

State of California
AIR RESOURCES BOARD

Resolution 85-63

July 25, 1985

Agenda Item No.: 85-12-3

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to do such acts and to adopt such regulations as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, Chapter 3.5 (commencing with Section 39650) of Part 2 of Division 26 of the Health and Safety Code establishes procedures for the identification of toxic air contaminants by the Board;

WHEREAS, Section 39655 of the Health and Safety Code defines a "toxic air contaminant" as an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health;

WHEREAS, Section 39662 of the Health and Safety Code directs the Board to list, by regulation, substances determined to be toxic air contaminants, and to specify for each substance listed a threshold exposure level, if any, below which no significant adverse health effects are anticipated;

WHEREAS, EDB is ubiquitously emitted from the evaporation and burning of leaded gasoline, is present in the atmosphere in California, and is persistent in the atmosphere;

WHEREAS, pursuant to the request of the Board, the Department of Health Services (DHS) evaluated the health effects of EDB in accordance with Section 39660 of the Health and Safety Code;

WHEREAS, DHS concluded in its evaluation that EDB is an animal carcinogen and potential human carcinogen; EDB should be treated as a substance without a carcinogenic threshold; health effects other than cancer are not expected to occur at existing ambient levels of EDB; and the added lifetime cancer risk from EDB exposure is estimated to range from 1.02 to 5.53 cases per million per 10 parts per trillion;

WHEREAS, for the reasons set forth in its evaluation, DHS has concluded that, in the absence of strong positive evidence that carcinogenic substances act only through mechanisms which ought to have a threshold, these substances should be treated as acting without a threshold, and DHS has determined that no positive evidence of a carcinogenic threshold exists with respect to EDB;

WHEREAS, upon receipt of the DHS evaluation, staff of the Board prepared a health effects report including and in consideration of the DHS evaluation and recommendations and in the form required by Section 39661 of the Health and Safety Code and, in accordance with the provisions of that section, made the report available to the public and submitted it for review to the Scientific Review Panel (SRP) established pursuant to Section 39670 of the Health and Safety Code;

WHEREAS, in accordance with Section 39661 of the Health and Safety Code, the SRP reviewed the staff health effects report, including the scientific procedures and methods used to support the data in the report, the data itself, and the conclusions and assessments on which the report was based, considered the public comments received regarding the report, and, on May 1, 1985, submitted its written findings to the Board;

WHEREAS, the SRP found to be prudent interpretations of the available evidence the propositions that:

EDB is a potent animal carcinogen and should be considered a potential human carcinogen;

EDB should be treated as a carcinogen that may act at all doses without a threshold level;

Health effects, other than cancer, are not anticipated at current ambient EDB exposure levels;

WHEREAS, the SRP found the staff health effects report to be without serious deficiency, and to constitute a reasonable scientific basis for regulatory action regarding EDB, and included in its findings the statement that it agreed that EDB should be listed by the Air Resources Board as a toxic air contaminant to be treated as having no threshold level;

WHEREAS, the SRP recognized that due to the actions of the U.S. Environmental Protection Agency which will limit the use of EDB as a gasoline additive and as a pesticide, emissions of and public exposure to EDB are expected to decrease, and concluded nonetheless that due to the significant toxicity associated with EDB it should be listed as a toxic air contaminant;

WHEREAS, the proposed regulatory amendments will list EDB as a toxic air contaminant, to be treated as having no threshold exposure level below which no significant adverse health effects are anticipated from exposure to EDB in the ambient air, clarify the Board's no threshold determinations regarding toxic air contaminants, and make minor nonsubstantive editorial changes;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, in consideration of the health effects report, including DHS' evaluation and recommendations, the available evidence, the findings of the SRP, and the written comments and public testimony it has received, the Board finds that:

EDB is a potent animal carcinogen and a potential human carcinogen;

Health effects other than cancer are not anticipated at current estimated ambient EDB exposure levels;

The best available scientific evidence does not support the assumption that the significant adverse health effects which may be anticipated from exposure to EDB in the ambient air are confined to the dose above any threshold; and

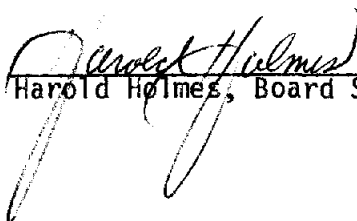
EDB is an air pollutant which causes and contributes to an increase in mortality and an increase in serious illness, and poses a hazard to human health; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE BE IT RESOLVED, that the Board approves the proposed regulatory amendments to Section 93000, Title 17, California Administrative Code, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A, after making them available to the public for a period of 15 days, and with such minor modifications as may be appropriate in light of written comments submitted during this period, provided that the Executive Officer shall present the regulations to the Board for further consideration if he determines that this is warranted in light of the written comments received.

I hereby certify that the above is a true and correct copy of Resolution 85-63, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

Amend Title 17, California Administrative Code, Section 93000 to read as follows:

93000. Substances Identified As Toxic Air Contaminants. Each substance identified in this section has been determined by the state board to be a toxic air contaminant as defined in Health and Safety Code Section 39655. Where If the state board has found there to be a threshold exposure level below which no significant adverse health effects are anticipated from exposure to the identified substance, that level is specified as the threshold determination. Where If the board has found there to be no threshold exposure level below which no significant adverse health effects are anticipated from exposure to the identified substance, or has found that the available evidence does not support the identification of such a threshold exposure level, a finding determination of "no threshold" is specified. If the board has found that there is not sufficient available scientific evidence to support the identification of a threshold exposure level, the "Threshold" column specifies "None identified."

Substance

Benzene (C₆H₆)

Ethylene Dibromide (C₂H₄Br₂)//////
(BrCH₂CH₂Br; 1,2-dibromoethane)

Threshold DETERMINATION

NO THRESHOLD None identified.

NO THRESHOLD None identified.

Memorandum

To : Gordon Van Vleck
Secretary
Resources Agency

Date : August 5, 1985

Subject: Filing of Notice of
Decisions of the Air
Resources Board

Harold Holmes
Harold Holmes
Board Secretary
From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

- 85-6
- 85-27
- 85-30
- 85-63

FILED
OFFICE
AUG 05 1985
Resources Agency of California

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of a Regulatory Amendment
Identifying Ethylene Dibromide as a Toxic Air Contaminant

Agenda Item No.: 85-12-2

Public Hearing Date: July 26, 1985

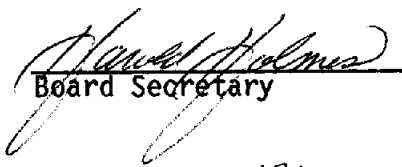
Response Date: August 20, 1985

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental
issues pertaining to this item. The staff report identified no
adverse environmental effects.

Response: N/A

Certified:


Board Secretary

Date:

DECEMBER 10, 1985