

**Notes from the Meeting of the
Environmental Council of the States (ECOS)
Cross-Media Committee (CMC)**

at the 2010 ECOS Spring Meeting

March 24, 2010

Cavallo Point Lodge Sausalito, California

Compiled by Matthew C. Jones (ECOS)

Committee Vice-Chair Ted Sturdevant (Washington) welcomed attendees and called the meeting to order at approximately 10:00am Pacific time. Kathy Kinsey (Maryland) noted that Committee Chair Shari Wilson sends her regrets that she could not attend due to a conflicting meeting with her state legislature.

Staffer Matthew Jones (ECOS) distributed to members a draft resolution on ECOS-wide principles for reforming the Toxic Substances Control Act (TSCA). It was noted that the handout is meant as a discussion draft to gauge feedback from members. The Committee plans to fine-tune the resolution over the summer based on member input, and propose it for possible endorsement consideration at the ECOS Annual Meeting in August. Ms. Kinsey will lead the effort to coordinate this.

It was also announced that, in January, the Committee published a report titled: "State Experiences with Emerging Contaminants: Recommendations for Federal Action." The report is available online: http://www.ecos.org/section/committees/cross_media

Mr. Sturdevant announced that a side-meeting was scheduled to occur later in the afternoon (at 1:00pm Pacific) so that members could engage the guest speakers with questions and further discussion. The side-meeting conflicts with the Compliance Committee session, so Mr. Sturdevant encouraged interested states with more than one member present to assign someone to attend the side-meeting. Mr. Sturdevant also noted that the committee has a very full agenda, with numerous policy resolutions to consider. Therefore, Mr. Sturdevant requested that members hold their questions for guest speakers until the side-meeting at 1 o'clock.

Next, Mr. Sturdevant welcomed the guest speakers from EPA and invited the first speaker, Steve Owens (Assistant Administrator for EPA's Office of Prevention, Pesticides and Toxic Substances), to begin his presentation.

A slideshow accompanied Mr. Owens' presentation (see slideshow posted on the ECOS website).

Mr. Owens began his remarks by noting that there were plans underway to rename the Office of Prevention, Pesticides and Toxic Substances to the Office of Chemical Safety and Pollution Prevention (OCSPP). The name change will be effective on April 22 (Earth Day). The change is intended to demonstrate that the safety of all chemicals – including pesticides and industrial chemicals – is a key priority of EPA Administrator Lisa Jackson, and to emphasize pollution prevention as a key focus of the office.

Regarding the prospects for reform of TSCA, Mr. Owens said that he was hopeful a bill would be introduced in Congress soon after the Easter recess. In the meantime, he and Administrator Jackson are seeking to do everything they can under current law to manage chemicals where necessary for protection of public health. For example, Mr. Owens noted that his office recently introduced action plans for managing several priority chemicals, including phthalates, polybrominated diphenyl ethers (PBDEs), perfluorinated chemicals, and short-chain chlorinated paraffins.

Mr. Owens said there are rumors circulating that EPA is purposefully delaying the release of its action plan for bisphenol A (BPA), but that these rumors were simply not true. The BPA action plan was only recently drafted and will be publicly released as soon as it is ready. Another action plan is being prepared for benzidine dyes, and EPA plans to continue to develop action plans on additional chemicals over the coming year.

Mr. Owens said that he saw ECOS' January report on the subject of emerging contaminants and nanomaterials management and said that he thought it was a good report.

Regarding EPA's Lead (Pb) Renovation Rule, Mr. Owens conceded that there was initial worry that not enough contractors would be available to provide proper renovation services in conformance with the rule, but EPA has since successfully certified over 3,000 trained firms to do this work, which Mr. Owens believes is more than adequate at this juncture.

Mr. Owens touched on a number of other topics, including the state-federal collaboration on mercury management being spearheaded by EPA and the Quicksilver Caucus (see slideshow). Mr. Owens noted that a June meeting was being planned so leaders of the two parties could have a comprehensive discussion on the mercury issue. He also noted EPA's current efforts to manage mercury in products through TSCA mechanisms.

At the conclusion of Mr. Owens' remarks, he thanked ECOS for the invitation to the meeting, and said that he looks forward to the afternoon side-session with members.

Mr. Sturdevant thanked Mr. Owens for his presentation and introduced the next speaker, Paul Anastas (Assistant Administrator for EPA's Office of Research and Development).

Mr. Anastas began his remarks by thanking ECOS for inviting him to speak. Mr. Anastas said it was his understanding that he may be the first Assistant Administrator of EPA's Office of Research and Development (ORD) to speak at an ECOS meeting, but he thought his invitation was very appropriate for

a number of reasons. He said he could understand why his office's research activities would be of great interest to ECOS members, and said that he thought it was appropriate to share information about ORD's plans with the ECOS Cross-Media Committee. Mr. Anastas noted that ORD's research cuts across the various air, water, and waste media as well as cumulative risk assessment and environmental justice issues.

Mr. Anastas suggested that regulators need to develop a holistic way of thinking about ecosystems and product lifecycles in order to develop sustainable solutions. Mr. Anastas said that EPA is moving to integrate numerous considerations into its research. He aims to further study in the areas of sustainable design of chemicals, products, and building materials. Mr. Anastas seeks to support green chemistry in order to reduce the generation of hazardous substances upfront in the product design and manufacturing phases.

Mr. Anastas noted that the Chinese government recently launched its 13th green chemistry research center. He said that interested parties have begun to ask him whether EPA will increase its support for green chemistry. His response is: Yes; there will be further solicitation of proposals for green chemistry research grant awards. EPA also plans to integrate green chemistry and sustainable design as a required baseline when recipients implement many of EPA's grant programs.

Mr. Anastas announced that EPA will be providing a 40% increase in grant programs to the academic sector. Mr. Anastas plans to double the size of their graduate research fellowships in order to incentivize the training of the next generation of green chemistry scientists. He also plans to increase the amount of research undertaken on endocrine disruption. Mr. Anastas said that the U.S. has great scientific expertise in the area of endocrine disruption. More research will be undertaken to understand endocrine disruption problems and to develop solutions. More study will also be undertaken in the areas of hydraulic fracturing and green electronics design.

This concluded Mr. Anastas' presentation. Mr. Sturdevant thanked Mr. Anastas for his speech and invited the next speaker, Jeffrey Morris (National Program Director for Nanotechnology with EPA's Office of Research and Development) to give his presentation.

A slideshow accompanied Mr. Morris' presentation (see slideshow posted on the ECOS website).

Mr. Morris began his remarks by saying that it was a pleasure for him to read ECOS' January report on emerging contaminants and nanomaterials management. He said he appreciated ECOS reaching out to engage the federal government on the nanomaterials issue in recent months, and said that he hopes to work with ECOS to establish a more permanent liaison for information-sharing. He looked forward to discussing these opportunities further during the afternoon side-session.

Mr. Morris outlined a number of promising advancements that nanomaterials may provide in the future. For example, we may be able to produce more energy-efficient and longer-lasting batteries using nanomaterials. Also, the addition of nanomaterials may improve remediation technologies used to clean up contaminated sites. "Why should state governments care about nanomaterials?" Mr. Morris

asked rhetorically. Because they pose potential risks to the environment and to public health in addition to potential benefits, and because regulation of nanomaterials will be the responsibility of EPA and the state environmental agencies. Nanoscale cerium oxide may be used as a fuel additive to make vehicles more fuel efficient, but there are concerns that the cerium oxide may be toxic.

Mr. Morris noted that a \$ 1.6 Billion total budget has been mustered by the federal government for nanomaterials research, with various federal agencies controlling their contributing share. Mr. Morris explained that sixteen (16) federal agencies fund some kind of environmental, health and safety (EHS) research, and coordinate this research with the Nanotechnology Environmental and Health Implications (NEHI) Working Group. One of the charts in Mr. Morris' slideshow exhibits the increases in investment that the federal government has made in EHS research over the last few years (Mr. Morris' slideshow provides a comprehensive overview of the nano issue and nano funding— see slideshow posted on the ECOS website). Another slideshow chart shows the organizational structure of the National Nanotechnology Initiative (NNI) which provides the multi-agency framework to fund research to further understand nanoscale materials and the benefits and risks they pose for human health, economic well-being, national security, and the environment— more information available at: <http://www.nano.gov>

Mr. Morris noted that the ECOS report on emerging contaminants and nanomaterials identified the study of chemical life-cycles as important. Mr. Morris concurred that, indeed, the study of life-cycles is important. But he warned that the development of full toxicological profiles for all nanomaterials was not likely to happen any time soon due to limited resources. Therefore, as regulators, we must prioritize our approach. This will require EPA to better collaborate with the States and other stakeholders. Mr. Morris said that he looked forward to working with ECOS to continue improving this collaboration.

This concluded Mr. Morris' presentation. Mr. Sturdevant thanked Mr. Morris and all of the guest speakers from EPA for their valuable presentations. He reminded members about the opportunity to meet with the speakers for further discussion at 1 o'clock, and then proceeded to begin discussion on the various proposed ECOS policy resolutions.

Mr. Sturdevant invited David Littell (Maine) to introduce the revised version of Resolution # 01-6 "State Access to Confidential Business Information under the Toxic Substances Control Act." Mr. Littell introduced the resolution and highlighted its main points and the key updates that members agreed to make to it during the last few conference calls held by the committee. After a motion and a second, members voted to adopt the resolution as revised.

Next, Mr. Sturdevant invited Ken Zarker (Washington) to introduce the revised version of Resolution # 04-4 "Promotion of Pollution Prevention and Sustainability in Partnerships." After a motion and a second, members voted to adopt the resolution as revised.

Next, Mr. Sturdevant invited Peggy Harris (California) to introduce the revised version of Resolution # 07-1 "Implementing a National Vision for Mercury." After some discussion, members voted to amend the 10th therefore clause to eliminate the words "the most" and "achievable" to now read:

ECOS urges U.S. EPA to take further necessary and appropriate actions to obtain ~~the most~~ aggressive mercury emission reductions ~~achievable~~, consistent with the provisions, intent and goals of the CAA, CWA, RCRA and TSCA in as early a timeframe as possible for the protection of both humans and wildlife.

After further discussion, and a motion and a second, members voted to adopt the resolution as amended.

Next, Mr. Sturdevant invited Jennifer Roberts (Alaska) to introduce the revised version of Resolution # 07-6 "DSMOA and Federal-State Collaboration." After some discussion, members voted to amend the 6th whereas clause to change the word "trade" to say "state" so as to read:

... DERA funds may be used for any ~~trade~~ **state** association supporting State involvement in their collaborative work with DOD...

After further discussion, and a motion and a second, members voted to adopt the resolution as amended.

Lastly, Mr. Sturdevant invited Bob King (South Carolina) to introduce a newly proposed resolution titled: "Cleanup Budgets for the Nuclear Weapons Complex." After a motion and a second, members voted to adopt the new resolution.

It was noted that the new texts of the resolutions would be posted on the bulletin board outside the meeting room as soon as they were available later in the afternoon, and that they would all eventually be posted on the ECOS website at: <http://www.ecos.org/section/policy/resolution>

This concluded the meeting of the Cross-Media Committee. Mr. Sturdevant thanked members for their participation, and adjourned the meeting at approximately 11:30am Pacific.