



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR  
SCIENCE ADVISORY BOARD

January 12, 2017

EPA-SAB-17-003  
The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Subject: Science Advisory Board (SAB) Consideration of EPA Planned Actions in the Spring 2016 Unified (Regulatory) Agenda and their Supporting Science

Dear Administrator McCarthy:

As part of its statutory duties, the EPA Science Advisory Board recently concluded discussions about possible review of the science supporting major EPA planned actions associated with the Spring 2016 Unified (Regulatory) Agenda and Regulatory Plan. The EPA Office of Policy provided notice of the release of this information on May 18, 2016. The SAB discussed whether to review the science supporting any of the planned regulatory actions in that agenda in order to provide advice and comment on the adequacy of the science, as authorized by section (c) of the Environmental Research, Development and Demonstration Authorization Act, during a public meeting held on November 30, 2016.

The SAB focused its attention on eight major planned actions identified by the EPA Office of Policy but not yet proposed as of the date the Regulatory Agenda was published in the *Federal Register*. The SAB convened a Work Group to review the planned actions, conduct fact-finding and develop recommendations for further consideration by the chartered SAB. At the public meeting, the SAB discussed the Work Group's findings and decided that it will not undertake review of the science supporting any actions in the semi-annual regulatory agenda at this time. The list of actions considered is enclosed.

Two actions in the Spring 2016 Regulatory Agenda, *Polychlorinated Biphenyls (PCBs) Reassessment of Use Authorizations for PCBs in Small Capacitors (RIN: 2070-AK12)* and *Trichloroethylene (TCE) Rulemaking under TSCA Section 6(a); Vapor Degreasing (RIN: 2070-AK11)*, propose parts of actions considered by the SAB in previous reviews of the semi-annual regulatory agendas (Spring 2013 and Spring 2015, respectively). While the rationale for narrowing the rulemakings is not clear, the SAB notes that no new issues are addressed in the current actions.

Four actions in the regulatory agenda are National Emission Standards for Hazardous Air Pollutants (NESHAPs) undergoing Risk and Technology Reviews (RTR). Within eight years of initial promulgation of NESHAPs for an industrial source, EPA must assess the technology and residual risk to determine whether additional standards are needed to provide an ample margin of safety to protect public health and prevent adverse environmental effects considering costs, energy, safety and other relevant factors. Each RTR analysis follows a consistent risk characterization approach using an enhanced and evolving methodology that has undergone consultations, advisories and peer reviews by the SAB (in 1999, 2000, 2006, and 2010). The four new RTRs are based on screening methodologies for risk characterization that have evolved since 2010 based on new scientific knowledge or methodologies. The EPA is planning an SAB review in 2017 of *Screening Methodologies to Support Risk and Technology Reviews (RTR): A Case Study Analysis*.

While the SAB finds that these four new RTR actions do not merit further scientific review, the SAB notes that there are many different sectors that use the RTR methodology. These different sectors incorporate and use data and information that are appropriate to that sector. The agency may benefit from SAB advice when novel science or new technologies are part of a planned RTR for specific sectors, and the SAB encourages the agency to provide as much sector-specific information as available to assist the Board in conducting the screening review of future regulatory agendas. The SAB also notes that the planned 2017 screening methodology review may provide recommendations for changes in the RTR methodology and encourages the agency to incorporate those recommendations into future RTRs and those not yet final.

The two remaining actions reviewed by the SAB are administrative and contain no new science. The first, *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements*, provides updates to the existing implementing regulations for the 2015 ozone NAAQS. The Clean Air Scientific Advisory Committee reviewed the scientific and technical information supporting the NAAQS. The second action, the *Clean Energy Incentive Program (CEIP) Design and Implementation*, provides details on project eligibility, flexibility to choose one or more existing definitions of low-income community, and how CEIP incentives could be made available to eligible renewable energy projects.

The SAB appreciates the information provided by the EPA Office of Policy and the EPA program offices describing the planned actions. The Work Group recommendations, written information provided by the agency and the results of fact-finding discussions with EPA staff are available on the SAB website.<sup>1</sup>

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<sup>1</sup> Materials regarding major planned EPA actions in the Spring 2016 Regulatory Agenda are available at: [https://yosemite.epa.gov/sab/sabproduct.nsf//B96699B3E1506C19852580600070EE2B/\\$File/Spring+2016+Reg+Rev+Memo.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf//B96699B3E1506C19852580600070EE2B/$File/Spring+2016+Reg+Rev+Memo.pdf)

On behalf of the SAB, I thank you for the opportunity to support EPA through consideration of the science supporting actions in the agency's regulatory agenda.

Sincerely,

/Signed/

Dr. Peter S. Thorne, Chair  
Science Advisory Board

Enclosures

- (1) Summary of Proposed Actions Considered
- (2) Roster of SAB Members

## NOTICE

This report has been written as part of the activities of the EPA Science Advisory Board (SAB), a public advisory group providing extramural scientific information and advice to the Administrator and other officials of the Environmental Protection Agency. The SAB is structured to provide balanced, expert assessment of scientific matters related to problems facing the Agency. This report has not been reviewed for approval by the Agency and, hence, the contents of this report do not necessarily represent the views and policies of the Environmental Protection Agency, nor of other agencies in the Executive Branch of the Federal government, nor does mention of trade names of commercial products constitute a recommendation for use. Reports of the SAB are posted on the EPA Web site at <http://www.epa.gov/sab>.

## Summary of Proposed Actions Considered

<b>Proposed actions in the Spring 2016 Unified (Regulatory) Agenda and Regulatory Plan considered by the Science Advisory Board and whether to provide advice and comment on the adequacy of the science supporting the action</b>	
<b>RIN<sup>1</sup></b>	<b>Planned Action Title</b>
<a href="#"><u>2060-AS82</u></a>	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements
<a href="#"><u>2060-AS85</u></a>	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works Risk and Technology Review
<a href="#"><u>2060-AS46</u></a>	Risk and Technology Review for National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Combustion Sources
<a href="#"><u>2070-AK11</u></a>	Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a); Vapor Degreasing
<a href="#"><u>2070-AK12</u></a>	Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations for PCBs in Small Capacitors
<a href="#"><u>2060-AS81</u></a>	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
<a href="#"><u>2060-AS84</u></a>	Clean Energy Incentive Program Design and Implementation
<a href="#"><u>2060-AS92</u></a>	Portland Cement Risk and Technology Review
<sup>1</sup> The Regulatory Identification Number provides a hyperlink to the Office of Management and Budget's webpage and information on the planned action provided in the Unified Regulatory Agenda.	

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