



October 25, 2016

Ms. Kara Steward
Department of Ecology
Hazardous Waste and Toxics Reduction Program
PO Box 47600
Olympia, WA 98504

Dear Ms. Steward:

On behalf of the Spokane River Regional Toxics Task Force (SRRTTF), I am submitting this request to add PCBs to the reporting list of Chemicals of High Concern to Children (CHCC) in your current update of the Children's Safe Products Act Reporting Rule (CSPA Reporting rule) (WAC 173-334). We understand polychlorinated bi-phenyls (PCBs) were considered during the initial CSPA rulemaking effort in 2010. During that process, the list of potential priority chemicals was significantly reduced. One step in that reduction process was to remove chemicals from consideration because they are regulated under other authority. The SRRTTF understands that PCBs were removed from consideration because they are regulated under the Toxics Substances Control Act (TSCA).

The current TSCA regulations do not adequately protect the environment and could potentially result in children's exposure to PCBs. The on-going commercial production of PCB was prohibited in 1979, however; TSCA provides an exclusion allowing the "inadvertent" production of PCB up to 50 parts per million (ppm) (40 CFR 761.3). Materials containing less than 50 ppm are not considered "PCB-contaminated" under TSCA. *For comparison to water quality considerations, 50 ppm is equivalent to 50,000,000,000 parts per quadrillion (ppq). The current Washington State human health surface water quality standard for PCBs is 170 ppq (derived from the National Toxics Rule, 40 CFR 131.36).*

There is significant rationale for adding PCBs to the CHCC list. As discussed in the attached Environmental Science & Technology article (Jia Guo, et. al.), the presence of PCB 11 in printed and fabric materials poses potential human exposure through dermal absorption. The environmental release of PCB 11 from these materials contributes additional routes of exposure via inhalation and digestion. Based on this article, establishing a reporting threshold that is of significantly lower concentration than the TSCA allowance would appear to be appropriate.

In adding PCB to the CHCC list the SRRTTF requests that Ecology consider the following:

- A study of PCBs in municipal products, conducted by the City of Spokane, reports¹: “Once thought to be only a legacy contaminant, PCBs have been found in numerous commercially available products. These PCBs are not intentionally produced, but are rather unintended byproducts of the manufacturing process.”
 - “PCBs were detected in 39 of the 41 product samples, with a wide range of congener patterns.”
 - PCB concentrations in personal care products ranged from 32,000 ppq to 174,000 ppq
- State and some local purchasing ordinances require preferential purchasing:
 - For example RCW 39.26.280 requires that:
 - (1) The department shall establish purchasing and procurement policies that provide a preference for products and products in packaging that does not contain polychlorinated biphenyls.
 - (2) No agency may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so.
- PCBs are considered a high priority chemical under state law:
 - Ecology already considers PCB a high priority chemical because on the basis of credible scientific evidence it is known to do one or more of the following:
 - (a) Harm the normal development of a fetus or child or cause other developmental toxicity;
 - (b) Cause cancer, genetic damage, or reproductive harm;
 - (c) Disrupt the endocrine system;
 - (d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;
 - (e) Be persistent, bioaccumulative, and toxic; or
 - (f) Be very persistent and very bioaccumulative.

¹ <https://static.spokanecity.org/documents/publicworks/wastewater/pcbs/pcbs-in-municipal-products-report-revised-2015-07-21.pdf>



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In addition to adding PCB to the list, it is requested that a reporting range be determined for PCB and that it should consider not only the toxicity of the substance, but also a suitable laboratory method such as EPA Method 8082 along with its corresponding detection limits for PCB.

Thank you for considering the request of the Spokane River Regional Toxics Task Force to add PCBs to the reporting list of Chemicals of High Concern to Children in your current update of the Children's Safe Products Act Reporting Rule (CSPA Reporting rule).

Sincerely,

The members of the Spokane River Regional Toxics Task Force (*below*)