



Recent Federal Developments July 15, 2007

TSCA/FIFRA/EPCRA/NTP

EPA Releases Proposed List Of Chemicals For Initial Endocrine Disruptor Screening -- On June 18, 2007, the U.S. Environmental Protection Agency (EPA) published a draft list of the 73 pesticide active ingredients and high production volume (HPV)/pesticide inert chemicals selected for Tier 1 screening under the Endocrine Disruptor Screening Program (EDSP). 72 Fed. Reg. 33486. EPA produced the draft list using the approach described in its September 27, 2005, *Federal Register* notice, available at <http://www.epa.gov/fedrgstr/EPA-TOX/2005/September/Day-27/t19260.pdf> and included chemicals that EPA, “in its discretion, has decided should be tested first, based upon exposure potential.” After considering comments on the draft list of chemicals, EPA will issue a second *Federal Register* notice containing the final list of chemicals. Comments on the draft list are due by **September 17, 2007**. More information is available at <http://www.epa.gov/endo/pubs/prioritysetting/listfacts.htm>.

EPA Outlines EDSP Assay Peer Review Process -- On July 13, 2007, EPA announced the approach it intends to take for conducting peer reviews of the Tier I screening assays and Tier 2 testing assays that are being validated by EPA’s EDSP. 72 Fed. Reg. 38577. EPA is validating assays that are candidates for inclusion in the Tier I screening battery, selecting screening assays for the screening battery based on the validation data, and developing and validating Tier 2 tests. The notice describes the approaches EPA intends to use for conducting peer reviews of the Tier I and Tier 2 assays, and the Tier 1 battery. EPA also announced the availability of an EDSP listserv. Please consult the notice for additional details.

EPA Seeks Comment On TSCA Citizen Petition -- On July 10, 2007, EPA announced its receipt of a petition under Section 21 of the Toxic Substances Control Act (TSCA) and requested comments on issues raised by the petition. 72 Fed. Reg. 37530. The petition was received from the Sierra Club, the Environmental Law & Policy Center, the Pacific Coast Federation of Fishermen’s Association, the Washington Toxics Coalition, and the Physicians for Social Responsibility, on June 6, 2007. Petitioners expressed concern with the risks to human health and the environment from exposure to nonylphenol (NP) and nonylphenol ethoxylates (NPE), and petitioned EPA to exercise its authority under TSCA Section 4 to require manufacturers and importers to conduct specific health and safety studies, and under TSCA Section 6(a) to require labeling on all products containing NP and NPE and to limit the use of NP and NPE in certain circumstances. EPA must either grant or deny a TSCA Section 21 petition within 90 days of receipt of the petition. Comments are due by **July 25, 2007**.

EPA Will Hold Hearing On Request To Modify EBDC Cancellation Order – On July 11, 2007, EPA issued a hearing notice regarding a request to modify the existing cancellation order for the use of three products containing ethylene bisdithiocarbamate (EBDC) on potatoes. 72 Fed. Reg. 37771. The EBDC/Ethylene Thiourea (ETU) Task Force (Task Force) requested in 1996 and again in 2003 that EPA extend the preharvest interval (PHI) for potatoes from 14 days to three



days nationwide to address the spread of late blight disease. EPA has determined that the request to modify the cancellation order has merit. A pre-hearing conference will be held and the evidentiary hearing will commence as soon thereafter as practicable, according to the schedule outlined in the *Federal Register* notice.

In 1992, EPA issued a notice of intent to cancel (NOIC) registrations containing EBDC for use on certain crops. The NOIC stated that its use on potatoes would be cancelled unless the registrants modified their labels. On December 26, 1996, the Task Force, whose current members are Dow AgroSciences, DuPont, Griffin, Cerexagri, and BASF, submitted its first request to modify the existing cancellation order for the use of three products containing EBDC on potatoes: mancozeb, maneb, and metiram. The Task Force requested that the PHI be reduced from 14 days to three days nationwide to address the spread of the late blight disease in potatoes. On August 25, 2003, the Task Force resubmitted its request as part of the EBDC reregistration process. EPA informed the Task Force that it had to consider the impact of the Food Quality Protection Act of 1996 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA) before it could take any action on the request. According to the *Federal Register* notice, to date, EPA has not taken any substantial actions on the Task Force request. The notice represents EPA's determination that the 2003 request to modify the existing cancellation order merits a hearing.

EPA states that under Subpart D of 40 C.F.R. Part 164, the Task Force submission constitutes a petition to modify the final cancellation order concerning EBDC pesticide products. Such a petition may not be granted without an opportunity for a formal adjudicatory hearing in front of an administrative law judge. EPA states that it has concluded that the submissions by the Task Force provide a basis for modification of the order cancelling EBDC products. For EPA to find that a Subpart D hearing is warranted, it must determine:

- (1) The applicant has presented substantial new evidence that may materially affect the prior cancellation or suspension order, which was not available at the time of the final cancellation or suspension determination; and
- (2) Such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order.

EPA states that the Task Force's 2003 petition to reduce the PHI for use of EBDCs on potatoes from 14 days to three days nationwide included a number of points described as "substantial new evidence" that could not have been known at the time of the cancellation order. The new evidence includes information on the spread of late blight to additional potato-growing states, field trial data for mancozeb and maneb use on potatoes, and EPA's revision of the cancer endpoint for the EBDC breakdown product, ETU.



According to the notice, because the purpose of such a hearing is to consider only whether to modify certain aspects of the prior cancellation decision and because a prompt conclusion to the hearing “is a requisite of meaningful relief for the applicant,” the evidentiary presentation in the hearing shall be strictly confined to the issues of fact and law that the Administrator has determined are presented by the Task Force submission.

1. *Issues of fact.* The issues of fact to be adjudicated are:
 - i. What is the current status (nationwide) of late blight on potatoes?
 - ii. Has the occurrence of late blight changed since the initial cancellation order issued in 1992?
 - iii. Are EBDCs necessary to respond to late blight?
 - iv. What are the dietary risks associated with EBDC use on potatoes?
2. *Issues of law.* The issues of law to be adjudicated are:
 - i. Has substantial new evidence been presented pertaining to the request to reduce the nationwide PHI on potatoes to three days?
 - ii. If it is substantial new evidence, could the applicant, through due diligence, have discovered this information prior to issuance of the cancellation order?
 - iii. Does the three-day PHI meet the FIFRA 2(bb) standard?

The notice states that the sole objective of the hearing is to determine whether or not the order cancelling all sale, distribution, and use of pesticide products containing EBDCs that do not comply with the current label restriction on the PHI for potatoes should be modified to permit a nationwide three-day PHI. Requests to participate in the hearing are due **August 10, 2007**.

Presentations At June 25-26, 2007, SFIREG Meeting -- On June 25-26, 2007, the State FIFRA Research & Evaluation Group (SFIREG) met in Arlington, Virginia, and reviewed and discussed a variety of pesticide-related issues with potential impact on state pesticide programs. Topics addressed included cause marketing in association with pesticide product sales; the Consumer Specialty Products Association’s (CSPA) petition; plant incorporated pesticides potential rule



changes; the soil fumigant reregistration review; endangered species implementation -- role of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) in enforcement issues; mold policy and implementing heating, ventilation, and air conditioning (HAVC) labeling; rodenticide registration review and status of strychnine; and the process for requesting data from EPA.

CAA/CWA/SDWA

EPA Issues Direct Final Rule Amending NESHAPs For Primary Copper Smelting And Secondary Copper Smelting Area Sources -- On July 3, 2007, EPA issued a direct final rule to amend the national emission standards for primary copper smelting area sources and secondary copper smelting area sources published on January 23, 2007. 72 Fed. Reg. 36363. The amendments to the national emission standards for primary copper smelting area sources clarify when plants must exhaust gases to a control device and what control devices may be used for this requirement; numbering errors are also corrected. The amendments to the national emission standards for secondary copper smelting area sources clarify the date which defines a new copper smelter and correct a cross-referencing error. This direct final rule is effective on **October 1, 2007**, without further notice, unless EPA receives adverse comment by **August 2, 2007**. If EPA receives adverse comment, it will publish a timely withdrawal in the *Federal Register* and inform the public that some or all of the amendments in this rule will not take effect. EPA issued on the same day a proposed rule amending the National Emission Standards for Hazardous Air Pollutants (NESHAP) in the same way as the direct final rule. 72 Fed. Reg. 36415. Comments are due by **August 2, 2007**.

EPA Proposes Guidelines For Controlling VOCs From Product Coatings -- On July 10, 2007, EPA proposed guidelines to control volatile organic compound (VOC) emissions from coatings used on paper, film, and foil, and on metal furniture and large appliances. 72 Fed. Reg. 37582. The guidelines are not mandatory and states may use their discretion to determine what controls to impose on end-users of the coatings. VOCs are a precursor to the formation of ground-level ozone, a common air pollutant that is believed to exacerbate respiratory disease. EPA reported that it is proposing Control Techniques Guidelines (CTG) instead of regulations under Clean Air Act (CAA) Section 183, which authorizes guidelines if they “will be substantially as effective as regulations in reducing VOC emissions” in areas that are violating EPA’s ozone air quality standard. CTGs list emissions control technologies that states may require at facilities to reduce VOC emissions from specific source categories. The guidelines apply only in areas that are out of attainment with the EPA air quality standard for ozone. The guidelines would provide recommendations for states in drawing up reasonably available control technology (RACT) requirements to prevent VOC emissions from coatings used for paper, film, and foil, and metal furniture and large appliances. Comments are due by **August 9, 2007**.



EPA Proposes To Revise National Ambient Air Quality Standards For Ozone -- On July 11, 2007, EPA proposed to revise the primary and secondary air quality criteria for ozone (O₃) and related photochemical oxidants and National Ambient Air Quality Standards (NAAQS) for O₃. 72 Fed. Reg. 37818. EPA proposed to make revisions to the primary and secondary NAAQS for O₃ to provide greater protection of public health and welfare, respectively, and to make corresponding revisions in data handling conventions for O₃. With regard to the primary standard for O₃, EPA proposed to revise the level of the 8-hour standard to a level within the range of 0.070 to 0.075 parts per million (ppm), to provide increased protection for children and other “at risk” populations against an array of O₃-related adverse health effects. EPA also proposed to specify the level of the primary standard to the nearest thousandth ppm. EPA solicits comment on alternative levels down to 0.060 ppm and up to and including retaining the current 8-hour standard of 0.08 ppm (effectively 0.084 ppm using current data rounding conventions). EPA proposed to revise the current 8-hour standard with one of two options to provide increased protection against O₃-related adverse impacts on vegetation and forested ecosystems. The first option is to replace the current standard with a cumulative, seasonal standard expressed as an index of the annual sum of weighted hourly concentrations, cumulated over 12 hours per day (8 a.m. to 8:00 p.m.) during the consecutive three-month period within the O₃ season with the maximum index value, set at a level within the range of 7 to 21 ppm-hours. The second option is to make the secondary standard identical to the proposed primary 8-hour standard. Comment is due by **October 9, 2007**. EPA also announced public hearings to be held on the proposal. 72 Fed. Reg. 37682. The hearings will be held concurrently in Philadelphia, Pennsylvania, and Los Angeles, California, on **Thursday, August 30, 2007**, and concurrently in Atlanta, Georgia, Chicago, Illinois, and Houston, Texas, on **Wednesday, September 5, 2007**.

NANOTECHNOLOGY

EPA Will Hold NMSP Public Meeting And Release Draft Documents -- On July 12, 2007, EPA issued three *Federal Register* notices related to the Nanoscale Materials Stewardship Program (NMSP) under the Toxic Substances Control Act (TSCA). 72 Fed. Reg. 38081, 38083, and 38079. The first notice announces a public meeting on **August 2, 2007**, to receive comments on the development of the voluntary NMSP. The second notice announces the availability of two draft documents for public review and comment: (1) “Concept Paper for the Nanoscale Materials Stewardship Program under TSCA” (Concept Paper); and (2) “TSCA Inventory Status of Nanoscale Substances -- General Approach” (TSCA Inventory Paper). The third notice solicits public comments on specific aspects of the proposed information collection request (ICR) for the voluntary NMSP. According to EPA, the purpose of the **August 2, 2007**, public meeting, which will occur during the comment period on the draft documents, is to discuss further the development of the NMSP. Registration for the meeting will be open until **July 30, 2007**, but is not necessary to attend the meeting. Registration will be available through the NMSP website at <http://www.epa.gov/oppt/nano>. Requests to make oral comments at the meeting are due **July 30, 2007**. The TSCA Inventory Paper describes EPA’s current thinking regarding whether a



nanoscale material is a “new” or “existing” chemical substance under TSCA. The Concept Paper describes EPA’s general approach, issues, and considerations for the NMSP, and is intended to serve as a starting point for continuing work with stakeholders on the detailed design of the NMSP. EPA states that it developed the Concept Paper to outline its initial thinking about the NMSP. EPA will be working collaboratively with other federal agencies and stakeholders to further develop and implement the NMSP. Although dependent on the outcome of this development process, EPA envisions that the components of the NMSP could include: assembling existing data and information from manufacturers and processors of existing chemical nanoscale materials; encouraging the development of test data needed to provide a firmer scientific foundation for future work and regulatory/policy decisions; and identifying and encouraging use of a basic set of risk management practices in developing and commercializing nanoscale materials.

The Concept Paper outlines proposed ideas for reporting on nanoscale materials in commerce, developing data on representative nanoscale materials, and identifying risk management practices. According to EPA, it describes who may wish to participate, the reporting expectations for participants, what the program could entail, and what EPA intends to do with the data generated from the program. It also describes the potential benefits of participation.

EPA will use the data from the NMSP to gain an understanding of which nanoscale materials are produced, in what quantities, how they are used, and the data that are available for such materials. EPA scientists will use data collected through the NMSP, where appropriate, to aid in determining how and whether certain nanoscale materials or categories of nanoscale materials may present risks to human health and the environment.

While EPA is seeking comment on all aspects of the NMSP and the TSCA Inventory Paper, EPA states that it “is especially interested in comments on the following items”: whether the data elements that have been identified in the NMSP are appropriate for nanoscale materials; timing and phasing of submissions under the NMSP basic and in-depth programs and whether approaches for tiering data submissions are appropriate; who would participate in the NMSP and how to encourage participation, especially from small- and medium-sized enterprises; what criteria to use for the NMSP program evaluation and views on the timing and nature of any reports EPA may issue; how to engage industry and other stakeholders in the NMSP in-depth program and approaches for generating test data; the processes and roles for EPA, participants, and other stakeholders during development and evaluation of data for the in-depth program; possible approaches for identification and use of alternative sources of data, to minimize the burden of information collection associated with the NMSP; uses for the data submitted to EPA under the NMSP; issues relevant to scope, definitions, and descriptions; the suitability of the approach for determining the TSCA Inventory status of nanoscale materials discussed in the TSCA Inventory Paper; and whether, in combination, the TSCA Inventory Paper and the NMSP Concept Paper are sufficiently clear in how EPA plans to address nanoscale materials that are



new or existing chemicals under TSCA and the NMSP and, if needed, an indication of areas where further clarification may be warranted.

The draft ICR covers the information collection-related activities related to the NMSP and the estimated paperwork burdens associated with those activities. EPA is soliciting public comments on specific aspects of the proposed information collection for the voluntary NMSP.

ED And DuPont Release *Nano Risk Framework* -- On June 21, 2007, Environmental Defense (ED) and DuPont formally announced the release of the final *Nano Risk Framework*, which defines “a systematic and disciplined process for identifying, managing, and reducing potential environmental, health, and safety risks of engineered nanomaterials across all stages of a product’s ‘lifecycle’ -- its full life from initial sourcing through manufacture, use, disposal or recycling, and ultimate fate.” ED and DuPont began their collaborative effort to develop the *Framework* in September 2005. They released a draft version to the public on February 26, 2007, and received comments from a diverse array of stakeholders -- government, academia, public interest groups, and both large and small companies. In addition to considering the various comments, ED and DuPont conducted pilot-testing on surface-treated high-rutile phase titanium dioxide (TiO₂), single- and multi-walled carbon nanotubes (CNT), and nano-sized zero-valent iron (nano-Fe⁰) “to ensure that [the *Framework*] is flexible, practical, affordable, and effective.” The final document issued “offers guidance on the key questions an organization should consider in developing applications of nanomaterials, and on the information needed to make sound risk evaluations and risk-management decisions.” The *Framework* is intended to support ongoing regulatory initiatives, not replace them.

The *Framework* consists of six distinct steps and is intended to be used iteratively as stages of development advance and new information becomes available.

Step 1: Describe Material and Application. The first step is to develop a general description of the nanomaterial and its intended uses, based on information in the possession of the developer or in the literature. The user also identifies analogous materials and applications that may help fill data gaps in this and other steps.

Step 2: Profile Lifecycle(s). Step 2 defines a process to develop three sets of profiles -- the nanomaterial’s properties, its inherent hazards, and associated exposures throughout the lifecycle. The user considers the nanomaterial’s full lifecycle from material sourcing, through production and use, to end-of-life disposal or recycling. The user considers how the material’s properties, hazards, and exposures may change during that lifecycle.

Step 3: Evaluate Risks. In this step, all of the information generated in the profiles is reviewed to identify and characterize the nature, magnitude, and probability of risks presented by the nanomaterial and its anticipated application. The user considers gaps in the lifecycle profiles,



prioritizes those gaps, and determines how to address them -- either by generating data or by using, in place of such data, “reasonable worst case” assumptions or values.

Step 4: Assess Risk Management. In the fourth step, the user evaluates the available options for managing the risks identified in Step 3 and recommends a course of action. Options include engineering controls, personal protective equipment, risk communication, and product or process modifications.

Step 5: Decide, Document, and Act. In Step 5, the user consults with the appropriate review team and decides whether or in what capacity to continue development and production. Consistent with transparent decision-making, the user documents those decisions and their rationale and shares appropriate information with the relevant internal and external stakeholders. A worksheet is provided in the appendix for documenting information, assumptions, and decisions.

Step 6: Review and Adapt. Through regularly scheduled and triggered reviews, the user updates and re-executes the risk evaluation, ensures that risk management systems are working as expected, and adapts those systems in the face of new information or new conditions. Reviews may be prompted by development milestones, changes in production or use, or new hazard or exposure data. As in Step 5, the user not only documents changes, decisions, and actions but also shares appropriate information with relevant stakeholders.

EPA Will Hold Conference On “Pollution Prevention Through Nanotechnology” -- On July 2, 2007, EPA published a notice regarding its conference entitled “Pollution Prevention through Nanotechnology,” which will be held on **September 25-26, 2007**, in Arlington, Virginia. 72 Fed. Reg. 35991. EPA intends the conference to provide a forum to exchange ideas and information on using nanotechnology to develop new ways to prevent pollution. Lynn L. Bergeson is on the Steering Committee for the conference. Representatives from industry, academia, non-governmental organizations, and government are invited to focus on current practices and potential research areas in nanotechnology that incorporate the concept of pollution prevention in three major areas: products that are less toxic, less polluting, and wear-resistant; processes that are more efficient and waste-reducing; and processes and products that use less energy and fewer raw materials because of greater efficiency. A draft agenda and online registration form is available at <http://www.epa.gov/oppt/nano/nano-confinfo.htm>. Registration is open until **September 14, 2007**, but is not required to attend the conference.

According to EPA, the conference will feature discussions of nanotechnology life-cycle considerations and the responsible development of nanotechnology. EPA provided questions in the notice that will be addressed by conference participants. EPA intends the questions to focus presentations and discussions at the conference, and states that answers to these questions could help guide subsequent work in pollution prevention through nanotechnology.



The July 2, 2007, *Federal Register* notice also includes a call for posters. EPA encourages submissions “in the area of nanotechnology products, nanotechnology processes, or nanotechnology energy/resource efficiency,” and “[p]osters with a focus on safer chemistries through use of nanotechnology are especially encouraged.” Because of space constraints, EPA will accept only a limited number of posters in each area. Poster applications are due **July 31, 2007**.

PCAST Hears From Experts On Applications And Implications Of Nanotechnology -- On June 25, 2007, the President’s Council of Advisors on Science and Technology (PCAST) convened a public meeting on nanotechnology to discuss two broad areas: the applications and implications of nanotechnology. The PowerPoint presentations of the speakers are available at <http://ostp.gov/pcast/pcast.html>. The morning session was devoted to a discussion of the applications of nanotechnology. A distinguished panel of five experts from multiple sectors presented examples of nanotechnology-based innovation and commercialization related to a range of products and industries.

Michael Holman, Lux Research, provided a snapshot of products being marketed now that are nanotechnology-enabled, including Aspen Aerogels, <http://www.aerogel.com>, and Smith&Nephew’s Acticoat, a nanocrystalline silver-based wound dressing, <http://www.smith-nephew.com/news/item.jsp?id=15>. Holman reported that the U.S. remains competitive, but that other countries, including India, Russia, Germany, and South Korea, are making substantial strides in “closing the gap” between the U.S. and everyone else in the areas of innovation and nano product commercialization.

Jim von Ehr, Zyvex, provided an interesting overview of his company’s product line, and offered a quick overview of the challenges start-up nano companies confront. These include patent/intellectual property challenges, U.S. corporate reporting, tax, and accounting “changes” in the law that can make U.S. businesses less competitive than foreign counterparts, particularly reporting burdens brought about by Sarbanes-Oxley, and related legal and regulatory measures that constitute real challenges for smaller companies.

William Moffitt, Nanosphere, voiced similar thoughts during his presentation, but also spent considerable time reviewing the many commercial and scientific advances Nanosphere has achieved over the past several years. Nanosphere has made significant advances in the area of molecular diagnostics and genetic technology, and has been awarded 44 patents, and has another 100 pending.

Lubab Sheet, SEMI, offered a number of specific recommendations to the National Nanotechnology Initiative (NNI), including increasing research and development funding levels, increasing Small Business Innovation Research and Small Business Technology Transfer grants, relaxing export controls on electronic exports, reviewing and improving immigration laws as



they related to highly qualified workers, and increasing nanotechnology environmental, health, and safety (EHS)-related funding.

J. Steven Rutt, Foley & Lardner, briefly summarized business challenges confronting the nano industry. These include the need for patent law reform, technology transfer challenges, and the special needs brought about by living in a global economy.

The afternoon session focused on the implications of nanotechnology, and more specifically the potential EHS risks. As in the morning session, five distinguished panelists offered their perspectives and discussed their activities related to understanding and addressing health and safety issues and the roles of various stakeholders in managing potential nanotechnology risks.

Dr. Sally Tinkle, National Institute of Environmental Health Sciences (NIEHS), provided an overview of the environmental and human health-related research being undertaken by the National Institutes of Health and NIEHS in particular. Tinkle explained that NIEHS presently is focused on dose and response research.

Dr. Gunter Oberdorster, University of Rochester, made a presentation on the current state of knowledge in the area of nanoparticle toxicology. Oberdorster stressed that it is extremely important for researchers to identify those nanoparticles that are highly reactive -- what he called the "bad actors." He also emphasized that human exposure levels to nanoparticles are unknown, as are responses in sensitive subpopulations and information about long-term retention, especially in the central nervous system. Oberdorster referred to a recent European request for research applications that ran in the several million dollar range, and contrasted it with a recent EPA-Department of Energy (DOE) request for research proposals that will award \$400,000 over a three-year period. Oberdorster was highly critical of the U.S. request, remarking that \$400,000 is an extremely small sum for a three-year research project.

Dr. Andrew Maynard, Project on Emerging Nanotechnologies, expressed his strongly held view that the current uncertainty vis-à-vis risk is the biggest barrier to successful, publicly-accepted nano commercialization and development. Maynard referred to nanotechnology as a 21st century technology, and opined that it required 21st century thinking and solutions, not simply a continuation of business as usual. He specifically called for a clear and prioritized research strategy; cooperative and coordinated mechanisms (*e.g.*, cross-agency, private-public) to carry out the needed research; and appropriate funding levels, which he said should be in the range of \$50-\$100 million/year for the targeted research.

Matthew Hull, Luna Innovations, discussed the challenges faced by small and medium enterprises and described Luna's five-pronged effort to address the ever-changing landscape of nano EHS issues. That effort comprises facility management, product stewardship, employee health surveillance, environmental management, and emerging technologies and strategies.



Dr. Michele Ostraat, DuPont, described the Nanotechnology Occupational Safety and Health (NOSH) Consortium that was co-founded in 2005 by DuPont, P&G, Intel, and Dow, and which now includes more than 16 members from industry, government, academic, and non-government organizations. The NOSH Consortium, Ostraat explained, was formed to obtain information on occupational safety and health associated with aerosol nanoparticles and workplace exposure monitoring and protocols, and has three main technical goals: (1) to develop a method to generate a well-characterized aerosol of solid nanoparticles and to measure aerosol behavior as a function of time; (2) to develop an air sampling method that can be used on a day-to-day basis to conduct worker exposure assessments in workplace settings; and (3) to develop the ability to measure barrier efficiency of filter media with respect to specific engineered aerosol nanoparticles. Ostraat indicated that the NOSH Consortium is on schedule to meet its target completion date of June 2007, and that a Phase 2 effort encompassing further research will commence shortly thereafter.

LEGISLATIVE DEVELOPMENTS

House Homeland Security Bill Includes Chemical Security State Preemption Provision -- Legislation the House of Representatives passed on June 15, 2007, would overturn federal preemption and sensitive security information (SSI) contained in the Department of Homeland Security (DHS) final interim chemical security rule. State and local governments would be able to set chemical security standards that are more stringent than federal requirements under a provision in the fiscal year (FY) 2008 DHS appropriations bill. The state and local preemption provision also is included in a bill the Senate Appropriations Committee approved on June 14, 2007.

Another chemical security provision contained in the House-passed bill, but not in the Senate bill, would require DHS to treat all chemical site information collected as “sensitive security information,” overriding another provision in a recent DHS final rule that established a separate category of chemical security and vulnerability information. The House version stipulates that chemical security information is protected by the federal SSI program, currently used by the Coast Guard.

House And Senate Address Endocrine Disruptor Program -- The House of Representatives has called on EPA to accelerate implementation of a program to screen and test chemicals and pesticides for possible endocrine disrupting effects. Language in the EPA appropriations bill (see discussion *infra*) says lawmakers are “troubled by the lack of progress” in setting up the program. The legislation directs EPA to draft a proposal for a new research grant program to fund outside efforts to address “crucial questions in endocrine disruption.” The new program should include “interdisciplinary collaboration and research designs using sensitive models at environmentally relevant doses and vulnerable life stages.” The spending bill provides \$10.5 million for the endocrine disruptor program, a \$2.3 million increase, and directs EPA to report



specific progress on the program within six months of enactment. The legislation also calls on EPA to complete its validation of a Tier 1 testing system and begin screening by August 2008 and to inform Congress of when it will complete validation of Tier 2 screening and testing assays. The provision was included in a \$27.6 billion appropriations bill that funds EPA, the U.S. Interior Department (DOI), and related agencies. The White House has already threatened to veto the legislation due to its spending increases.

The Senate Appropriations Committee passed its version of the spending bill on June 21, 2007, however, it does not call for the review of alternative approaches to the endocrine disruptor program, but it “urges EPA to use the increase [funding] provided ... to focus on validation of specific screening assays and tests focused on human health.” It also encourages EPA to adopt pesticide container recycling regulations within 180 days of enactment of the bill and urges EPA to work with the National Academy of Sciences to develop a research roadmap to study the EHS risks from nanotechnology.

Oil And Gas Industry Would Fund Energy Tax Breaks -- The House Ways and Means Committee approved on June 20, 2007, a \$16 billion package of tax credits and extensions (H.R. 2776) intended to encourage more use of clean energy, at the expense of oil and gas producers. Chair Charles Rangel (D-NY) introduced the bill on June 19, 2007. The bill (H.R. 2776), known as the “The Renewable Energy and Energy Conservation Tax Act of 2007,” would extend by four years \$6.6 billion in renewable energy tax credits under tax code Section 45 for facilities placed into service after December 31, 2008, for the production of power from wind, biomass, landfill gases, and other technologies. The bill also adds a tax credit for businesses constructing facilities to produce energy from waves, tides, and other marine sources. To pay for the bill’s provisions, the bill rescinds the manufacturing tax deduction for all oil and gas producers, which is expected to generate about \$11.4 billion in revenue for the federal government, up from the \$9.4 billion in revenue that the Senate version would raise by targeting only the large energy producers. The Senate bill would leave the manufacturing tax deduction in place for smaller, independent oil producers. Combined with a provision to streamline the tax treatment of foreign oil-related income so that it is treated the same as foreign oil and gas extraction income, the House bill would result in a total of \$16 billion in offsets for the House energy package. The House energy package would forego some of the tax incentives for the production of energy from wind, hydroelectric power, biomass, or clean coal technologies that were offered in the Senate version.

Like the Senate version of the bill, Rangel’s bill would extend the renewable energy tax credit through 2013 and would provide for a new, 50 cents-per-gallon credit for the production of cellulose alcohol, at a cost to the government of \$24 million. A tax deduction for the construction of energy-efficient commercial buildings could also be extended for five years through December 31, 2013, at a cost of \$89 million. The House bill also contains an eight-year extension on the energy credit that includes solar power and fuel cell technologies. Moreover, it



would eliminate the limits on the maximum credit that buyers of solar and fuel cell technologies can apply against their alternative minimum tax obligations.

Coal-To-Liquids Proposal Would Mandate Production -- On June 18, 2007, Senator Pete Domenici (R-NM) introduced an amendment to the Senate energy bill that would set a target of six billion gallons of coal-based transportation fuels between 2016 and 2022 to replace petroleum-based fuels. This approach would incorporate a federal mandate for coal-to-liquids production in the energy bill (H.R. 6). The proposal also would require that greenhouse gas emissions from coal-to-liquids fuels be 20 percent better than conventional gasoline, the same standard that applies to cellulosic, or non-corn, ethanol in the underlying bill. Senate Democrats have tended not to favor production mandates.

Green Chemistry Bill Offered In House -- On July 11, 2007, the House Committee on Science and Technology approved legislation Representative Phil Gingrey (R-GA) introduced on June 25, 2007, which would allocate \$58 million among four federal agencies in FY 2008 to support research and development as well as other activities related to green chemistry. The Green Chemistry Research and Development Act of 2007 (H.R. 2850) would define green chemistry as “chemistry and chemical engineering to design chemical products and processes that reduce or eliminate the use or generation of hazardous substances while providing high quality products through safe and efficient manufacturing processes.” The bill would direct the President to establish a Green Chemistry Research and Development Program to promote and coordinate federal green chemistry activities. The program would provide grants, “examine methods by which the federal government can create incentives for consideration and use of green chemistry processes and products,” and collect and disseminate information on green chemistry, among other activities. The program would be run by an interagency working group composed of representatives from the National Science Foundation, the National Institute of Standards and Technology, DOE, and EPA. Within two years of the bill’s enactment, the working group would have to report to Congress on federal money spent on green chemistry-related activities and progress made toward the goals of the program. The bill also calls for a study by the National Research Council “of the factors that constitute barriers to the successful commercial application of promising results from green chemistry research and development,” as well as funding of university-industry partnerships to “retrain chemists and chemical engineers in the use of green chemistry concepts and strategies.”

Fuel Economy Increase Compromise Added To Senate Energy Bill -- On June 21, 2007, a bipartisan group of Senators crafted a compromise that would raise the fleetwide average fuel economy standards for all cars, trucks, and sport utility vehicles (SUV) over a ten-year period from 25 miles per gallon (mpg) to 35 mpg by model year 2020. The compromise would adopt fuel economy standards based on class size, known as attribute-based standards, based on size and weight, which the industry prefers. Each class of vehicles, as determined by the Department



of Transportation (DOT), will be required to meet the new fuel economy standard for that particular class to achieve the fleetwide average of 35 mpg by 2020.

House Energy Independence Bill -- The House Energy and Commerce Committee on June 28, 2007, approved energy policy legislation aimed primarily at saving energy from appliances, buildings, and the electric transmissions system. Among other things, the legislation would require more stringent energy-efficiency standards for home heating and cooling systems, include incentives for use of waste heat, and expand loan guarantees for developing advanced technology batteries for automobiles. Six separate bills made up the package of energy legislation, with three dealing with appliance and building energy efficiency, electricity transmission, and loan guarantees approved on June 27, 2007. The other three bills address renewable energy infrastructure, plug-in hybrids, and energy information. The package includes incentives for the recovery of waste heat resulting from industrial processes and to prevent energy waste from excessive heat generation at electronic data servers. Other provisions would encourage modernization of the electricity distribution grid to foster more efficient transmission and provide loan guarantees for the development of advanced technology car batteries.

House Panel Clears Bills To Boost Carbon Sequestration, Biofuels, And Solar Energy -- The House Science and Technology Committee approved four bills on June 27, 2007, to expand research and demonstration projects for carbon dioxide capture and storage, to conduct studies on biofuels and solar power, and to revise existing federal climate change research. The measures are expected to be included in a broader energy package being readied for House floor consideration after the July 4, 2007, recess.

The carbon sequestration bill (H.R. 1933) would expand an ongoing DOE program that is researching potential U.S. sites for large-scale collection and storage of carbon dioxide emitted from coal-fired power plants. The biofuels measure, H.R. 2773, includes a provision that would require DOE to consult with EPA and DOT in conducting biofuels research. The solar energy research measure (H.R. 2774) includes a proposal that would establish a research and development program focusing on solar-powered air conditioning. The fourth bill (H.R. 906) is designed to revise the U.S. Global Change Research Program. It calls for better coordination of existing federal climate change research, which focuses on the impact of global warming on the economy and the environment.

Amendment Would Bar Implementation Of Executive Order -- The House of Representatives on June 27, 2007, approved an amendment to the financial services appropriations bill (H.R. 2829) that would prohibit the White House from spending funds to implement an executive order that critics say gives the White House too much control over agency rulemaking activities. The order (E.O. 13422), which President Bush issued on January 18, 2007, for the first time expanded the review authority of the Office of Management and Budget's (OMB) regulatory office to include agency guidance documents, which are nonbinding and have traditionally been



handled solely by the agencies issuing them. In addition, the order requires the placement at each federal rulemaking agency of a White House-picked regulatory policy officer who has the authority to review and approve all major rulemaking activity at the agency.

House And Senate EPA Appropriations Bills -- The House of Representatives on June 27, 2007, passed a \$27.6 billion EPA and DOI appropriations bill (H.R. 2643) for FY 2008 that blocks an EPA proposed rule on emissions limits for major sources of air pollution. The bill, approved by a vote of 272-155, includes an amendment Representative Eddie Bernice Johnson (D-TX) offered that prohibits funding of a proposed rule that would have eliminated EPA's "once in, always in" policy. The proposed rule would allow major sources of air pollution to avoid complying with the CAA's maximum achievable control technology (MACT) standards if their emissions fell below certain thresholds. Under current law, major-source facilities that emit 10 tons per year of a single hazardous air pollutant or 25 tons per year of any combination of air pollutants must permanently comply with MACT. The provision that would cut off funding for the proposed rule is part of an overall bill providing \$8.1 billion for EPA (\$361 million more than appropriated in 2007 and \$887 million above the President's FY 2008 request), and \$10.2 billion for DOI (\$257 million above 2007 levels and \$450 million above the President's request). President Bush has promised to veto the bill because it exceeds spending limits in his FY 2008 budget request.

The House appropriations bill also includes a "Sense of Congress" resolution stating that the climate is warming due in large part to human activities, and that action must be taken to address this issue. The spending measure includes \$264 million for various climate change activities, an increase of \$94 million over the FY 2007 level. In particular, the bill provides \$199 million for EPA climate programs and establishes a new two-year Commission on Climate Change Adaptation and Mitigation that will help identify priorities for climate science investment.

In addition, the legislation includes an amendment that Representatives Robert Andrews (D-NJ) and Steve Chabot (R-OH) offered that would prohibit further spending on commercial logging roads in Alaska's Tongass National Forest. The House also narrowly adopted an amendment Representative Mark Udall (D-CO) offered barring a leasing program for oil shale reserves on public lands.

Under the Senate version of the appropriations bill that gained approval on June 19, 2007, from the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, EPA would receive \$7.77 billion in FY 2008. While the bill would increase funding for Superfund cleanups and state and local air programs, it would slightly reduce money for state and tribal assistance grants, which states rely on to comply with EPA regulations. DOI programs would receive \$10.12 billion, \$210 million above the FY 2007 level. The Senate bill would cut some popular EPA programs compared to the House version. For example, the Senate bill would appropriate \$3.2 billion for state and tribal assistance grants (STAG), \$32 million below the FY



2007 level and about \$200 million below the amount the House Appropriations Committee allotted for STAG grants. In particular, the clean water state revolving fund (SRF) would receive \$887 million under the Senate legislation, \$193 million below FY 2007 levels and \$213 million below the House level of \$1.1 billion. The clean water SRF finances drinking water and wastewater infrastructure projects in about 150 communities around the country. The Senate bill would provide \$1.28 billion for cleanup at Superfund sites, an increase of \$20 million over FY 2007 and \$30 million above the President's request. This funding includes \$15 million in new funding to accelerate site cleanups.

House Committee Supports Transportation Measures -- On June 20, 2007, the House Transportation and Infrastructure Committee approved legislation that would authorize more than \$2 billion in spending to help several modes of transportation improve environmental conditions. The Transportation Energy Security and Climate Change Mitigation Act of 2007 (H.R. 2701) would authorize \$850 million in both FY 2008 and FY 2009 to urban and rural transit agencies to reduce passenger fares and to expand service. Urban agencies would receive a total of \$750 million, while non-urban agencies would receive the remaining \$100 million. Another provision of the bill would establish a green locomotive grant program, authorizing \$50 million annually from FY 2008 through FY 2011. The grants are for railroad carriers and state and local governments to buy or recondition locomotives to exceed federal emissions standards. Another provision directs the Federal Aviation Administration to enter into a cooperative agreement with an institution, entity, or consortium to form a research group for the development of clean-burning, quiet, and efficient technology under the Continuous Lower Energy, Emissions, and Noise (CLEEN) engine and airframe technology program.

Senate Committee Approves Additional Funding For Energy And Water Programs -- The Senate Appropriations Committee approved a FY 2008 spending bill on June 28, 2007, that would boost funding for DOE, the U.S. Army Corps of Engineers, and DOI's Bureau of Reclamation. The \$32 billion energy and water spending bill is about \$1.8 billion more than President Bush's budget request and nearly \$2 billion more than the amount appropriated in FY 2007. It includes increased funding for a broad range of research and development programs, from alternative fuels and energy-efficiency technology to traditional energy sources such as coal, oil, and natural gas.

In all, the bill provides a total of \$25.8 billion for DOE. The amount includes about \$9.6 billion for the National Nuclear Security Administration, which manages the nation's nuclear arsenal, as well as nearly \$6 billion for DOE-managed cleanups of radioactive waste and other contamination from former nuclear sites. A total of \$3.7 billion is provided for energy research and development programs, including \$1.7 billion for renewable energy. Within vehicles programs, the bill would provide \$228 million to fund hydrogen fuel cell technology and \$244 million for investments in biofuels and other gasoline alternatives. Other renewable energy programs include \$244 million for biomass fuels development, \$25 million for geothermal, \$180



million for solar technology, and \$137 million for building design and technology that conserves energy. DOE's fossil fuel research and development program would receive \$804 million, including \$88 million for the Clean Coal Power Initiative and \$132 million for carbon sequestration research and development. Also provided in the bill is \$445 million for the proposed Yucca Mountain repository in Nevada, which would store spent nuclear fuel from commercial power plants. The energy and water bill also includes \$242 million for the Bush administration's nuclear waste reprocessing initiative, the Global Nuclear Energy Partnership (GNEP).

OMB Would Be Required To Track Funds For Great Lakes Restoration -- Through language in the FY 2008 spending bill for general government and financial services, OMB would be directed to submit an interagency budgeting report to track how federal money is being spent on restoring the Great Lakes. Representative Rahm Emanuel (D-IL) included the language in the Financial Services and General Government Appropriations Act for Fiscal Year 2008 (H.R. 2829), which the House of Representatives approved on June 28, 2007. The bill's language would direct OMB in consultation with the governor of each Great Lakes state, as well as the Great Lakes Interagency Task Force, to submit a "cross cut" interagency budget on Great Lakes restoration activities to Congress 30 days after presenting the President's budget. The language in H.R. 2829 requires OMB to ensure that the budget for Great Lakes restoration includes proposed expenditures, including interagency and intragency funds transfers, for each federal agency involved; identifies all federal and state expenditures using federal funds on Great Lakes restoration since FY 2004; sets detailed accounting for all federal funds received and obligated by federal and state agencies; and requires a listing of all projects to be carried out in the coming FY using federal funds. The language also calls upon OMB to ensure that the interagency "cross cut" budget report be certified by the secretary of each agency that has budget authority for Great Lakes.

System To Detect Threats Gains Backing -- The Senate Committee on Commerce, Science, and Transportation approved legislation on June 27, 2007, to develop a nationwide system of coastal and oceanic observation. The Coastal and Ocean Observation System Act of 2007 (S. 950) would establish an integrated system to provide information and to monitor changes within the oceans and coastal environments. This system would observe and detect potential threats, such as tsunamis, hurricanes, and storm surges, as well as providing resources for homeland security and search-and-rescue operations. The observation system would operate along the nation's coast, oceans, and Great Lakes, and it would monitor human impacts, climate and environmental changes, and key variables such as temperature, salinity, sea level, currents, and nutrients. The system would also provide information to marine industries such as transportation, aquaculture, fisheries, and offshore energy production, to aid in navigation, safety, and productivity. The bill would authorize the National Oceanic and Atmospheric Administration (NOAA) as the lead agency for implementing and administering the system and require NOAA to establish an Integrated Ocean Observing Program Office.



Coral Reef Conservation Act Gains Approval -- The House Committee on Natural Resources approved legislation on June 28, 2007, to extend the Coral Reef Conservation Act through 2012. The Committee approved the bill (H.R. 1205), which Delegate Eni Faleomavaega (D-American Samoa) sponsored, as well as a substitute amendment that incorporates newly revised definitions and additional recommendations. Included in these changes is a provision that would make liable any entity that damages or injures a coral reef in U.S. waters. The bill authorizes the Secretary of Commerce to provide grants for projects at the federal, state, and local levels that work toward increased protections of the coral reefs. The bill also authorizes actions to prevent or minimize damage to coral reefs or coral ecosystems from vessel impacts, derelict fishing gear, vessel anchors, or other unforeseen disasters.

MISCELLANEOUS

California Green Chemistry Initiative -- On June 18, 2007, the California Department of Toxic Substances Control (DTSC) announced its California Green Chemistry Initiative, which seeks to establish the blueprint for keeping California in the forefront of protecting health and the environment. According to DTSC, the creation of a viable list of options to advance Green Chemistry must be submitted to Secretary Linda Adams by January 2008. From that list, proposed recommendations for a final policy are due by July 1, 2008. To facilitate a constructive public participation process, DTSC has established the Conversation with California, which includes an array of opportunities for public participation. The first public stakeholder's meeting was scheduled June 27, 2007.

NTP Announces New Associate Director -- On June 15, 2007, the National Toxicology Program (NTP) announced that Dr. John Bucher will serve as the new Associate Director. Bucher, who has worked for NTP for 24 years, began managing the day-to-day operations of the program on June 18. Located in Research Triangle Park, North Carolina, at NIEHS, the NTP is an interagency program that seeks to coordinate, conduct, and communicate toxicological research across the U.S. government. Member agencies include the Agency for Toxic Substances and Disease Registry (ATSDR)/Centers for Disease Control and Prevention, Consumer Product Safety Commission, EPA, Food and Drug Administration, National Cancer Institute/National Institutes of Health, National Center for Environmental Health, NIEHS, National Institute for Occupational Safety and Health, and Occupational Safety and Health Administration.

The 2007 Presidential Green Chemistry Challenge Awards Program Small Business Award Winner -- EPA announced on June 26, 2007, its 2007 Presidential Green Chemistry Challenge Awards Program. The Presidential Green Chemistry Challenge Awards Program provides national recognition of innovations in chemical technologies that use the principles of green chemistry to reduce pollution and waste. Awards are made in five categories: Academic, Small Business, Greener Synthetic Pathways, Greener Reaction Conditions, and Designing Greener



Chemicals. Nominations for the awards are judged by an independent panel of experts convened by the American Chemical Society.

The 2007 award in the Small Business category was given to NovaSterilis Inc., based in Ithaca, NY, for development and commercialization of an innovative, environmentally benign technology for sterilization of delicate biological materials. Effective sterilization of such materials is essential and incomplete sterilization can result in infections and illnesses in transplant patients.

NovaSterilis developed a technology using supercritical carbon dioxide that safely and effectively sterilizes a wide variety of sensitive, important biomedical materials such as tissues for transplantation, whole-cell vaccines, and biodegradable polymers used in medical applications. The technology totally inactivates a wide range of microbes, including bacterial spores, in less than an hour. NovaSterilis received a key patent for its technology and began commercial distribution of its Nova2200™ sterilizer in 2006.

Professor Michael J. Krische of the University of Texas at Austin won the Academic Award for developing a method for hydrogen-mediated carbon-carbon bond formation. Professor Kaichang Li of Oregon State University, with Columbia Forest Products and Hercules Incorporated, won the Greener Synthetic Pathways Award for a formaldehyde-free, biobased adhesive for plywood and other wood composites. Headwaters Technology Innovation won the Greener Reaction Conditions Award for a novel nanocatalyst to make hydrogen peroxide directly from hydrogen and oxygen in a safe manner. Cargill Incorporated won the Designing Greener Chemicals Award for high-performing, biobased BiOH™ polyols used to make polyurethane foam. More information about each of these award-winning technologies is available on EPA's Green Chemistry Website, at <http://www.epa.gov/greenchemistry>, under "Highlights" on the right hand side of the page.

The Presidential Green Chemistry Challenge Awards were presented in a ceremony at the National Academy of Sciences in Washington, D.C. on June 26, 2007.

Supreme Court Rules That ESA Not Part Of NPDES Transfer Process -- On June 25, 2007, the U.S. Supreme Court issued a five-four opinion finding that EPA does not need to comply with the Endangered Species Act (ESA) when determining whether to grant discharge permit authority to a state. *National Ass'n of Home Builders v. Defenders of Wildlife*, No. 06-340. Under Section 402(b) of the Clean Water Act (CWA), EPA must transfer certain permitting powers to state authorities upon an application and a showing that nine specified criteria have been met. ESA Section 7(a)(2) requires that a federal agency must "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species." The Court concluded that ESA Section 7(a)(2) covers only discretionary agency actions and reversed the judgment of the U.S. Court of Appeals



for the Ninth Circuit. The decision is available at <http://www.supremecourtus.gov/opinions/06pdf/06-340.pdf>.

Bush Nominates New OMB Director -- Bush nominated Jim Nussle, a former Republican lawmaker from Iowa, to succeed Rob Portman (R-OH), as director of OMB. Portman says he is resigning to spend more time with his family. Nussle must be confirmed by the Senate, which some sources report could be an uphill battle because some Democrats consider him too partisan. Nussle previously served eight terms in the House of Representatives, and was Chair of the House Budget Committee for six years.

Supreme Court Overturns Dr. Miles And Rules Vertical Price Restraints Are To Be Judged By Rule of Reason -- On June 28, 2007, the U.S. Supreme Court issued a five-four opinion in *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, which overturns *Dr. Miles Medical Co. v. John D. Park & Sons Co.* and finds that vertical price restraints are to be judged by the rule of reason. In *Dr. Miles*, the Court held it was *per se* illegal under Section 1 of the Sherman Act for a manufacturer and distributor to set a minimum price for the manufacturer's goods. The accepted standard for determining whether a practice restrains trade in violation of Section 1 of the Sherman Act is the rule of reason, which requires the weighing of all the circumstances. In *Leegin*, the Court found that the reasoning in *Dr. Miles* does not justify a *per se* rule that vertical price restraints are unlawful, and it examined the economic effects of vertical agreements to fix minimum resale prices. The Court concluded that the rule of reason is the appropriate standard for judging vertical price restraints. Although this is not a decision affecting chemical regulatory law specifically, it has the potential for far-reaching commercial impacts. The decision is available on the Internet at <http://www.supremecourtus.gov/opinions/06pdf/06-480.pdf>.

ATSDR Announces Intent To Develop Two Interaction Profiles -- On July 3, 2007, ATSDR announced its intent to develop two interaction profiles. The development of the interaction profiles will start on or about July 15, 2007. Interaction profiles are developed by ATSDR for hazardous substances at National Priority List (NPL) sites. Sections 104(i)(3) and (5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. Sections 9604(i)(3) and (5)), mandate that ATSDR shall assess whether adequate information on health effects is available for the priority hazardous substances. Where such information is not available or under development, ATSDR shall, in cooperation with NTP, initiate a program of research to determine these health effects. The Act further directs that, where feasible, ATSDR shall develop methods to determine the health effects of substances in combination with other substances with which they are commonly found. The entire interaction profile development process is as follows:



- ATSDR selects substances/chemicals for development of interaction profiles through inter/intra agency communications dialogue and literature reviews.
- After the selection, a letter is sent to individuals and agencies on ATSDR's mailing list providing notice of ATSDR's intent to create an interaction profile.
- A notice is posted in the *Federal Register* to inform the public of ATSDR's intent to develop a particular interaction profile.
- The draft interaction profile undergoes both internal and external peer review.
- A *Federal Register* notice announces the release of the official draft for public comment.
- ATSDR posts a link to the draft interaction profile on its website, giving the public an opportunity to provide comments.
- ATSDR reviews all public comments and revises the draft, as appropriate, before issuing the final version.

The following documents will be developed starting on or about July 15, 2007.

- **Document 1** -- Interaction profile for chlorinated dibenzo-p-dioxins, polybrominated diphenyl ethers, and phthalates.
- **Document 2** -- Interaction profile for pyrethroid pesticides, organophosphate pesticides, and polychlorinated biphenyls.

Comments are due **July 15, 2007**.

DOT Increases Civil Penalties -- On July 5, 2007, DOT published a final rule increasing civil penalties for commercial motor vehicles that violate hazardous materials transport regulations. 72 Fed. Reg. 36759. Under the rule, DOT's Federal Motor Carrier Safety Administration has authority to assess fines up to \$50,000, per offense, for violations of hazardous materials regulations, permits, or special orders. Presently, the maximum amount is \$25,000. The rule also authorizes DOT to assess a maximum fine of \$100,000 per offense if the violation causes death, serious illness, and injury of a person or substantial destruction of property. It also



increases the fines related to hazardous materials training from \$250 to \$450 per violation. Other provisions apply. The rule is effective **September 4, 2007**.

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