

Comments from George Pavlou, Deputy Regional Administrator, EPA-Region 2, provided via 3/15/11 email from Marian Olsen, Region 2

**Reframing the PCBs in caulk issue to look broadly at PCB exposure issues in schools.**

Region 2 used a science integration approach to develop an agreement in principle with the City of New York related to polychlorinated biphenyls (PCBs) in caulk. PCBs have been used historically to make caulk malleable, but regulations under the Toxic Substances Control Act (TSCA) require that materials with PCBs that exceed 50 parts per million (ppm) must be removed. After PCBs were identified in caulk and local media focused on the problem, caulk in nine schools was tested and PCB levels in caulk over 50 ppm identified. New York Lawyers in the Public Interest filled a notice of intent to sue NYC over failure to remove the PCBs.

As a decision maker, the Deputy Regional Administrator (DRA) faced a difficult challenge. The continued use of PCBs in caulk is not authorized. Regulations require PCB removal if it is determined to be present, but PCB removal is very expensive and New York City schools have major budget issues. There is no **regulatory** requirement for testing, and if PCBs are found, removal of the caulk may cause additional risks if not conducted appropriately. To make a more informed decision, **after consultation with EPA Headquarters**, he decided to defer decisions on **the** caulk until the region and the public **better** understood the overall context for PCB exposures (e.g., whether there are PCBs in materials other than caulk, such as floor tiles, or fluorescent lights) and was convinced that there was an unacceptable risk. ORD provided information about PCB detection technology. The school system conducted air, wipe and soil sampling. Prior to the ORD PCB calculator development (and its subsequent recommendation of 300 ng/m<sup>3</sup> for elementary schools) a draft risk assessment by Region 2 for the elementary school P.S. 199 recommended a value of 200 ng/m<sup>3</sup> (for a Reasonable Maximum Exposure scenario) and 300 ng/m<sup>3</sup> (for a Central Tendency exposure scenario, and utilized existing TSCA benchmarks for wipes and soil. The DRA took a Superfund-site characterization approach, rather than a regulatory approach based on TSCA. In his view, "science opens the door, helps the decision maker to frame questions, and get solutions...Science may even help to identify options that may not even exist within a specific regulation."