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Toxic Substances

EPA Considering Tighter PCB Rules To Protect Human Health, Environment

The Environmental Protection Agency is considering tightening regulations on certain commercial uses of polychlorinated biphenyls (PCBs) if those uses pose an unreasonable risk to human health and the environment.

EPA said in an advance notice of proposed rulemaking to be published April 7 that it is investigating "whether some authorized uses of PCBs should be eliminated or phased-out and whether more stringent use and servicing conditions would be appropriate."

PCBs are toxic and persistent chemicals primarily used as insulating fluids in heavy-duty electrical equipment in power plants, industries, and large buildings across the country, according to the agency.

Equipment containing PCBs includes electrical transformers, mining equipment, heat transfer systems, voltage regulators, and natural gas pipeline systems, it said.

EPA regulates PCBs under the Toxic Substances Control Act, which generally bans the manufacture, use, and distribution in commerce of the chemicals in products at concentrations of 50 parts per million or more. However, TSCA allows EPA to authorize certain uses. For example, under EPA regulations PCBs may be used to rebuild existing electrical transformers during the transformers' useful life.

Commercial Uses Under Scrutiny

EPA said it will specifically reassess its TSCA regulations on the use, distribution in commerce, marking, and storage for reuse of liquid PCBs in electric and nonelectric equipment.

The review will also include the use and distribution in commerce of PCBs in porous surfaces; the 50 ppm level for products authorized under current regulations; non-liquid PCBs; and marking of PCB articles in use, the agency said.

The definitions of excluded manufacturing process, quantifiable level/level of detection, and recycled PCBs will also be examined, the agency said.

EPA will accept comments on issues raised in the notice through July 6. The agency said it will also hold a series of public meetings nationwide to solicit comments on the notice.

"The objective of this [advance notice] is to announce the agency's intent to reassess the current use authorizations for certain PCB uses to determine whether they may now pose an unreasonable risk to human health and the environment," EPA said.

EPA also called for comments and responses to questions on current uses of PCBs, including the potential impact of different approaches to disposing of equipment containing the substances.

For example, one question asks for comments on the difference in cost between removing PCBs from electrical transformers within 10 years through reclassifying and disposing of the transformers, versus disposing of the transformers without reclassification at the end of their useful life.

EPA classifies electrical transformers as PCB, PCB-contaminated, and non-PCB.

Since PCB regulations were first published in 1979, "many changes have taken place in the industry sectors that use such equipment, and EPA believes that the balance of risks and benefits from the

continued use of remaining equipment containing PCBs may have changed enough to consider amending the regulations," EPA said.

In September 2009, EPA released a draft recommendation to adopt internationally accepted toxicity equivalency factors for dioxin and dioxin-like compounds, such as PCBs, for human health risk assessments (169 DEN A-4, 9/3/09).

Benefits of Continued Use

Equipment that contains PCBs presents a number of challenges, EPA said.

The benefits of continued use of PCB-containing equipment are "diminished by the increasing risk that aging equipment may fail in a manner that releases PCBs to the environment as that equipment reaches the end of its useful life," the agency said. The cost of cleaning up PCB spills may exceed the cost of disposing of the equipment and replacing it with new equipment, EPA said.

On the international front, PCBs are persistent chemicals that are internationally recognized as risks to health and the environment that need to be removed from use, EPA said.

The Stockholm Convention on Persistent Organic Pollutants among other things requires parties to make determined efforts to phase out certain ongoing uses of PCBs by the year 2025.

The Stockholm Convention, finalized in 2000, allowed countries to continue using PCBs in power-generating equipment subject to certain restrictions.

The United States has signed, but not ratified, the convention.

Comments should be identified by Docket No. EPA-HQ-OPPT-2009-0757 and submitted to http://www.regulations.gov.

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