



June 28, 2017

Mr. Patrick Davis  
Deputy Assistant Administrator  
Office of Land and Emergency Management  
Mail Code 5101T  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: OLEM Policy Concerning Short-Term Exposure to Trichloroethylene in Indoor Air

Dear Mr. Davis:

Thank you again for meeting with us to discuss our concerns with EPA's approach to addressing indoor air exposure to trichloroethylene (TCE) from vapor intrusion at contamination sites. As we indicated, the policy is defined in the enclosed 2014 memo from the Office of Superfund Remediation and Technology Innovation (OSRTI) which interpreted scientific data on non-cancer (*i.e.*, developmental) effects to establish a national policy for accelerated response at remediation sites. The results on which the policy relies have not been reproduced in better conducted studies. We are aware of no Agency precedent, moreover, for OSTRI's application of a chronic inhalation reference concentration to short-term exposure.

Implementation of the 2014 policy memo has resulted in a significant increase in remediation costs and caused confusion among state and regional officials and the general public. Implementation of the policy has been inconsistent among EPA Regions, moreover, and at least one state (Indiana) has taken the position that the OSTRI policy is "not scientifically supportable."

As we discussed, the ongoing risk evaluation for TCE by EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) under the Lautenberg Chemical Safety Act provides an opportunity for your office to review and, as appropriate, update its policy on TCE remediation. This evaluation will be enhanced by the availability of data from new research that the industry expects to complete by the end of this year.

Consequently, we respectfully request that OLEM suspend the implementation of the 2014 OSTRI memo, and related memos issued by EPA Regional Offices,<sup>1</sup> until OCSPP's risk evaluation of TCE is complete. Until that time, OLEM can enforce the existing remediation values for TCE based on chronic risk exposures (of non-developmental risk endpoints) to ensure public health protection. Once the risk evaluation of TCE is complete, your office can assess the impact of its conclusions on OSTRI policy.

---

<sup>1</sup> ACC is aware of memos issued by Region 7 on November 2, 2016, by Region 9 on June 30, 2014 and July 9, 2014, and by Region 10 on December 13, 2012.



Mr. Patrick Davis  
June 28, 2017  
Page 2

Thank you again for considering our request. Please feel free to contact me at Ex. 6 or at [srisotto@americanchemistry.com](mailto:srisotto@americanchemistry.com) if you have questions or if you would like to discuss our request further.

Sincerely,

***Steve Risotto***

Stephen P. Risotto  
Senior Director

Enclosure

