

Industry Asks Rationale For EPA PFOA Risk Research, Citing Phase-Out

Industry officials are questioning why EPA is spending limited research dollars to conduct toxicity and exposure research on the controversial and widespread industrial chemical perfluorooctanoic acid (PFOA) after the agency reached an agreement with companies last year to completely phase out the chemical's use by 2015.

An industry source tracking the issue says industry will be approaching EPA to clarify what value the agency sees in studying a chemical that will no longer be manufactured in a few years.

However, an EPA spokesman says the research is needed to determine whether the agency may need to set regulatory levels for the compound in the future.

Chemical companies -- including DuPont and 3M -- have committed to phasing out PFOA's use by 2015, the industry source says, noting that the companies have been coordinating their research on PFOA with EPA since 2003 and have made significant advances in limiting PFOA emissions. Now they are wondering why EPA is still pursuing a large number of research efforts targeting questions related to health effects and exposure to PFOA.

Why EPA is spending money to research a chemical that is being voluntarily phased out "is an excellent question," says the industry source, adding, "We intend to discuss this with EPA."

An EPA spokesman defends the agency's research efforts, saying the companies' promise to phase out PFOA "is a voluntary commitment, and it doesn't affect EPA's intent to establish a scientific position" on PFOA or similar compounds, "which may or may not lead to a regulatory position."

EPA's broad array of PFOA research efforts comes at a time when the program overseeing the research has a relatively small and diminishing budget. While EPA has not released the cost of each of the research projects, the Safe Pesticides/Safe Products Research Program -- which is in charge of the PFOA work -- was funded at \$33.7 million in 2006, \$29.3 million in 2007, and is projected to receive only \$28.2 million in fiscal year 2008, according to an EPA spokeswoman. The spokeswoman adds that these are total program funding levels, including payroll, travel, operating expense and working capital funds, as well as extramural grant funding for the computational toxicology research program.

In March 2006, EPA announced that 3M, DuPont and six other companies had agreed to cut facility emissions and PFOA content in their products by 95 percent no later than 2010, with the ultimate goal of eliminating use of the chemical by 2015. Baseline emissions and product content data -- which can be used to measure the companies' progress toward those goals -- was submitted to the agency in October 2006.

Now EPA's Office of Research & Development (ORD) is overseeing an array of research that could inform future risk assessments for PFOA that could be used to drive a regulatory standard. An ORD official says the research comes at the request of the agency's Office of Pollution Prevention & Toxics, which is responsible for regulating toxic chemicals.

ORD's research includes efforts to characterize PFOA's developmental effects, as well as its effects on the liver, immune system and thyroid, the ORD source says. This research is being done on rodents, the source says, but the agency hopes to use modeling to see what the study results could mean for human health.

The ORD source also says the agency is testing "articles of commerce" -- such as upholstery, clothing and carpets -- to see whether PFOA is released from these products over the course of normal "wear and tear." This research comes on top of ongoing efforts to characterize the distribution of PFOA and related chemicals in water and soil, including research to monitor for the chemical in wastewater effluent. This research could help EPA identify how people are exposed to PFOA, which would allow the agency to make more informed risk assessments.

EPA's Web site says the agency began developing an Integrated Risk Information System (IRIS) assessment for PFOA in early 2002, but provides no information on how the process is progressing or when it will be completed. IRIS is a database of toxicological profiles used nationwide to set health and cleanup standards.

In March 2006, EPA took what supporters perceived as a first step towards regulating PFOA and other fluoropolymer compounds when it sought to use its Toxic Substances Control Act (TSCA) authority to require companies to notify the agency before producing PFOA-like compounds. Environmentalists praised the agency's efforts -- which came within days of the agency finalizing its voluntary phase-out agreement -- saying it was likely the first time EPA had taken a step to regulate PFOA-type fluoropolymers that were generally exempted from strict oversight following a rule issued in 1984 and later expanded in 1995.

However, the proposed rule -- published in the Federal Register March 7, 2006 -- was never finalized. The EPA spokesman says the rule is "expected to go final in spring [or] summer of 2008."

Meanwhile, California activists are considering whether to file suit against California for inadequately assessing and regulating chemicals with known or strongly suspected health risks, after the state declined Oct. 23 to list PFOA under its powerful Proposition 65 risk disclosure law, according to a lawyer close to the issue.

The decision to step up pressure by suing California officials could have broad ramifications for environmentalist efforts to spur more stringent risk assessments and regulatory requirements in general for controversial chemicals, a top priority of numerous anti-toxics activist groups.

Scientific studies on PFOA exposure and reproductive effects are increasingly coming to light, according to a recent EPA paper on the issue. While the studies show differences between impacts on humans and other species, the EPA paper includes several studies mentioned in the activists' failed PFOA petition. EPA has not calculated a risk level for human exposure, but PFOA is thought to be present in the blood of more than 90 percent of the population, a possibility which in itself has raised concerns that, at a minimum, the public should not be widely and involuntarily exposed to substances that may pose significant risks.