MEETING

CALIFORNIA AIR RESOURCES BOARD

EMBASSY SUITES HOTEL

4130 LAKE TAHOE BOULEVARD

SOUTH LAKE TAHOE, CALIFORNIA

THURSDAY, APRIL 8, 1993

9:40 A.M.

Nadine J. Parks
Shorthand Reporter

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MEMBERS PRESENT

Jananne Sharpless, Chairwoman

Eugene Boston, M.D.

M. Patricia Hilligoss

Betty Ichikawa

Jack Lagarias

Andrew Wortman, Ph.D.

Staff:

James Boyd, Executive Officer
Tom Cackette, Chief Deputy Executive Officer
Catherine Witherspoon, Assistant Executive Officer

Gary Agid, Asst. Division Chief, TSD
Dale Shimp, Manager, Emission Inventory Special Projects, TSD
Andy Delao, Staff, TSD
Larry Morris, Chief, Fiscal Branch, ASD
Diane Glazer, Staff Counsel

Dr. John Holmes, Chief, RD
Bob Barham, Asst. Division Chief, RD
Manjit Ahuja, Acting Mgr., Acid Deposition & Aerosol Research Section, RD
Noni Weir, Staff, RD

Bob Cross, Asst. Chief, Mobile Source Division
Michael Carter, Chief, Off-Road Control Regulation Branch, MSD
Jackie Lourenco, Mgr., Off-Road Controls Section, MSD
Scott Rowland, Staff, MSD
Tom Jennings, Staff Counsel

John Batchelder, Mgr., Health Assessment & Air Quality Standards Section, RD
Lucille Saloum, M.D., MPH, STAFF, RD
Dennis Shusterman, M.D., Office of Health Hazard Assessment, Cal-EPA

Staff Present, continued. . .

Lynn Terry, Mgr., Northern California Liaison Section, Office of Air Quality, Transportation & Planning
David Odabashian, Liaison to Lake Tahoe Air Basin, OAQTP
Bob Jenne, Staff Counsel

Peter Venturini, Chief, Stationary Source Division
Don Ames, Assistant Chief, SSD
Genevieve Shiroma, Chief, Toxic Air Contaminant Identification Branch, SSD
Dr. Joan Denton, Mgr., Substance Evaluation Section, SSD
Robert Krieger, Staff, SSD
Dr. James Seiber, Scientific Review Panel
Kirk Oliver, Staff Counsel
Tom Jennings, Staff Counsel

Patricia Hutchens, Board Secretary
Judy King
Bill Valdez

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CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting was reported in shorthand writing by me, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor am I interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of April, 1993.

Nadine J. Parks
Shorthand Reporter

MS. HUTCHENS: Wortman?

DR. WORTMAN: Aye.

MS. HUTCHENS: Madam Chairwoman?

CHAIRWOMAN SHARPLESS: Aye.

MS. HUTCHENS: Passes 6-0.

CHAIRWOMAN SHARPLESS: Okay. Thank you very much. I look forward to continuing to work together.

We need a couple of minutes here to change slides.

(Thereupon, there was a brief recess while the staff changed positions.)

CHAIRWOMAN SHARPLESS: Okay. Okay. The next item today is staff's proposal for the Board to identify 189 Federal hazardous air pollutants as toxic air contaminants. This proposal is a requirement of new legislation which became effective in January of 1993, and amends our toxic air contaminant program.

I understand we have several speakers, Mr. Boyd, so would you like to begin the item?

MR. BOYD: Yes. Thank you Chairwoman Sharpless. As indicated, today, we are presenting to you a report that details the basis for our staff recommendation to you that the 189 Federal hazardous air pollutants be identified as State of California toxic air contaminants through just a simple regulation. Let me provide just a bit of

background.

Assembly Bill 1807, authored by Assemblywoman Tanner, became effective, as you know, in 1984, and created the statutory mandate for the identification and the control of air toxics in California to protect the public health of the citizens in the State. And that's a program we've been living with and working on, as you know only too well, for quite some time.

In 1992, Assemblywoman Tanner authorized AB 2728 with the purpose of facilitating the interface between the State and the Federal air toxics programs. And, of course, it fell on the heels of the amendments to the Federal Clean Air Act.

The proposal or the legislation amends our current program for the identification of toxic air contaminants, or TACs as we say, by specifically requiring the Board through a simple regulation to identify the 189 Federal hazardous air pollutants, or HAPS as some call them, that are listed in the amendments to the Federal Clean Air Act as State toxic air contaminants.

In addition, your staff are recommending that the Board approve an amended toxic air contaminant list for the State program, where we've placed the 189 hazardous pollutants into Category I, which you know is titled, "Substances Identified as Toxic Air Contaminants by the

ARB."

Now, the report that you have before you today includes the list of Federal pollutants. It includes a copy of Assembly Bill 2728. It includes the updated toxic air contaminant list and, of course, our recommendations to your Board.

I'd also like to note that the Board, in identifying these 189 air pollutants, would not be making any priority decisions or any control decisions, or even approving any potency values for these substances. As you'll hear in our staff presentation, we're working with the Office of Environmental Health Hazard Assessment and our own Scientific Review Panel on a new process for dealing with the approval of potencies or so-called health values through the Scientific Review Panel for these hazardous air pollutants.

To facilitate the discussion today, we will have two presentations. First, Dr. Joan Denton, Manager of the Substance Evaluation Section of our own Stationary Source Division will summarize our staff proposal to identify the 189 pollutants as TACs; then, Dr. James Seiber, who's here representing the Scientific Review Panel, following Dr. Denton's presentation, will speak for the Scientific Review Panel.

So, with that, I'd now like to call upon

Dr. Denton to make the staff presentation.

DR. DENTON: Thank you, Mr. Boyd. I am Joan Denton, the Manager of the Substance Evaluation Section of the Stationary Source Division.

And before I begin my presentation, I would like to acknowledge Robert Krieger on my left, who is the staff leadperson on this report.

My presentation this afternoon will cover four areas, accomplishments of our air toxics identification program, requirements of AB 2728, the impact of AB 2728 on our air toxics identification program, and, finally, the staff recommendations.

Since the air toxics program was enacted in 1984, the Board has identified 18 substances as toxic air contaminants. Five additional substances are currently being evaluated as toxic air contaminants. Generally, these substances have the greatest known risk from toxic air contaminants in California.

During the process of identification, the ARB staff have worked closely with the Office of Environmental Health Hazard Assessment and our independent Scientific Review Panel to use the best science available.

Requirements of AB 2728: This bill was enacted into law on January 1st, 1993. The intent of the Legislature in enacting the legislation was to streamline

our air toxics identification program and coordinate our program with the Federal program.

AB 2728 amends the air toxics identification program by requiring the Board to identify the 189 hazardous air pollutants as toxic air contaminants. The Board's action today does not include adoption of any control measures. In addition, it will not be subject to the Office of Administrative Law requirements. Finally, AB 2728 requires the Board to coordinate our air toxics control program with the Federal control program by clarifying the Board's existing authority to implement the Federal program and minimize duplication.

What are hazardous air pollutants? These 189 substances were listed by Congress in Section 112(b) of the Clean Air Act amendments of 1990. They were chosen because of their potential to cause adverse health and environmental effects.

This list may be modified by the Environmental Protection Agency in the future and, if changed, we will propose to the Board modifications to the list.

In addition, I want to mention that the hazardous air pollutants list includes some substances which have pesticidal uses. And the Department of Pesticide Regulation retains the authority to identify them as toxic air contaminants in their use as pesticides.

The identification of the 189 hazardous air pollutants changes our toxic air contaminant identification list, which the Board last approved in March of 1991. The 189 compounds are placed in Category I, increasing the number in that category from 18 to 194 substances.

This leaves approximately 50 nonhazardous air pollutants in Categories II and III of our list. Category II contains substances currently under review and nominated for review, and Category III contains substances which are being evaluated for entry into Category II.

This list is in Appendix 3 of the staff report.

This reorganization does not change our prioritization process for evaluating substances of concern, nor does it provide potency values or noncancer values, which we call health assessment values.

Our prioritization process will continue with both the hazardous air pollutants and nonhazardous air pollutants, so that the most important substances are evaluated first. The OEHHA staff will develop the health assessment values and the ARB staff will develop the exposure data.

The Scientific Review Panel will be responsible for approval of the health assessment values with full public participation, including workshops and written comment

periods.

Once these numbers are approved by the Scientific Review Panel, they will be used if control measures are developed.

I also want to note that the Scientific Review Panel appointed Drs. Seiber and Glantz to work with us on the implementation of this process, and we plan to work closely with them over the next several months on this matter.

Substances on our list which are not listed has HAPS will continue through the complete identification process, which includes prioritization, development of identification reports, full public participation, Scientific Review Panel review, a Board hearing, listing in the California Code of Regulations, and the OAL requirement.

Examples of nonHAPS currently in our identification process are diesel exhaust and inorganic lead.

Before I move to the staff recommendations, I want to mention that we plan to give you periodic updates on the program, including whether substances should be added to or removed from the TAC identification list.

We received letters from the North American Insulation Manufacturers Association, and CertainTeed

Corporation asking that the footnote on the Federal HAPS list, which accompanies the substance "fine mineral fibers" in our regulation, be included as a footnote to our toxic air contaminant identification list.

And in response to these requests, we plan to add all of the footnotes from the Federal list to our TAC identification list.

We also received a letter from Mark Saperstein of Arco requesting -- or supporting our recommendation to list the HAPS as TACs, and expressing the concern that this action infers they are of health concern in California.

As I mentioned earlier in my presentation, the action taken by the Board today does not involve adoption of any potency numbers or control measures. We will be working closely with the SRP in prioritizing these substances so that the most important ones for California are evaluated first.

The staff have two recommendations. First, we recommend that the Board adopt the proposed regulation that identifies the 189 HAPS as TACs, as required under AB 2728; and, second, that the Board approve the amended TAC identification list.

I will now turn the presentation over to Dr. Jim Seiber, who has several comments to make on behalf

of the Scientific Review Panel.

Dr. Seiber.

DR. SEIBER: Thank you. Madam Chairperson, members of the Board, it's a pleasure to be here. I'm representing the Scientific Review Panel. I've been a member of the Panel for about two years. My expertise is on the fate and occurrence of chemicals in the air, with particular attention to pesticides and other trace constituents.

The Scientific Review Panel met February 26th, this year, under its Chairperson James Pitts, with six of us in attendance, and we discussed at that meeting with ARB and OEHHA staff the requirements of AB 2728.

Of particular interest is the identification of Federal Clean Air Act amendments list of 189 HAPS as toxic air contaminants under California law, as you heard.

Clearly, this will add to our list of TACs considerably, adding substantially to workload scheduling and all related activities leading through the risk assessment and, then, eventual regulation.

Some have said we've entered a new era of toxic air contaminants with this large list of materials. The Scientific Review Panel asked that I bring several comments to the Board. First of all, the Panel is working closely with staff of ARB and OEHHA on ways of expediting

the assessment of all the TACs. The new process will, in addition to expediting, be done without any sacrifice in quality in the assessments.

Clearly, identification as TACs is just the first step. There also needs to be carried out quantitative risk assessments. That takes a good deal of time. Furthermore, there's no guidelines on prioritizing among the list of 189 presently.

So, one early step may be a setting of priorities for risk assessment. Which of the 189 are most critical in California? Which are not a problem? Perhaps they're not used. Perhaps there's no emissions. Those, clearly, would be of lower interest in the State. So, we need to look at a setting of priorities.

Scientific Review Panel member Stan Glantz and I were designated to work with the staffs towards methods of prioritizing and evaluating compounds of most concern and assembling the information for full risk assessment.

We expect help at the Federal level, since EPA has the same list to deal with. A committee of the National Academy of Sciences, called the Committee on Air Pollutant Risk Assessment, CAPRA for short, is providing information on how EPA might deal with, processwise, the Clean Air Act Amendment '90 list of 189 compounds, also.

I'm a member of CAPRA; so is Dr. Peter Witschi,

who's an SRP member from U.C. Davis.

We expect this report to be issued in May or June of this year, and I think Dr. Witschi and I will be able to help the staffs pull out that information from the report that could be helpful to us in California.

At our February 26th meeting, the Panel also discussed extensively how much exposure information, along with health information, would be needed for 189. We felt that good exposure data's critical because, after all, risk is a function both of exposure and toxicity. You need them both to do a good job. Unfortunately, the amount and quality of exposure data's quite uneven, certainly for California or within California for the 189 compounds.

The Panel also recognizes the need for flexibility in evaluating risk of the 189. For example -- quick example -- 2,4-Dinitrotoluene is on the list, but its important isomers, the 2,3-, 2,5-, and 2,6-Dinitrotoluene are not on the list. And there's information that would suggest perhaps they're the primary threat, or at least as important as the 2,4. So, we don't want to go down a route of being blinded by the list and oblivious to other threats that perhaps are more important.

In summary, the Panel is aware of the challenges which ARB and OEHHA will be facing in the expanded TAC list. And we thus pledge to work closely with their staffs

on the process of risk assessment. The SRP was chosen for a balance of experiences, backgrounds in toxicology, clinical health assessment, and environmental chemistry. So, we feel that we are in a good position to provide that service.

Obviously, the SRP wants to make sure that the best science available is brought to bear on the evaluation process. So, thank you for including SRP in this discussion. I'll be pleased to answer any questions.

CHAIRWOMAN SHARPLESS: Well, first of all, Dr. Seiber, I want to thank you for coming here on behalf of the Panel to participate in this discussion with the Board. I appreciate your input.

Mr. Lagarias?

MR. LAGARIAS: I, too, agree with the Chair that the Scientific Review Panel has done an outstanding job.

I have two questions, and I don't know whether they should be directed to you, but I'll direct them through you.

The first is a language problem that I always seem to run into. Why do we have to have hazardous air pollutants now identified as toxic air contaminants? Why can't we identify 189 hazardous air pollutants as hazardous air pollutants? Why do they have to become -- be given a new name, and what does that mean?

DR. SEIBER: I'll defer that question to --

(Laughter.)

DR. SEIBER: -- someone with more expertise.

MR. AMES: I'll take a shot at it, although I'm not the lawyer. I believe that the statute, as set up by Assemblywoman Tanner in 1982, set forth the definition TAC, and that that's basically the jargon that was chosen to be used by the State Legislature.

MR. LAGARIAS: Well, why can't we --

MR. AMES: In essence, it's the same.

MR. LAGARIAS: All right. But why can't we just say that? Having two different terms always lends confusion to an issue. And I think that some clarification on that would help.

MR. AMES: For the last eight years, we've stuck with the term toxic air contaminant, and we intend to continue to use that term.

MR. LAGARIAS: Does the Federal Clean Air Act mean hazardous air pollutants as toxic air pollutants -- as toxic air contaminants?

MR. VENTURINI: I think they're similar, Mr. Lagarias, in terms of the intent at the Federal level or at the State level, whether it's a HAP or a TAC.

MR. LAGARIAS: Well --

MR. AMES: As far as the criteria used in

defining TAC and the hazardous air pollutant, the definition is quite broad, looking at the -- if a substance has the potential to adversely affect human health or the environment -- the Federal says, "or the environment." The State law says, "human health."

MR. LAGARIAS: In looking at the public perception, walking across railroad tracks is hazardous, but it's not toxic.

(Laughter.)

MR. LAGARIAS: So, it's the use of --

MR. VENTURINI: We'd be willing to take a look at the legislation and the definitions to see if there's a problem here.

MR. LAGARIAS: Well, I think just a general paragraph that explains the equivalency would be helpful.

DR. SEIBER: That's a good point. We've lived with this difference for several years, as it was pointed out, and this isn't the first time a Federal HAP was considered for adoption as a TAC in California. I think the law requires it. So, we've been doing this for some time. It's just that we have a bigger list to deal with right now.

MR. LAGARIAS: The second question refers to the Federal list of 189 compounds. And I notice that the first 160 or so are organic compounds, and they're all listed

specific by name, and they're organic. And then, all of a sudden, there's a catchall, and they say, antimony compounds, manganese compounds, chromium compounds, nickel compounds. And there's a whole family of these inorganic and organic compounds. That seems to me that we aren't looking at 189 compounds, but maybe 589 compounds, and that's missing.

DR. SEIBER: There's several problems with the list. I've tried to find out where the list came from and, apparently, it's a conglomeration of several lists. And so far, I have not been able to find out in a way I could explain how the list came about. But mixtures are certainly something we have to deal with regardless of the list of 189.

We've got environmental tobacco smoke, diesel fuel, and diesel exhaust, things of this type. So, we have to deal with mixtures. Now, the inorganics, where you have different valent states and different counterions give you a special problem. But I think mixtures is going to be a big challenge for us in the future.

MR. LAGARIAS: I don't have problems with mixtures like tobacco smoke or coke oven emissions, but when we see nickel compounds, that can be --

DR. SEIBER: Wide open.

MR. LAGARIAS: -- wide open.

CHAIRWOMAN SHARPLESS: Dr. Seiber, I have a couple of questions as well. As you say, now that we're listing these 189 as a result of legislation requiring this, we do enter into a sort of new era of how we deal with these and public participation as well, and reactions to potency factors and exposure information.

And I realize that you all are still in the process of trying to sort how we're going to deal with this. And you've raised two issues: One is how we're going to prioritize it, and I think that's very important, obviously.

I don't know whether us listing 189 is really going to speed up the process much more than what we've been able to do in the past. And second of all, with regard to the potency factors, which has always been a very controversial issue, do you believe that this is going to put additional pressure on the Panel to have a different process of allowing more input, public input into your process, and how is the Panel now feeling about that?

DR. SEIBER: The Panel's always welcomed input in a written form and through the use of workshops.

CHAIRWOMAN SHARPLESS: Exactly.

DR. SEIBER: And I can see, at the very least, it will have to increase that process. Certainly, I would expect that we'd have more workshops more frequent along

specific chemicals. So, that certainly would happen.

Now, whether we have open input at our meetings has not been discussed by the Panel. And I'd be happy to raise that issue. Others have; members of the Panel have brought it up. We've not discussed it as a group. I expect we probably will. I don't have any opinion one way or the other. I think the more input you can get the better, as long as it doesn't upset the orderly process of decision-making.

CHAIRWOMAN SHARPLESS: Well, I think one of the decisions of why the Panel to date hasn't opened sort of oral presentations was the fact that you have focused on peer-reviewed information; and that by providing written information, it gives you all an opportunity to review it in a time frame in which you can offer more intelligent reflection maybe.

I don't know if this is going to increase the amount of time that the Panel has to put into these. It's very possible. I just raise it. I think you know it. But it's certainly an issue that we've been dealing with for some time, and we want to help you get through it. It does sort of shift from this Board to your Panel the politics on potency factors, although the potency factor will come into play at this Board when we develop the control measures.

Then we have the additional issue of the 2588 process and the fact that many local districts now are asking for potency factors from OEHHA that I don't even think you're involved in to deal with the significant risk facilities that they have in their area.

How we sort through all of this and how we make some sense and rationale to the public and keep this process focused on good science. That's something that I think we're all going to have to work very hard at.

I guess all I'm saying is that, by listing this 189, we certainly haven't simplified the process. We've just got 189 on this list in Class I, right?

DR. SEIBER: Right. I agree with your comments. The process is working quite well now, but with this larger group to deal with, we may have to look at some alternate mechanism. The workshops, in my opinion, are very valuable. That's a good place to air issues. But on the other hand, it can be very time-consuming for the SRP to attend and listen to those arguments.

So, I'm not sure what the best way to go is.

CHAIRWOMAN SHARPLESS: Okay. Yes, Dr. Wortman.

DR. WORTMAN: This is just to satisfy by curiosity. I understand we have identified almost seven and a half million substances. How do we choose from such a mass?

DR. SEIBER: There are actually close to 12 million --

DR. WORTMAN: 12 million!

DR. SEIBER: -- chemicals known in the Chemical Abstract Service database.

How do we choose 189? Is that your question?

DR. WORTMAN: Or the next 189, say.

DR. SEIBER: Right. This has been a problem. Of course, Federal agencies have listed chemicals before -- the priority pollutant list of 120, I believe it was -- for water. It was promulgated about 10 years ago, and it's -- we live with that list all the time. It hasn't really been changed.

So, my feeling is that 189 is a list we're going to have to deal with in the same way. But there's arbitrariness in how things get on the list, and it's very difficult to take things off the list once they're on the list. That's a problem with the process.

I don't know the answer as to where it ends.

DR. WORTMAN: If you hae to choose, is there a way to sort the 12 million and knock out 11.9, say, or something like that?

DR. SEIBER: Well, I think we -- no, of course not. But there is a process for identifying additional HAPs in California. So, we're not -- of course, we're not

saying that the 189 is it for us. We may add another 50, or 75, or a hundred as time goes on, as we get exposure and toxicity data. That's what you need.

CHAIRWOMAN SHARPLESS: Of course, the point that Dr. Wortman's making is a good point, and an interesting point, and I think also a point that the staff and you are making, that the 189 aren't necessarily a problem in California.

What we have to do is sort through, based on the best information/data that we've got out of this list that we now have what we're going to focus on and what we're going to go after. So, it's going to be much more methodical than the way the 189 got put together, I hope.

MR. LAGARIAS: Well, aren't we, under 2588, trying, first of all, to prioritize which compounds we look at first? The ones that we know are most potent we look at. If they're in high concentrations, we focus on them. If they're present in California, we focus on them. And if they're not present, we put them aside for now.

So, it's a prioritizing issue of looking at those that are -- that we're at greatest from.

DR. SEIBER: Exactly. And that is going on. And I don't know whether you want to add to that comment on prioritizations.

MR. VENTURINI: Let me just -- excuse me. My voice is a little hoarse today.

On the 2588 program, that list is something on the order of 700 compounds, and that's the universe of compounds. The sources subject to that program have to determine whether or not they emit those compounds and then, if so, make some estimation of the emissions of those compounds.

And it's from the emissions data that we collect through the program that enables us to, first of all, identify -- are there some additional compounds that we weren't aware of that are being emitted in California that we should be concerned about; and, secondly, it provides that prioritization you were mentioning -- which of those compounds that are hazardous or toxic compounds that are being emitted in California should we be focusing on? And, basically, what are those that we believe, in consultation with OEHHA and the Scientific Review Panel, present the greatest potential harm to California?

So, that data has been very valuable to us to focus our resources on the compounds that we look at. And a comment was made about the 189. And it was true that many of those compunds probably aren't emitted in California. Coke oven emissions are on the list. We don't have coke ovens in California. So, we do have to

sort through that list and make sure we focus on those that we need to deal with.

MR. LAGARIAS: But we have transport.

CHAIRWOMAN SHARPLESS: Oh, Jack. Let's not get into transport.

MR. LAGARIAS: Well, I'd like to comment. In the Bay Area, some numbers -- and I don't hold me precisely to this. The risk from ambient air in the Bay Area's about 238 risk per million -- and this is residential risk. And of that 238, based on ambient air quality measurements, there are some 10 or 11 compounds that are identified.

But if you take the top three -- benzene, hexavalent chromium, and formaldehyde -- that acounts for about two-thirds of the total risk in the ambient air. So, the major contaminants are being addressed, and now we're fine-tuning to try to get the other ones as we identify them.

CHAIRWOMAN SHARPLESS: Well, hopefully, all these processes will marry together. And I guess that's what we're really looking for guidance from the Panel to help us sort through to make sure that our process makes sense.

DR. SEIBER: Well, certainly, the Federal and State needs to, because we're dealing with the same list. So, there needs to be probably more frequent contact

with Federal agencies.

CHAIRWOMAN SHARPLESS: More frequent. Okay. We'll put that on the list, too. Thank you very much, Dr. Seiber.

DR. SEIBER: Thank you.

CHAIRWOMAN SHARPLESS: Staff, is there any additional testimony or additional presentation you want to make before we call forward the witness?

MR. BOYD: No. There's no further staff presentation, Madam Chair.

CHAIRWOMAN SHARPLESS: Okay. Then, we'll call Dr. Pearson, Western Ag Chemical Association, forward.

DR. PEARSON: Good afternoon. My name is John Pearson. I represent the Western Agricultural Chemicals Association in the capacity of the Chairperson for the Air Quality Task Force.

And I have a comment and question, mainly for clarification, that I read in the staff report.

And in the staff report, in the section titled -- Section III -- "Changes in Other State Agencies and Review Groups," it is stated that 38 pesticides are listed, and all of them have industrial uses.

We believe that not all of these pesticides have industrial uses, such as the chemical trifluralin, according to our understanding of industrial uses as

compared to pesticidal uses. We question the significance of the industrial-use designation, and just further request that the -- any risk assessments and control measures for the two uses are treated fairly and in agreement with the legal uses for all materials.

That's mainly the point as far as the clarification goes. And I just want to take the opportunity to hope that the ARB and DPR will continue the excellent cooperation that I have seen recently, in the last year or so, and also that I've heard about over a period of time.

Thank you.

CHAIRWOMAN SHARPLESS: Yes. Staff, do we need to make a clarification in our report?

MR. AMES: We did talk with EPA and the Department of Pesticide Regulation before we made this statement in the staff report.

And it's our understanding from both the EPA and Department of Pesticides that the 82 substandes which have pesticidal uses, 38 are registered for use as pesticides in California; but within the United States, not necessarily within California, there are certain commercial/industrial applications, where those substances have the potential to be emitted. We are not making any comment at this point as to whether any of

those -- any such uses occur in California. It's very clear that the Department of Pesticide Regulation retains the sole authority to regulate any of these 38 substances in California in their pesticidal use.

MR. PEARSON: Thank you.

CHAIRWOMAN SHARPLESS: Does that clarify your question?

MR. PEARSON: Yes.

CHAIRWOMAN SHARPLESS: Okay. Thank you. We also have Richard Parks, Department of the Navy?

MR. PARKS: Thank you, Ms. Chairwoman.

I wasn't prepared to speak, but I did want to offer some comments.

I came here from Washington. My name is Richard Parks. I'm the Director of Materiels Engineering. My office is responsible for amendments to the Clean Air Act and how it pertains to shipbuilding practices, overall procedures, et cetera.

My office is also the DOD point of contact for the Clean Air Act amendments. We have a very close liaison with EPA and their developments of the HAPs list and what they're doing with that in their continued measures.

And you spoke a few minutes ago of close liaison with the Federal agencies. I'm glad you said that, because that's why I'm here. The Navy went through some

very rough times in '81 -- excuse me -- '91 and '92, concerning compliance with the VOC program. It look a lot of abuse, and it was a rough road to go through.

And so, I'm here to offer assistance to the Board, to participate in a coordinated effort, because we have a proactive effort to address all the HAPs and all the materials the Navy specifies for preservation and overall of Navy ships. And we also have an effort to look at compliance measures to reduce or eliminate HAPs.

So, we're well on the way of what you're adopting, and we're quite concerned and have addressed this concern to the EPA of what control measures they will adopt and implement nationwide, and how that will fit with the California attainment and control measures they will eventually be adopting.

Because the Navy wants to make sure that what we do nationwide is consistent with what California does, so that we can be there when you implement the laws and be in compliance. And the Navy's a big entity and a big business and, so, it does take us time to react to things. So, if we can participate with control measures as they're adopted -- and we, too, prioritize the attack of HAPs and what materials and processes we use most readily, like the highest volume paints we may use,

or abrasive media, and if we can work together on what you're identifying as a top hitter, so we can address, or minimize, or eliminate those HAPs and those products first, we'll work closely so that we can both come to closure when you implement your control measures.

CHAIRWOMAN SHARPLESS: Of those 189 that we we're listing, what are the ones of top concern that would impact the Navy?

MR. PARKS: I'm not prepared to answer that, because right now, we're looking at all the materials, and there's thousands of -- I have hundreds of paint specifications, and abrasive media, and every process we have, and we're breaking down the details of which HAPs are in it, what level, what volume. We're addressing nickel, we're addressing hexavalent chrome, lead -- especially lead right now is a major problem in the Navy, ships, of course, removal of lead-based paints. So, I can't comment on that yet. That's --

CHAIRWOMAN SHARPLESS: Does the Federal Government have an interagency working group that you're working with -- with other Federal agencies, with EPA -- on the HAPs issue?

MR. PARKS: Again, my office is the DOD lead, coordinating the Army, the Air Force, et cetera, with EPA. We're also working with the Shipbuilders Council of

America on the impact on the industrial side.

CHAIRWOMAN SHARPLESS: So, your information right now is going into U.S. EPA.

MR. PARKS: Directly to the EPA, specific to people developing the HAPs list concerning shipbuilding practices.

CHAIRWOMAN SHARPLESS: Well, we would certainly want to have you participating in our efforts as well. I think that coordination is necessary in what we do, and we try very hard to bring in people when we know that they're affected.

One of the problems sometimes is that, as we get closer to a control measure down the regulatory path, we touch people that originally we didn't realize they might be affected. So, if we can design or figure out a way to bring you all in early on in the process to get maybe that same information that you're giving U.S. EPA to help us in our process, it might be the best thing to do.

Don, did you have something you wanted to --

MR. AMES: I just wanted to thank Mr. Parks for his offer to work with us. We look forward to that.

Just a comment on our hot spots program: It's my understanding that the Navy has done a very good job in California at its naval shipyards in complying with the

toxic hot spots program and reporting its emissions and potential risk. And, as Mr. Parks said, we do see a lot of nexavalent chromium, the toxic metals -- lead and a lot of chlorinated solvent use as you would imagine.

CHAIRWOMAN SHARPLESS: Don, who is your contact person here in the State of California when you --

MR. AMES: I'm not sure we have a single. I know for each shipyard, there's a point person that is responsible to the local air quality district in reporting 2588, and we've had conversations with those point persons, also. But it's primarily the linkage between the local districts and the local naval shipyard.

MR. VENTURINI: For us, I'd suggest Mr. Parks can get in touch with Don to coordinate within the ARB.

CHAIRWOMAN SHARPLESS: I was going to suggest that. It sounds to me -- I'm really happy you're here early on in the process, and I hope that somehow we can establish a close working relationship if we can figure out who in your organization we should be hooking up with.

As you can see, they're dealing with the districts and with the individual yards. That may or may not be the best way to do it in the future. And if we need to have better coordination, we can talk about that.

MR. PARKS: Well, I can comment about the

various yards. They work thorugh the Naval Facilities Command, which reports back to my command. And for changeover to compliance, changing processes and processes, they have no authority for that.

If we're going to change ingredients in materials, that is at my level. As I said, we have a multiyear, multimillion dollar effort underway right now to look at reduction of HAPs in all materials.

The major concern, I will point out, that we've brought to the EPA's attention -- and the major paint industry has done -- is that, when you lower HAPs or reduce HAPs, simultaneously, they're looking at lowering the level of VOCs in materials, they play against each other.

CHAIRWOMAN SHARPLESS: Right.

MR. PARKS: And that's a big concern of a balancing level. We're going to go as low as we can and be aggressive and go below everybody else. We're looking at standards well below the national level of lead. We're going to 50 parts per million if it's achievable. Everything's achievable. I appreciate -- I'm in the same boat you are: Is it technically achievable? And, if so, what's the cost factor and what's the time for compliance?

And the lessons I learned three or four years

ago were very painful, although we did come into compliance. And I will tell you that EPA is looking at the California lead for VOC and adoption of the '94 standards as their national standards, which, thank God, because of the Navy and their progressive program, that's going to be the law.

So, we're there with VOCs.

CHAIRWOMAN SHARPLESS: It works for you, huh?

MR. PARKS: Yeah, but I have scars.

(Laughter.)

CHAIRWOMAN SHARPLESS: Scars to show for it.

MR. PARKS: Yeah. So, this effort here is to make sure that we're ahead of the game and comply in time, so that there won't be any --

CHAIRWOMAN SHARPLESS: Why don't you leave your card with Mr. Ames, and we'll make sure that we --

MR. PARKS: I'll meet with him after the meeting.

CHAIRWOMAN SHARPLESS: -- we have a good fax line to your office.

MR. LAGARIAS: Mr. Parks --

MR. PARKS: Yes, sir.

MR. LAGARIAS: -- you mention that you're in charge of HAPs for shipbuilding. Are you also in charge for ship dismantling?

MR. PARKS: Yes, my office.

MR. LAGARIAS: I think that may be a larger program.

(Laughter.)

MR. PARKS: Yes. My office is shipbuilding, overall repair and disposal, and you name it.

MR. LAGARIAS: Deep Six.

CHAIRWOMAN SHARPLESS: Yes. Thank you very much, Mr. Parks.

Okay. That is the end of the witness list. Mr. Boyd, is there any further comment by ARB staff?

MR. BOYD: I believe there's no further comment, Madam Chair.

CHAIRWOMAN SHARPLESS: Okay. I do believe we have a resolution that affirms the staff's recommendation here.

MRS. ICHIKAWA: Do we need these?

CHAIRWOMAN SHARPLESS: Well, those are basically support letters, and I think that the staff has indicated that, in response to the comment letters, we are going to honor their request and put the footnotes in. And so, I think we basically have taken care of the issues in the comment letter.

I don't believe we have a 15-day rule here, so I would like to close the record by saying that, since all testimony, written submissions, and staff comments for

this item have been entered into the record, and the Board has not granted an extension of the comment period, I will officially close the record on this portion of Agenda Item No. 93-6-6. Written or oral comments received after the comment period has been closed will not be accepted as part of the official record on this agenda item.

Now, we have before us the resolution. It's Resolution 93-26. Right?

Do I hear a motion for approval?

MRS. ICHIKAWA: I so move.

CHAIRWOMAN SHARPLESS: Okay. Mrs. Ichikawa moves the resolution.

DR. BOSTON: Second.

CHAIRWOMAN SHARPLESS: Okay. It's been seconded by Patty Hilligoss.

Any further discussion on this?

Why don't we take a voice vote on this? All those in favor, say aye?

(Ayes.)

Any opposed?

Will the record show that it was voted on unanimously?

Okay. Thank you very much for those of you who participated in this item. I appreciate your