

Interim Findings of the Scientific Review Panel on the proposed changes to the Chemical Substances List in the AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines (EICG) Regulation.

The Scientific Review Panel on Toxic Air Contaminants (Panel) reviewed documents outlining the proposed changes to the chemical substances list in Appendix A of the AB 2588 Air Toxics “Hot Spots” EICG regulation. These documents were prepared by staff from the California Air Resources Board (CARB), in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), to update the substances that must be reported as part of the emission inventories for facilities in California.

The Panel received an initial briefing on CARB’s proposal in a meeting on June 28, 2019, which was followed on August 13, 2019 by CARB’s submittal of several files detailing the proposed revisions, and a full presentation at a meeting on October 4, 2019. The Panel provided preliminary recommendations at the October 4 meeting, and continued their discussion in the subsequent meeting on November 22, 2019.

CARB provided a list of over 800 new individual substances and three broad functional groups proposed for addition to Appendix A, along with over 600 substances that were evaluated but are not being proposed for inclusion. The AB 2588 statute (Section 44321, subdivisions (a) to (e) of the Health and Safety Code) requires CARB to compile the list from six source lists that include:

1. CARB’s and OEHHA’s list of Toxic Air Contaminants
2. US EPA’s list of Hazardous Air Pollutants
3. The list of the Category I known human carcinogens and the Category 2 probable human carcinogens of the International Agency for Research on Cancer, an intergovernmental agency that is part of the World Health Organization
4. California’s Proposition 65 list of carcinogens and reproductive toxins.
5. The National Toxicology Program’s, an interagency program within the U.S. Department of Health and Human Services, list of carcinogens.
6. The California Department of Public Health’s Hazard Evaluation System and Information Service (HESIS)

In addition, subdivision (f) of the statute gives CARB specific authority to include additional chemicals that may present a chronic or acute threat to the public but have not been formally listed in the six sources above.

During their discussions, the Panel gave their input on the list of substances recommended for addition and commented on the ‘functional group’ approach for incorporating chemicals of a similar functional group class. Additionally, the Panel provided recommendations on additional chemical lists that CARB staff should consider, such as those published by the U.S. Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health,

and the American Conference of Governmental Industrial Hygienists. CARB staff reported the outcomes of their review at the November 22, 2019 meeting. The Panel also received and considered public comment letters submitted to the Panel.

Based on its review of the materials provided, the Panel prepared the following interim findings, which are submitted to the CARB Executive Officer.

The materials, as noted above, convincingly demonstrate that:

- 1) CARB staff has proposed appropriate new substances compiled in accordance with the six lists outlined in Section 44321, subdivisions (a) to (e) of the AB 2588 statute.
- 2) The substances proposed for addition based on the authority granted to CARB by Section 44321 (f) of the statute have been recognized to present a chronic or acute threat to public health when present in ambient air.
- 3) Substances in the three broad “functional group” categories proposed by CARB (poly- and per-fluorinated chemicals; derivatives and substituted versions of polycyclic aromatic compounds containing any halogen atom; and isocyanates) can be reasonably expected to present a chronic or acute threat to public health when present in ambient air. The Panel supports the functional group concept, along with its continued development and evaluation.

The Scientific Review Panel commends CARB and OEHHA for a comprehensive review of the chemical lists, available health data, and other scientific information. We are supportive of the proposed revisions to Appendix A of the EICG regulation, understanding that the Panel anticipates further changes consistent with the direction given.

The Panel has reviewed the proposed revisions to the Appendix A list of chemicals, and concludes that they are supported by sound scientific knowledge about the health threats posed by these chemicals.

Upon conclusion of CARB’s rulemaking process, the Panel wishes to have a presentation on the overall outcome and incorporation of the chemical list and any other items of interest into the final regulation.

As an action item:

1. CARB staff will include a mechanism for public communication in weighing the importance of chemicals and is evaluating the most effective means to invite and consider input.