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**Testimony of James J. Jones
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U.S. Environmental Protection Agency
before the
Subcommittee on
Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
United States House of Representatives
March 18, 2010**

Chairman Rush, Ranking Member Whitfield, and members of the Committee, thank you for the opportunity to speak with you today regarding the U.S. Environmental Protection Agency's efforts on formaldehyde and potential legislative action in Congress.

Formaldehyde is a widely-used chemical and may be found both indoors and outdoors. It is used in building materials and household products and can also be produced as a by-product of combustion. In homes, the most significant current sources of formaldehyde are likely to be pressed wood products made using adhesives that contain urea-formaldehyde (UF) resins. Pressed wood products made for indoor use include particleboard, plywood, and fiberboard.¹

Inhalation of formaldehyde can cause irritation of the eyes, nose, throat, and skin, as well as inflammation and damage to the upper-respiratory tract.² Additionally, there is growing evidence that formaldehyde exposure may impact pulmonary function, and increase respiratory symptoms, asthma, and allergic sensitization in children.³ There is evidence that some people can develop sensitivity to formaldehyde.⁴ In 1989, EPA classified formaldehyde as

¹ Formaldehyde Emissions From Pressed Wood Products, Advanced Notice of Proposed Rulemaking 73 FR 73620, at 73622 (December 3, 2008)

² ATSDR ToxFAQs, <http://www.atsdr.cdc.gov/tfacts111.html>; OSHA Safety Fact Sheet, http://www.osha-safety.org/osha_formaldehyde.asp

³ McGwinn, Gerald. Jr, Jeffrey Liener, and John I Kennedy Jr., *Environmental Health Perspectives*. Vol 188 (Number 3), March 2010.

⁴ Agency for Toxic Substances and Disease Registry. Toxicological Profile for Formaldehyde. 1999. <http://www.atsdr.cdc.gov/toxprofiles/tp111.html>

a probable human carcinogen. At that time, there was sufficient evidence in animals and limited evidence in humans from a set of 28 epidemiology studies.⁵ In 2005, the International Agency for Research on Cancer (IARC) concluded that there is sufficient evidence in humans and sufficient evidence in experimental animals for the carcinogenicity of formaldehyde.⁶

EPA recognizes that since 1989 there has been additional research into the health effects of formaldehyde. EPA is currently engaged in a reassessment of the potential cancer and non-cancer risks of formaldehyde that will be entered into the EPA's Integrated Risk Information System (IRIS) program. As a result of the IRIS reassessment process, EPA will be reexamining its conclusions regarding the cancer risk of formaldehyde after considering the currently available scientific information, including human data. EPA will also be evaluating the non-cancer health effects of inhalation of formaldehyde.

The recent focus on formaldehyde in the Office of Prevention, Pesticides and Toxic Substances resulted from a March 2008 petition from 25 organizations and approximately 5,000 individuals to adopt the California state regulation concerning emissions of formaldehyde from three types of composite wood products: 1) hardwood plywood; 2) particleboard; and 3) medium density fiberboard. They petitioned EPA to assess and reduce the risks posed by formaldehyde emitted from these products by exercising its authority under TSCA section 6 to: adopt and apply nationally the California formaldehyde emissions regulation for these composite wood products; and to extend the regulation to include composite wood products used in manufactured homes.

In response, EPA announced on June 24, 2008, that it was partially granting and partially denying the petition. While the Agency denied the specifics of the petition request, EPA announced plans to develop and issue an Advance Notice of Proposed Rulemaking (ANPR) to initiate a proceeding to assist us in obtaining a better understanding of the available control

⁵ IRIS File for Formaldehyde, <http://www.epa.gov/iris/subst/0419.htm>

⁶ IARC Monographs *on the Evaluation of Carcinogenic Risks to Humans* (see <http://monographs.iarc.fr/ENG/Monographs/vol88/index.php> and <http://monographs.iarc.fr/ENG/Meetings/88-formaldehyde.pdf>)

technologies and approaches, industry practices, and the implementation of California's regulation.

The ANPR was issued on December 3, 2008 and describes EPA's initial steps in that investigation and requested comment, information, and data relating to formaldehyde emissions from pressed wood products. The notice also announced a series of public meetings to obtain additional stakeholder input which took place in early 2009. In 2009, the Administration conducted an additional meeting in New Orleans to provide an opportunity for residents of the so-called "FEMA trailers" to offer their views.

As I noted, EPA is working towards an updated IRIS cancer and non cancer assessment regarding health effects of inhalation exposure to formaldehyde, and this should be ready for external review soon. The Agency has asked the National Academy of Sciences to provide independent external scientific peer review and EPA will also offer opportunities for public comment on the underlying science. Also, we are conducting an exposure assessment this year and will focus on exposures in communities with environmental justice concerns. In addition, we are developing an industry survey to characterize the current industry practices, control technologies and the extent to which the industry has adopted the California standards.

The point of these efforts is to gain a greater scientific understanding of the potential health risks associated with the use of formaldehyde in pressed wood products. In turn, this vital information will inform the regulatory approach EPA will take on formaldehyde, as we consider whether it is appropriate to use our authority under TSCA to ban or restrict the use of formaldehyde in pressed wood products.

The challenge of regulating chemicals under our current TSCA authorities is worth noting. As Congress moves toward TSCA reform legislation, we have stated in previous hearings that as a result of the legal and procedural requirements TSCA places on EPA prior to collecting data, there are large, troubling gaps in the available data and state of knowledge on

many widely used chemicals in commerce. Chemical producers are not required to provide, without further action from EPA, the data necessary to fully assess a chemical's risks.

In the cases where EPA has adequate data on a chemical and wants to protect the public against well-known risks to human health and the environment, there are legal hurdles that prevent quick and effective regulatory action. Meanwhile, the public may be exposed to chemicals for which we have little understanding of the consequences.

As has been frequently cited, after years of study, EPA issued a rule in 1989 phasing out most uses of asbestos – a chemical whose health effects had been exhaustively studied and demonstrated to cause lung cancer, mesothelioma and asbestosis in humans. Yet, a Federal court overturned the rule because EPA failed to clear the hurdles imposed under TSCA before existing chemical risks can be controlled. In regards to formaldehyde, the Agency noted in its 2008 ANPR that,

“On the basis of the significant differences in the legal standards applicable to the California Health and Safety Code (H&SC) and TSCA section 6, and the insufficiency of the information available to EPA for purposes of conducting the TSCA section 6 analysis, EPA is not granting the specific request in the petition to commence a proceeding under TSCA section 6 to impose the CARB formaldehyde ATCM nationwide. Even if the information available to EPA were sufficient to support an evaluation of whether formaldehyde in composite wood products presents or will present an unreasonable risk, petitioners have not provided sufficient information, and EPA does not otherwise have sufficient information, to evaluate whether the CARB ATCM would likely be the least burdensome alternative necessary to protect adequately against such risk.”

This finding illustrates the inherent difficulties the Agency faces in regulating chemicals under TSCA.

Restoring confidence in our chemical management system is a top priority for EPA and an environmental priority for the Obama Administration. This Administration's principles for how TSCA should be revised and modernized call for stronger and clearer authority for EPA to collect and act upon critical data regarding chemicals risks. Under a reformed TSCA, EPA should have the necessary authority and tools, such as data call in, to quickly and efficiently require testing or obtain other information from manufacturers that is relevant to determining the safety of chemicals, and should also have clear authority to take risk management actions when chemicals do not meet the safety standard, with flexibility to take into account a range of considerations, including children's health, economic costs, social benefits, and equity concerns.

EPA currently anticipates being able to make a determination on pursuing regulatory action on formaldehyde in 2011. If we were to have the information and data necessary to propose a new regulation at that time, a final rule could be anticipated one to three years later, depending on the comments we would receive and the additional analysis and consultations which may be required in order to finalize.

As this Committee considers legislation on formaldehyde, we agree that formaldehyde is a hazardous chemical and support the goal of legislation in reducing the risks from formaldehyde in pressed wood products. Reducing formaldehyde emissions in pressed wood products should be an important public health goal. California has made a valuable contribution to formaldehyde emissions reductions through its standards and is providing a clear model for addressing this problem. We look forward to working with this Committee as it moves forward to reduce exposure to formaldehyde from these products. It is our hope that Congress will also be able to act on TSCA reform, since the Administration believes it is important to work together to quickly modernize and strengthen the tools available in TSCA.

Thank you for the opportunity to present EPA's views, and I am happy to answer any questions the Subcommittee may have.

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