



STATE OF NEW YORK
DEPARTMENT OF HEALTH

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Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

August 20, 2010

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC, 20460

Re. Docket ID No. EPA-HQ-OPPT-2009-0757

Dear Administrator Jackson:

We appreciate the opportunity to comment on the Advance Notice of Proposed Rulemaking on “Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations” published in the Federal Register on April 7, 2010. Our comments focus on one area of the rule-making, whether the United States Environmental Protection Agency (US EPA) should allow caulk, paint, or other non-liquid PCB products to remain in buildings when PCB concentrations exceed the level of 50 parts per million (ppm) currently provided in the PCB regulations for excluded PCB products.

Concern about PCBs in building materials such as caulk arise from the observation that the volatilization of PCBs from building material (*e.g.*, caulk) can elevate the indoor air concentrations of PCBs in buildings (*e.g.*, Kohler *et al.*, 2005¹) and from the US EPA's analysis that indicates the inhalation of indoor air is the major route of exposure when people are in buildings with PCB-containing building materials (US EPA, 2009²). Kohler *et al.* (2005), based on a nationwide sample of Swiss Buildings, noted that “If a significant amount of these materials are present indoors, and if their PCB concentration exceeds 10 g/kg (10,000 ppm), rooms where people are present for extended periods should be checked for increased indoor air PCB levels.” Kohler *et al.* (2005), however, did not provide data to support their statement. A 2003 report by the Swiss Agency for the Environment, Forests, and Landscape (PCB-Containing Sealant Joints. Assessment of Need for Action for Dealing with Buildings. Directive)³ suggests that PCB sealant concentrations in the ppm to part per thousand range have practically no effect on the PCB air concentration in a closed room. The report is not available in English and we are not confident in our interpretation of the translated passage. US EPA should obtain this report and determine if the Swiss data are relevant to US buildings. We are not aware of other data that could be used to predict the PCB air concentration in a room from a given PCB concentration in caulk or to determine at what concentration PCBs in caulk begin to elevate PCB concentrations in indoor air.

¹Kohler M, Tremp J, Zennegg M, Seiler C, Minder-Kohler S, Beck M, Lienemann P, Wegmann L, Schmid P. 2005. Joint sealants: an overlooked diffuse source of polychlorinated biphenyls in buildings. *Environ Sci Technol.* 39(7):1967-1973.

²US EPA's PCB Exposure Estimator Tool (Version 1.1, Last Modified: October 2, 2009), available at www.pcbinschools.org/PCBs-SchoolsDose_10-2-09_v1-1.xls.

³Report number VU-4013-D, available at http://translate.google.com/translate?hl=en&sl=de&u=http://www.bafu.admin.ch/publikationen/publikation/00579/index.html%3Flang%3Dde&ei=XxZrS_qXIYT48AbP5M3iDg&sa=X&oi=translate&ct=result&resnum=1&ved=0CA0Q7gEwAA&prev=/search%3Fq%3DRichtlinie%2BPCB-haltige%2BFugendichtungsmassen%26hl%3Den%26sa%3DX

Before US EPA considers changing the 50 ppm threshold for excluded PCB products (*e.g.*, caulk), it needs empirical data on the relationship between PCBs in caulk and indoor air. This relationship depends on many factors including the air-exchange rate of the room, room volume, age and physical condition of the caulk, type of PCB mixture in the caulk, PCB concentration in caulk, surface area of caulk which is in contact with the indoor air, temperature of the construction material adjacent to the caulk, exposure of caulk to direct sunlight radiation, and room temperature. Consequently, we strongly support US EPA research plans to better understand the relationship between PCBs in caulk and PCB concentrations in air, dust, and soil.⁴ The workplan in the recent Consent Agreement and Final Order with the City of New York and the New York City School Construction Authority to address the risks posed by PCBs in caulk found in some city schools will provide useful information. We support US EPA efforts to identify other school districts across the US willing to be sites for US EPA research on PCB in caulk, other building materials (*e.g.*, coatings, light ballasts) and air, dust, and soil. We understand, however, that some schools districts in New York State were unwilling to participate given the potential costs (legal, mitigation, and disposal) of finding PCBs in caulk at concentrations above 50 ppm. US EPA should consider revising its approach to finding volunteer sites, and recognize the need to provide adequate funding to address potential costs.

In summary, we urge that decisions establishing a maximum or minimum PCB concentration in caulk to identify “excluded PCB products” be based on exposure and health risks, which are primarily from PCBs in air. We recognize, however, that empirical data on the relationship between PCB concentrations in caulk and indoor air may not be sufficient at this time to support sound scientific judgments on the level of air exposure, and thus the risk associated with specific PCB concentrations in caulk. Consequently, it is premature to change the 50 ppm level for excluded PCB products (*e.g.*, caulk). We strongly support US EPA efforts to collect the data to develop a sound scientific basis for determining the relationship between PCB concentrations in caulk and indoor air, and urge US EPA to make this effort a priority in the agency’s PCB program.

Thank you again for the opportunity to comment on the Advance Notice of Proposed Rulemaking on “Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations.” Any questions regarding the details of our comments can be directed to Kenneth G. Bogdan, Ph.D. of my staff at (518) 402-7820 or kgb02@health.state.ny.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed G. Horn', with a long horizontal flourish extending to the right.

Edward G. Horn, Ph.D.
Director
Division of Environmental Health Assessment
Center for Environment Health

⁴As outlined in Research on PCBs in Caulk, September 2009, available at <http://www.epa.gov/pcb辛caulk/caulkresearch.htm>.

cc: H. Freed, M.D.
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