have existing reviews that could form the basis for a provisional toxicity value.

In addition to concerns about whether staff could meaningfully assess the potential health effects of such a large number of substances in the time suggested, we are very concerned about the use of such provisional values for risk screening, facility prioritization, or voluntary emission reductions. Regardless of their intended use, such provisional values are likely to impact the operations of reporting facilities.

For these reasons we remain opposed to the addition of any substance to Appendix A for which the state cannot conduct a robust health assessment that has been subject to external peer review prior to the initiation of the reporting requirement. We urge CARB staff to further refine the revised draft implementation schedule for the EICG proposal in a manner that phases substances into Appendix A based on realistic estimates of the state's ability to conduct health assessments for subsets of chemicals. This approach will require CARB to prioritize those substances for which adequate information is available, and to defer substances for which significant data gaps must first be filled. It also will provide CARB with the opportunity to refine the list of substances to be added over time and to avoid establishing arbitrary degree of accuracy limits for reporting of substances.

We welcome the opportunity to discuss our concerns with you at your convenience. Please feel free to contact me at 916-448-2581; tim_shestek@americanchemistry.com. Thank you in advance for your consideration of these comments.

¹ This analysis eliminates chemicals without a unique CAS number and chemicals that are no longer commercially produced from ARB's list of 191 substances in ChemSet 1.

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Sincerely,

A handwritten signature in black ink, appearing to read "Ti Sh", with a long horizontal flourish extending to the right.

Tim Shestek
American Chemistry Council

On behalf of the following organizations:

Agricultural Council of California
American Coatings Association
American Forest & Paper Association
California Association of Winegrape Growers
California Construction and Industrial Materials Association
California Food Producers
California Independent Petroleum Association
California Manufacturers & Technology Association
Chemical Industry Council of California
Industrial Environmental Association
Metal Finishing Association of Northern California
Metal Finishing Association of Southern California
Western Independent Refiners Association
Western States Petroleum Association
Western Wood Preservers Institute