

## **Comments to the Scientific Review Panel on Toxic Air Contaminants**

**October 9, 2020**

### **Agenda Item #4 – Part II**

The undersigned organizations appreciate the opportunity to provide the following comments to the Scientific Review Panel (Panel) regarding the update from the Office of Environmental Health Hazard Assessment (OEHHA) on development of provisional health reference values (PHRVs). Our organizations are interested in this issue given the California Air Resources Board's (CARB) update to its Air Toxics Hot Spots Emissions Inventory Criteria and Guidelines Regulation (EICGR) and the proposed addition of nearly 1,000 substances to Appendix A which must be quantified and reported to local air quality management districts. This data, when coupled with health reference values (HRVs), will factor into district evaluations of facility health risk and may lead to additional requirements for a much larger universe of regulated entities.

In previous comments to CARB, we recognize the need to periodically update the EICGR based on new information, but have advocated that the process must be conducted in a manner that: 1) facilitates compliance with emissions inventory requirements; 2) allows regulated facilities, air districts and CARB to absorb additional workload burdens; 3) conveys accurate information to the public about potential health risk from exposure to facility emissions; and 4) is grounded in peer-reviewed scientific methods, principles and analysis, not generalizations applied to large groupings of chemicals for the sake of expediency.

CARB staff are currently proposing PHRVs for all substances for which HRVs do not already exist. This process would encompass all but a handful of the chemicals CARB is proposing to add to Appendix A. For example, only 68 of the proposed ChemSet 1 substances have been evaluated by OEHHA, U.S. EPA, the National Toxicology Program, or the International Agency for Research on Cancer. None of the remaining ChemSet 1 substances have existing reviews that could be used to establish an HRV.

We understand that CARB and OEHHA view PHRVs as a mechanism for prioritizing development of more scientifically robust HRVs. However, development of PHRVs for nearly 1,000 substances in an artificially compressed timeframe would necessitate use of extremely conservative methods and assumptions to overcome data gaps. OEHHA staff acknowledged the considerable uncertainty inherent in the candidate methods discussed during the July 9, 2020 meeting of the Panel. The resulting values would overestimate risk for most if not all substances, and absent clearly defined limitations on their use could result in regulatory actions that are not necessary to protect public health. For these reasons, it would be inappropriate to use such values for facility risk screening, facility prioritization, health risk assessments or any other regulatory purpose. We request that the Panel advise CARB to include language in the EICGR to explicitly prohibit such applications of PHRVs.

We further recommend that CARB, OEHHA and the Panel consider a more sustainable alternative to development of PHRVs. One option is to utilize available hazard information and exposure data to prioritize substances for development of regulatory-grade HRVs. This approach would relieve OEHHA and the Panel of the considerable burden of developing PHRVs for all of the nearly 1,000 substances proposed for inclusion in Appendix A over the next 5-7 years. It would also prevent potential misuse of provisional values for regulatory purposes.

Finally, OEHHA has indicated that it intends to hold further public workshops to solicit stakeholder input on use of emerging data and methods to develop HRVs. This inquiry is necessary to improve the scientific foundation of methods that may be used for substances with significant data gaps, and it should occur before HRVs are developed for these substances.

We request the Panel urge CARB to modify its proposed EICGR regulation as it relates to the development and use of PHRVs based on the above recommendations. Thank you for the opportunity to submit these comments. Should you have any questions, please contact either Tim Shestek with the American Chemistry Council at [tim\\_shestek@americanchemistry.com](mailto:tim_shestek@americanchemistry.com) or Lance Hastings with the California Manufacturers & Technology Association at [lhastings@cmta.net](mailto:lhastings@cmta.net).

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