

File
PCBs
Toxic Substances
Act / Regulations

POLYCHLORINATED BIPHENYLS

DEVELOPMENT PLAN

This development plan establishes an EPA Work Group to write rules for the regulation of polychlorinated biphenyls (PCBs). The plan is to submit to the Administrator by June 24, 1977, a final regulation to meet the requirements of section 6(e)(1), and proposed regulations, if required, to meet all the remaining requirements of section 6(e) of the Toxic Substances Control Act (TSCA). The Work Group will utilize extensive participation from other agencies, industries, environmentalists, and the public. A status report will be submitted to the Administrator each month.

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I. Major Regulatory Alternatives

There is no alternative to rulemaking. Section 6(e)(1) of TSCA requires the Administrator to promulgate regulations by July 1, 1977, requiring the labelling of PCBs and prescribing methods of disposal for PCBs. Sections 6(e)(2), and (3), require the following prohibitions within the stated deadlines:

- January 1, 1978 - Prohibiting the manufacture, process, distribution, or use of PCBs except in a totally enclosed manner;
- January 1, 1979 - Prohibiting the manufacture of PCBs; and
- July 1, 1979 - Prohibiting the process or distribution in commerce of PCBs.

Development of the preceding rules and prohibitions may necessitate promulgation of rules defining various requirements of the prohibition and rules under section 6(a)--e.g. monitoring.

A. Major Issues

1. Will disposal guidelines be required only for labelled products?
2. What will be labelled? Only new products? Inventories? Products in use? Primary and/or secondary products? Products containing PCBs as a contaminant? Will labelling and disposal regulations apply to articles containing PCBs?
3. What percentage of PCB in a mixture constitutes a PCB under the law?
4. What will be the impact on existing State laws?
5. What constitutes "distribute in commerce"? The sale of buildings with PCB-containing light fixtures and transformers? The sale of recycled paper contaminated with PCBs?
6. How will the clause "sold for purposes other than resale" be interpreted?
7. How will "unreasonable risk" and "good faith efforts" be defined for exemption purposes?
8. Will an Environmental Impact Statement (EIS) and an Inflationary Impact Statement (IIS) be required?

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9. What impact will the regulations have on other authorities? Clean Air Act (CAA), Federal Water Pollution Control Act (FWPCA), Resources Conservation and Recovery Act (RCRA), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Occupational Safety and Health Act (OSHA), and Consumer Product Safety Act (CPSA).

B. Relationship to Existing Programs

Regulation of PCBs under the TSCA could impact the following EPA programs in the following ways:

1. Office of Enforcement

Revision of NPDES Permits under 402(a) of FWPCA.

2. Office of Water Planning and Standards

Promulgation of toxic pollutant standards under section 307(a) of FWPCA.

Proposal of standards for liability for spills under section 311 of FWPCA.

Preparation of pretreatment regulations under section 307(b) of FWPCA.

Criteria for water quality under section 304(a) of FWPCA.

Effluent standards under sections 301, 304, and 306 of FWPCA.

3. Office of Air Quality Planning and Standards

Preparation of standards under section 111 or 112 of the Clean Air Act.

4. Office of Solid Waste Management Programs

Preparation of guidance under section 204 of the Solid Waste Management Act.

Implementation of RCRA.

5. Office of Water Supply

Standards under Safe Drinking Water Act.

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C. Litigation

A PCB labelling and disposal regulation will be the first Agency use of section 6 of TSCA authority. Litigation is expected on this basis.

II. Internal Coordination

A. Other Office Assistance

Intra-agency assistance will be provided through participation on the Work Group. Upon Development Plan approval, the following offices will be requested to assign a member to the Work Group.

- OTS - Toxic Substances - Lead Office
Chairman - George F. Wirth
- OTS - Toxic Substances Representative
- OWHM - Water Planning and Standards Representative
- OAWM - Air Quality Planning and Standards Representative
- OAWM - Solid Waste Program Representative
- ORD - Monitoring and Technical Support Representative
- OE - Representative - Enforcement Method and NPDES Permits
- OPM - Planning and Evaluation Representative - Inflationary Impact Statement (IIS), if required
- OGC - Representative - Informal Hearings
- Region V - Regional Representative--Alternate to be named from Region I.

OGC will be responsible for rules for informal hearings under section 6(c), of TSCA, if determined necessary. Informal hearings must be held in time to promulgate final regulations for labelling and disposal by July 1, 1977.

A Work Group participant will be required to provide up to 30 percent of his time through the final promulgation of the regulation on labelling and disposal of PCBs. The Offices of Toxic Substances and Solid Waste Management Programs will be required to furnish one man-year each toward the first regulation concerning disposal methods.

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In addition, assistance, including attendance at some Work Group Meetings, is invited and anticipated to be required from OFA, ORIO, OIA, OPA, and OL.

B. Regional Office Participation

Regional Office participation is requested. Regional Office coordination will be performed through ORIO. Regional Office assistance may be needed to resolve TSCA/State law preemption issues because several States have hazardous disposal regulations and PCB laws.

C. Reports Management Office

No impact on reports management is expected.

D. Federal Agency Participation

Representatives from GSA, DOD, TVA, VA, DOC, and DOT will be invited by the Work Group Chairman to participate as official observers to the Work Group.

The remainder of the interested Federal community will be invited to an interagency meeting to obtain their data and views before a proposed regulation is written.

E. International Participation

It is anticipated that there will be much international interest in these regulations. OIA will keep interested countries informed of the Work Group's activities and outputs. Particularly because of TSCA requirements relative to imports and exports, OECD member countries must be kept informed.

IV. Impact Statement Requirements

A. Environmental

The requirement for an Environmental Impact Statement (EIS) is under discussion with OFA. The labelling and disposal regulation may require an environmental impact statement.

B. Inflation

The requirement for an Inflationary Impact Statement (IIS) is under discussion with OPE.

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V. Schedule

Plan to AA's & Office Directors for Concurrence.	November 15, 1976
Plan to Administrator.	November 17, 1976
General Notice Published in the Federal Register.	November 18, 1976
First Meeting of Work Group.	November 19, 1976
Work Group Meetings.	November 24, 1976 (and at least every Wednesday following)
Initiate Impact Assessments, if Required.	December, 1976
Report to AA and Administrator on Progress, Determinations, Issues, Alternatives, and Impacts.	December 17, 1976 (and every third Friday following)
Brief Other Federal Agencies and Obtain Data and Views.	January 5, 1977
Public Participation Meeting.	January 11, 1977
Proposed Regulation for PCBs as Mandated by Section 6(e)(1) (Labelling and Disposal) to AA for Toxic Substances. Proposed Regu- lation for Labelling and Disposal of PCBs to Interagency Review.	February 4, 1977
Proposed Regulation for Labelling and Disposal of PCBs to Steering Committee.	February 11, 1977
Publish Rules for Attorney's Fees and, if Required, for Informal Hearing (from OGC).	March 1, 1977
Proposed Regulation for Labelling and Disposal of PCBs, Notice of Informal Hearing.	March 25, 1977
Proposed Regulation for PCBs as Mandated by section 6(e)(1) (Labelling and Disposal), and Notice of Informal Hearing Published in the Federal Register.	April 1, 1977
Proposal for All Other section 6(e) Required Regulations to AA for Toxic Substances and to Interagency Review.	April 15, 1977

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ADDENDUM

POLYCHLORINATED BIPHENYLS

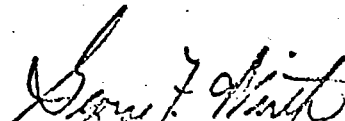
DEVELOPMENT PLAN

Public Participation

On December 20, 1976; the Work Group Chairman will convene a panel in the Washington Office of affected States, industry, labor, professional organizations, and environmental groups. The purpose of the meeting will be to discuss major issues, review impacts likely from regulation alternatives, and review public participation. See attached list of invitees to the panel. The panel meeting will be open to the public.

A public participation meeting will be held on January 11, 1976, to allow all interested parties to make comments. The ORIO representative to the Work Group will comment on public participation activities and assess the need for additional panel and/or public participation meetings. ORIO will assist OTS with public participation logistics.

A report on these public participation activities will be submitted to the Ad Hoc Advisory Committee or the Permanent Advisory Committee (whichever is appropriate) at their next and subsequent meetings.


George F. Wirth




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PCB PANEL

Monday, December 20, 1976
10:00 a.m. to 4:30 p.m., Room 3906, WSM
401 M St., S.W.,
Washington, D.C. 20460

States - Massachusetts, New York, South Carolina, Georgia, Mississippi,
Michigan, Indiana, Wisconsin, Minnesota, California, and
Washington

Industrial - Manufacturing Chemists Association
Electronics Industries Association
National Electrical Manufacturers Association
Edison Electric Institute
National Association of Manufacturers
Certified Ballast Manufacturers Association
American Railroad Association
Mass Transit Association
Monsanto

Labor - Electronic Workers of America
United Electrical Workers of America
Chemical and Atomic Workers
United Mine Workers of America
Teamster's Union
Railroad Workers

Professional - American Chemical Society
American Institute of Chemical Engineers
American Institute of Architects
Institute of Electrical and Electronic Engineers

Environmental - Environmental Defense Fund
Natural Resources Defense Council, Inc.
Sierra Club
Audubon Naturalist Society
Citizens for a Better Environment
CONCERN, Inc.
Great Lakes Fishery Commission

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