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FACT SHEET

REPORT TO CONGRESS ON RESIDUAL RISK

TODAY'S ACTION...

- ◆ The Environmental Protection Agency (EPA) is issuing a report to Congress which describes the methods and general framework that EPA will use to assess the public health and environmental risk which may remain after implementation of certain air toxics regulations required under the Clean Air. This remaining risk is referred to as "residual risk." Air toxics, also known as hazardous air pollutants, are those pollutants known or suspected to cause cancer or other adverse health effects to humans or adverse environmental effects.
- ◆ EPA is required under the Clean Air Act to issue this report to Congress, which also discusses specific issues relevant to the evaluation of residual risk and methods and costs of reducing such risk.
- ◆ The report presents EPA's general framework for assessment of any residual risk and as such does not have any direct regulatory consequences.
- ◆ The risk assessment procedures described in this report were influenced by reports and recommendations developed by the National Academy of Sciences and the Commission on Risk Assessment and Risk Management, EPA guidance, improvements in the tools and methods EPA uses to assess risk, and by input and interactions with many States which have air toxics programs.

BACKGROUND INFORMATION

- ◆ Under the Clean Air Act Amendments of 1990, EPA is required to regulate sources of 188 listed toxic air pollutants. (Note that this list originally contained 189 pollutants, but EPA has subsequently removed the chemical caprolactum from the list.) On July 16, 1992, EPA published a list of industry groups (known as source categories) that emit one or more of these air toxics.
- ◆ For listed categories of "major" sources (those that emit 10 tons/year or more of a listed pollutant or 25 tons/year or more of a combination of pollutants), the Clean Air Act requires EPA to develop standards that require the application of air pollution reduction measures known as maximum achievable control technology (MACT). This performance-based approach requires EPA to set standards based on consideration of those controls present at the best controlled facilities within an industry.

- ◆ Under the Clean Air Act, EPA is required to develop and implement a program for assessing risks remaining (i.e., the residual risk) after facilities have implemented MACT standards. If necessary, EPA is required to issue regulations to reduce any residual risks in order to protect the public health with an “ample margin of safety”. Also, if needed, EPA is required to prevent “adverse environmental effects”, taking into consideration costs, energy, safety and other relevant factors.
- ◆ If needed, EPA must issue risk-based regulations, within eight (or nine) years after EPA issues an air toxics standard for a given source category. The first such risk-based regulations are due in 2001.
- ◆ The report describes the methodologies and data required for assessing if any residual risk remains from air toxics emissions from source categories for which MACT standards have been issued. This report also presents the general framework EPA will use in conducting the risk assessments.

WHAT ARE THE COMPONENTS OF THE REPORT?

- ◆ The report includes a brief discussion of the legislative and regulatory background of air toxics regulations. The report also includes a discussion of the “ample margin of safety” approach which EPA will use as the basis for decision making and standard-setting in the residual risk program.
- ◆ The report provides information on the methods for conducting human health and ecological risk assessments for emissions of air toxics. It describes the data required, the methods for evaluating mixtures of air toxics, and the uncertainty and variability in the estimation of residual risks. The report also presents EPA’s general framework and rationale for considering the public health significance of risks remaining after application of MACT standards.
- ◆ In the report, EPA discusses, in general terms, the available methods of reducing residual risks and factors relevant to costs of these methods. Methods described include pollution prevention, add-on controls, and voluntary approaches.
- ◆ The report also discusses the current state of knowledge regarding health effects of air toxics on humans, describes EPA’s current methods for collecting and assessing health effects data and for defining and considering background concentrations of air toxics.
- ◆ The report discusses EPA’s general residual risk assessment framework. The report does not specify a particular method for conducting risk assessment analyses, but allows EPA the flexibility to use current techniques and incorporate new methods as they are developed.

- ◆ EPA states in the report that the legislative strategy embodied in the 1990 Clean Air Act Amendments provides EPA with adequate authority to address residual risks to public health and the environment and provides a comprehensive and flexible strategy for addressing a variety of air toxics risk concerns. Therefore, the Agency is not recommending any legislative changes.

WHY DOESN'T THE REPORT CONTAIN RESIDUAL RISK DETERMINATIONS?

- ◆ EPA did not expect to include any determinations of residual risk within this report to Congress. This is because the report is due before the data needed to assess this risk are available for many of the source categories. The purpose of today's report is to describe a framework for future residual risk determinations.

NEXT STEPS

- ◆ EPA staff have begun residual risk assessments on several source categories and are developing the structure for any standards that may need to be promulgated. The first standards under the Residual Risk program are due in 2001.

FOR MORE INFORMATION...

- ◆ Interested parties can download the executive summary and the entire report from EPA's web site on the Internet under recent actions at the following address: <http://www.epa.gov/ttn/oarpg/>. For technical questions about the report, contact Deirdre Murphy at (919) 541-0729.
- ◆ EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.