AR 226-0996

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NOTE

SUBJECT: PowerPoint Presentation: EPA Activities/Issues on Fluorosurfactants

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FROM: Mary F. Dominiak
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TO: AR-226

The attached presentation was given to the Department of Defense Fire and Emergency Services Workgroup on January 23, 2001, in College Station, Texas, in connection with budget and operational planning for fire fighting activities in all of the uniformed services. This presentation took one hour and formed part of a two-day working briefing on numerous fire fighting issues for Curtis Bowling, P.E., Assistant Deputy under Secretary of Defense, Force Protection, Environmental Security. EPA was present only during the first day of this briefing.

Attendees at the Workgroup meeting included Mr. Bowling and approximately 25 representatives from fire fighting and fire research units in the Army, Navy, Air Force, Marines, and Coast Guard. No attendee list was furnished to the EPA.

EPA was requested to present information at this briefing on all of its activities with respect to fluorosurfactants that might have an impact on military construction and fire fighting operations within the Department of Defense, in order to assist DOD with its future budgetary and operational planning. DOD has not filed comments in any regulatory proceedings on these issues at EPA.

The briefing notes current regulatory activity on PFOS, assessment activity on PFOA, and voluntary new research underway on the telomer chemicals, while emphasizing the uncertainties in all three areas that prevent the EPA from making any specific recommendations at this time. The presentation draws no conclusions beyond that it would be prudent for DOD to investigate alternatives to the products it is currently using, some of which are being discontinued by industry.

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EPA Activities/Issues on Fluorosurfactants

Mary F. Dominiak
U.S. Environmental Protection Agency
DoD Fire & Emergency Services Workgroup
January 23-24, 2001

Issues and Status

- Discovery of perfluorooctyl sulfonates (PFOS) in humans and wildlife worldwide.
- Concern: Data indicate PFOS chemicals are persistent, bioaccumulative, and toxic.
- 3M phasing out 90 PFOS chemicals by 2003; EPA proposed regulation to follow voluntary phaseout.
- EPA has concerns on related chemistries (PFOA, telomers); assessment and research are underway.
- PFOS, PFOA, and telomers are used in MilSpec AFFF products.

Status of PFOS Rulemaking

- EPA published Proposed Significant New Use Rule (SNUR) on 90 PFOS chemicals (65 FR 62319, 10/18/2000), consonant with 3M phaseout.
- Proposed SNUR is *not* a ban:
  - Would require companies to file notice with EPA 90 days before beginning new manufacture or import of listed PFOS chemicals. EPA could grant, deny, or impose conditions on intended use.
  - Would *not* affect continued use of stocks of chemicals obtained before the end of the phaseout period.
- Comment period extended to 1/1/2001.
- Public meeting in February 2001 in DC.

Status of PFOS Rulemaking

- 25 comments filed.
- Most comments challenge legal basis of proposed SNUR; also request exemptions for specific uses of PFOS chemicals as being essential, low volume, and low exposure.
- Claimed essential uses include photoresists in semiconductor manufacture; aviation hydraulic fluids; and some photolithography.
- Comments currently under review.

Related Chemistry Concerns

- PFOA & telomer chemicals raise similar concerns:
  - Known persistence.
  - PFOA toxicity data in public literature.
  - Question: similar bioaccumulative potential?
  - Question: similar fate and transport?
  - Question: similar widespread exposure?
- EPA hazard assessment on PFOA underway; preliminary conclusions likely by June 2001.
- Telomer producers began voluntary testing in 2000; data to be available in 2002.

Future EPA Actions

- PFOS:
  - Assess and respond to comments on proposed SNUR for 90 3M phaseout PFOS chemicals.
  - Consider need/options for action on other PFOS chemicals.
- PFOA:
  - Complete preliminary hazard assessment by June 2001.
  - Identify needs/options for action.

Future EPA Actions

- Telomers:
  - Begin EPA review of existing data.
  - Review submissions from voluntary industry testing program in 2001-2002.
- International Activities:
  - Participate in initial assessment of PFOS by Organization for Economic Cooperation and Development, January 2001; further action to be determined.

Future EPA Actions

- Regulatory actions available under the Toxic Substances Control Act include:
  - Testing requirements (section 4).
  - SNURs, new chemical reviews (section 5).
  - Manufacturing, use, disposal rules (section 6).
  - Information submission (section 8).
- TSCA uses an "unreasonable risk" standard balancing hazard, exposure, benefits, costs, availability of alternatives at time of proposal.

Future Actions

- Voluntary activity may be expected in lieu of or while regulatory activities are pending.
  - If assessments raise liability concerns, more companies may elect to discontinue chemicals.
  - New chemicals are being submitted to EPA for review as potential substitutes for PFOS/PFOA.
    - Presence of new chemical alternatives may affect TSCA "unreasonable risk" determinations.

AFFF Implications

- Current EPA activities would *not* restrict continued use of PFOS-based AFFF stocks obtained prior to the 12/31/2002 phaseout.
- Current EPA activities *would* prevent manufacture or import of PFOS after phaseout, *including* PFOS-based AFFF, *unless* 90-day notice filed and approved.

AFFF Implications

- Non-PFOS-based AFFF products formulated with PFOA or telomers *may be affected* by ongoing EPA reviews of these related chemistries, and *may be subject* to future regulatory or voluntary risk management actions.
  - Persistence is known; information on toxicity, bioaccumulative potential being assessed or collected.
  - Initial assessments will be completed in 2001-2002.
  - Regulatory proceedings average 2-5 years.

AFFF Implications

- A program to seek, test, and consider long-range alternatives to current fluorosurfactant-based AFFF would be prudent.
  - Health and environmental concerns generally argue for a move away from persistent chemicals where possible.
  - Ongoing EPA activities provide a multi-year window for development, evaluation, and qualification of alternatives, while still allowing access to and use of stocks of currently accepted chemicals.

For Further Information

- Mary F. Dominiak, 202-260-7768, *dominiak.mary@epa.gov*
- Karen Lannon, 202-260-2797, *lannon.karen@epa.gov*
- For data CDs from PFOS file (AR-226), TSCA NCIC, 202-260-7099, Monday-Friday, noon to 16:00 Eastern time.