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Alexandra Dapolito Dunn
Executive Director &
General Counsel

August 24, 2016

Jeffery T. Morris
Acting Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave NW
Washington, DC 20460

RE: EPA-HQ-OPPT-2016-0400; Risk Evaluation Procedural Rule under
TSCA Section 6(b)(4)

Dear Acting Director Morris:

On behalf of the Environmental Council of the States (ECOS), the nonprofit, nonpartisan association of state and territorial environmental agency leaders, I am pleased to offer these comments with regards to EPA's risk evaluation procedural rule under TSCA Section 6(b)(4) in response to docket EPA-HQ-OPPT-2016-0400.

When ECOS commended the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, we also noted that we would seek a collaborative dialogue with EPA and all stakeholders to ensure that the legislation reaches its full potential. We find this early opportunity for comment to be a good first step by EPA to establish this dialogue. Therefore, we provide the following comments on the Procedural Rule.

First, as EPA seeks to set the scope of specific risk evaluations, we urge the Agency to reach out to the states to help identify concerns to be addressed. This check-in with states will also provide an opportunity for states to share any restrictions they have placed on the chemicals that EPA is evaluating.

During risk evaluations, we encourage you to work with states to integrate and assess information on hazards and exposures. Some states may have done some of their own work on these issues or may be able to help EPA identify additional sources for this information. Given funding and staff constraints, and the timelines set forth in the law, we encourage EPA to look at all reliable sources of information including international work under REACH and other chemical management programs. By tapping these and other resources, EPA will ensure it considers a wide range of information, thereby strengthening the results of the risk evaluations.

We also encourage EPA to take a flexible approach to developing the scope of the risk evaluation so the Agency is not limited by a standardized method. Given the program is in the early stages of development, we believe the Agency needs use its existing TSCA authority to collect the necessary information and data to establish a balanced scope of a risk evaluation on a case-by-case basis.

Finally, once a draft risk evaluation is published, ECOS encourages EPA to work with states to ensure they are aware of the availability of the draft document and have enough time to respond. This may include extending the comment period to more than 30 days.

ECOS believes that taking these actions will help ensure strong, defensible risk evaluations. Thank you for the early opportunity to provide input and for considering our comments. We look forward to working with EPA and other stakeholders to implement this renewed and stronger Toxic Substances Control Act.

Sincerely,

A handwritten signature in blue ink, reading "Alexandra Dapolito Dunn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alexandra Dapolito Dunn
Executive Director and General Counsel
Environmental Council of the States

