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PUBLISHED ON MAY 23, 2014 @ 12:15PM EST

ERA takes issue with proposed EPA guidelines



BETHESDA, Md.—Sometimes two words make all the difference.

The EPDM Roofing Association submitted a recommendation to the Environmental Protection Agency that it bases proposed environmental performance guidelines on “assessed risk” rather than the concept of “intrinsic hazard,” the association said.

The ERA said assessed risk would require data to show that the chemical is dangerous based on the way it is to be used and in the form that it is in, not just the theoretical danger that intrinsic hazard implies, the association said.

The ERA's biggest concern is that a range of widely used building products could be excluded from the market if the proposed guidelines are implemented as written.

The ERA listed a number of building envelope products that could be affected by the guidelines as written, the alleged hazardous materials they may contain and the reference list (in parentheses) from which the alleged hazard is identified:

Thermoplastic roofing membranes: Titanium dioxide (California Prop 65);
 Rubber roofing membranes: Carbon black (California Prop 65);
 Asphaltic roofing and waterproofing products: Bitumen (California Prop 65);

Reflective roof coatings: Titanium dioxide (California Prop 65);

Fiber insulation: Wood dust (California Prop 65); and
 Foam insulation: Halogenated fire retardants (San Antonio Protocol).

Risk assessment

Jim Hoff, vice president at the Center for Environmental Innovation in Roofing, said the identification of hazard typically should include a risk assessment by an authoritative source to identify the hazard. That source can range from the EPA's toxic substance program to the International Association of Research on Cancer or a number of other nationally and globally recognized research or regulatory organizations.

Hoff said many organizations that developed hazard standards have utilized a number of lists that are not held to the highest benchmark of hazard identification, and then derivative lists are produced off of these lists without checking what benchmark initially was used to label the material hazardous.

“What's happened is that these very good intentions kind of snowballed,” said Ellen Thorp, associate executive director of the ERA. “The next time an architecture firm goes to update their list, they're not going back to look why certain chemicals are on certain lists; they're just taking the newest version of the list and assuming that the chemicals on that list have been fully vetted.”

One challenge is California's Proposition 65, which Hoff said initially was designed as a workplace hazard identification standard but is now being applied to products and materials.

A number of products, materials and ingredients on Proposition 65 should be considered a hazard in a work environment if workers are directly exposed to the materials, Hoff said. The problem is that standard is being applied elsewhere. Using carbon black as an example, the chemical can be hazardous if it accumulates in the air, but not when it's completely encapsulated in tires and rubber.

Hoff estimated there were more than 600 materials that Proposition 65 considered hazardous and that most buildings in California have a Prop 65 hazard warning.

“You certainly can raise alarm about materials and ingredients that have no level of actual risk to the people, and you desensitize the public to any real evaluation or understanding of hazardous risk,” Hoff said.

“Merely identifying hazard without identifying the context of risk associated with that hazard could actually provide a disservice to the end user,” he said.

Consider consequences

Hoff and the ERA are not trying to start a war with the EPA. In fact, it's just the opposite.

The association applauded the EPA for listening to the expertise of the impacted industries as it establishes its standards. Thorp said the guidelines are being formulated with good intentions, but she stressed the ERA wants to ensure the EPA is evaluating all potential consequences—intended and unintended.

Thorp believes the EPA will listen to the association's comments as it produces the second draft of its standards. After that, a round of public comments will be held before the standards become final.

Hoff said the EPA's standards emphasize the best in science and consensus process development, but he hopes the guidelines can be expanded with emphases of risk assessment instead of settling for the standard of intrinsic hazard.

"I think the EPA has done a really good job of trying to develop a good guideline of sustainable material standards," Hoff said. "At least for me, this is simply a critique that challenges the EPA to take an additional step and be sure that the concepts of risk and exposure paths are being addressed along with simply the concept of intrinsic hazard."

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