

Message

From: Bromberg, Kevin L. [kevin.bromberg@sba.gov]
Sent: 6/29/2018 9:15:48 PM
To: Morris, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55c34872e6ea40cab78be910aec63321-Morris, Jeff]; Underwood, Patricia M CIV (US) [patricia.m.underwood.civ@mail.mil]; Waqar, Tayyaba [tayyaba.waqar@sba.gov]; Wennerberg, Linda S. (HQ-LD020 [linda.s.wennerberg@nasa.gov]; Moore, Beth [Beth.Moore@em.doe.gov]; Brenner, Sara A. EOP/OSTP [Sara.A.Brenner2@Ex. 6 Personal Privacy (PP)]; Jones, Danielle Y. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Schwab, Margo EOP/OMB [Ex. 6 Personal Privacy (PP)]; Laity, Jim A. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Szabo, Aaron L. EOP/CEQ [Ex. 6]; Barringer, Jody M. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Falk Curtin, Edna T. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Paul Winters [Ex. 6 Personal Privacy (PP)]; Fine, Leah R. EOP/OMB [Ex. 6 Personal Privacy (PP)]
CC: Bertrand, Charlotte [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f044d768e05842e1b75321ff6010e1b8-Bertrand, Charlotte]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Blair, Susanna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c869b985f3d43db982c18aaabd826bd-Blair, Susa]; Nickerson, William [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=148f2c1c05b54f358e29c59b841664aa-Wnicker]
Subject: RE: [Non-DoD Source] Methylene Chloride: Information on Sub-lethal effects (UNCLASSIFIED)

We generally endorse many of the technical and policy comments made by DOD and NASA. By filing this comment, we are not agreeing that interagency review on this rulemaking should start on July 2.

As some of you know, SBA Advocacy has already filed public comments recommending that EPA withdraw the proposed rule. EPA did not establish that there are unreasonable risks from use of this product that cannot be accommodated by risk management requirements or other means, in lieu of a ban of unknown scope now being considered by the agency. The SBREFA report contains much useful discussion about the lack of safe alternatives that are equally effective, among other important issues.

With regard to the sub-lethality acute endpoints, the excerpted document does not establish that (1) there is a significant number of sub-lethal acute effects experienced by consumers and workers or (2) that the sub-lethal effects are sufficiently adverse and involve more than temporary adverse effects to support a regulatory determination. We do not recall whether the sub-lethal effects were considered as part of the 2014 risk assessment peer review. Further, the 2014 risk assessment was properly criticized for unrealistic exposure scenarios, which would further compromise any examination of sub-lethal effects.

EPA also promised to peer review the July 2016 "Supplemental Consumer Exposure and Risk Estimation Technical Report for Methylene Chloride in Paint and Coating Removal" before promulgation of the final rule, probably recognizing that the 2014 analysis would not be sufficient alone to justify a final rule. This peer review has not occurred.

We look forward to a robust technical and policy level discussion on these issues.

Kevin Bromberg

-----Original Message-----

From: Morris, Jeff [mailto:Morris.Jeff@epa.gov]
Sent: Tuesday, June 26, 2018 2:38 PM
To: Underwood, Patricia M CIV (US); Waqar, Tayyaba; Bromberg, Kevin L.; Wennerberg, Linda S. (HQ-LD020; Moore, Beth; Brenner, Sara A. EOP/OSTP; Jones, Danielle Y. EOP/OMB; Schwab, Margo EOP/OMB; Laity, Jim A. EOP/OMB; Szabo, Aaron L. EOP/CEQ; Barringer, Jody M. EOP/OMB; Falk Curtin, Edna T. EOP/OMB; Paul Winters [Ex. 6]; Fine, Leah R. EOP/OMB
Cc: Bertrand, Charlotte; Baptist, Erik; Beck, Nancy; Blair, Susanna; Nickerson, William
Subject: RE: [Non-DoD Source] Methylene Chloride: Information on sub-lethal effects (UNCLASSIFIED)

TWG Colleagues,

EPA recognizes how accommodating agencies have been in working with us to meet very tight deadlines. Thank you – we really appreciate it. Therefore, we agree to accept TWG comments on the methylene chloride sub-lethal effects document until Friday, June 29. However, we view this extension as contingent on agreement with our objective to have the final rule go into interagency review by Monday, July 2. We

believe that the science issues associated with the rule have been much discussed in the issuance of the final risk assessment, the proposed rule, the recent technical briefing for the TWG, and most recently in the sub-lethal effects document. The use of that science to inform an unreasonable risk determination under TSCA is certainly appropriate for discussion during interagency review, but EPA feels that it has done what it can to explain the technical basis behind its evaluation of methylene chloride.

If agencies would like to have a phone conference to discuss any comments they may have on the document, we would be happy to set one up.

All the best,

Jeff

Jeffery T. Morris, PhD
Director, Office of Pollution Prevention & Toxics
US Environmental Protection Agency

1200 Pennsylvania Avenue, NW (MC-7401M)
Washington, DC 20460

(202) 564-3810

-----Original Message-----

From: Underwood, Patricia M CIV (US) [mailto:patricia.m.underwood.civ@mail.mil]
Sent: Friday, June 22, 2018 3:59 PM
To: Morris, Jeff <Morris.Jeff@epa.gov>; Waqar, Tayyaba <tayyaba.waqar@sba.gov>; kevin.bromberg@sba.gov; Wennerberg, Linda S. (HQ-LD020 <linda.s.wennerberg@nasa.gov>; Moore, Beth <Beth.Moore@em.doe.gov>; Brenner, Sara A. EOP/OSTP [Ex. 6 Personal Privacy (PP)]; Jones, Danielle Y. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Schwab, Margo EOP/OMB [Ex. 6 Personal Privacy (PP)]; Laity, Jim A. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Szabo, Aaron L. EOP/CEQ [Ex. 6 Personal Privacy (PP)]; Barringer, Jody M. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Falk Curtin, Edna T. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Paul Winters [Ex. 6 Personal Privacy (PP)]; Fine, Leah R. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Subject: RE: [Non-DoD Source] Methylene Chloride: Information on Sub-lethal effects (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Jeff,
Thank you for sending this document. We would very much like to provide feedback. However, if our input is really needed/sought, we will not be able to provide it until June 29th. Our team is simply booked with meetings next week from Monday until Thursday and it will be physically impossible to review the document and provide any meaningful feedback until Friday. I hope this does not cause any major issues but it is the best we can do. As you know we strive to respond to all deadlines as presented in the past. But this one is just simply not possible due to other full day commitments by all who would be able to review.

Thanks,
Tricia

-----Original Message-----

From: Morris, Jeff [mailto:Morris.Jeff@epa.gov]
Sent: Friday, June 22, 2018 12:20 PM
To: Waqar, Tayyaba <tayyaba.waqar@sba.gov>; kevin.bromberg@sba.gov; Underwood, Patricia M CIV (US) <patricia.m.underwood.civ@mail.mil>; Wennerberg, Linda S. (HQ-LD020 <linda.s.wennerberg@nasa.gov>; Moore, Beth <Beth.Moore@em.doe.gov>; Brenner, Sara A. EOP/OSTP [Ex. 6 Personal Privacy (PP)]; Jones, Danielle Y. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Schwab, Margo EOP/OMB [Ex. 6 Personal Privacy (PP)]; Laity, Jim A. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Szabo, Aaron L. EOP/CEQ [Ex. 6 Personal Privacy (PP)]; Barringer, Jody M. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Falk Curtin, Edna T. EOP/OMB [Ex. 6 Personal Privacy (PP)]; Paul Winters [Ex. 6 Personal Privacy (PP)]; Fine, Leah R. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Subject: [Non-DoD Source] Methylene Chloride: Information on Sub-lethal effects

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TWG Colleagues,

As information prior to interagency review of EPA's final rule on methylene chloride, the attached document provides:

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

This is a very short, simple document, so we would appreciate any comments by noon Tuesday, June 26. Please send any comments to Susanna Blair at Blair.susanna@epa.gov < Caution-mailto:Blair.susanna@epa.gov > . If a short call is needed Monday afternoon or Tuesday morning to clarify anything in the document, please let Susanna know and we will set it up. Thanks very much for working with us on this.

All the best,

Jeff

Jeffery T. Morris, PhD

Director, Office of Pollution Prevention & Toxics

US Environmental Protection Agency

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Washington, DC 20460

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