



TEXAS CHEMICAL COUNCIL

October 3, 2023

Via Electronic Filing

Toxicology Division, MC 168
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Submitted electronically (tox@tceq.texas.gov)

RE: TCC Comments on Sunset Management Recommendation 1.2: Commission Vote on Acceptable Level of Health Based Risk.

Introduction

The Texas Chemical Council (“TCC”) is providing these comments to the Texas Commission on Environmental Quality (“TCEQ”) proposed target cancer risk level of 1 in 100,000 (1×10^{-5}) for setting screening levels that are used in TCEQ’s air permitting program and compared to ambient air monitoring data (“Proposed Level”).

TCC is a statewide trade association of chemical manufacturers representing approximately 70 member companies who own and operate over 200 manufacturing and research facilities across the state. The business of chemistry provides employment for approximately 500,000 Texans and its products are the state’s top non-energy export with over \$50 billion in state exports annually to customers around the world. A large number of TCC’s member companies have chemical production operations that would be subject to the Proposed Level.

On September 1, 2023, the TCEQ began a 30-day public comment period for the proposed target cancer risk level (TRL) of 1 in 100,000 (1×10^{-5}) for setting screening levels that are used in TCEQ’s air permitting program and compared to ambient air monitoring data. TCEQ proposed the level in response to the Sunset Advisory Commission’s statutory recommendations to the 88th Legislature and management recommendations for TCEQ to implement, Management Recommendation 1.2 from the report which states “[d]irect TCEQ’s Commission to vote in a public meeting on the acceptable level of health-based risk used in the development of toxicity factors for permitting and other regulatory actions.”¹

¹ TCEQ has interpreted the referenced “acceptable level of health-based risk” to mean the acceptable individual-chemical excess cancer risk, or target risk level, used in permitting and other regulatory action.

TCC echoes the relevant considerations for setting a TRL discussed by TCEQ in its proposal notice. The following points highlight key elements of our detailed comments:

- The Proposed Level is protective of public health.
- The Proposed Level is more conservative than the EPA Acceptable Risk Range.
- The Proposed Level allows for TCEQ action for pollutants monitored by TCEQ that exceed the TRL well before exceeding the EPA acceptable risk range.

The Proposed Level is Protective of Public Health & Allows for TCEQ Action Before Exceeding the EPA Acceptable Risk Range.

TCC agrees with TCEQ that a TRL of 1 in 100,000 (1×10^{-5}) is protective of public health and is more conservative than EPA's Acceptable Risk Range. Furthermore, TCC agrees with TCEQ that the Proposed Level accounts for potential exposure and allows for TCEQ action before exceeding the EPA Acceptable Risk Range.

TCC commends TCEQ on its steadfast history of commitment to protecting public health in the State of Texas and doing so with the application of sound science. TCC commends the TCEQ for its consideration of risk/benefit tradeoffs in establishing its TRLs which make levels achievable and protective of human health. TCC also recognizes that although the TCEQ *Guidelines for Developing Toxicity Factors* (RG-442) (Guidelines) were not formally voted on by the Commissioners at the time of their approval, the Guidelines were the creation of scientific studies and stakeholder input. For these reasons, TCC supports the Proposed Risk-Based Screening Levels that still provide some flexibility for risk managers to make site- and chemical-specific risk determinations.

Thank you for the opportunity to submit these comments.

Sincerely,



Shea Pearson

General Counsel & Director of Regulatory Affairs
Texas Chemical Council

