Determination of Significance
and Request for Comments on Scope of EIS

(WAC 197-11-980)

Description of proposal: Draft Strategy to Continually Reduce Persistent, Bioaccumulative, Toxic Chemicals (PBTs) in Washington State.

The proposed action defines a draft strategy for reducing persistent, bioaccumulative, toxic (PBT) chemicals in Washington's environment over the next 20-25 years. The draft strategy includes:

- General goals for reducing PBT chemicals in Washington State.
- A strategic framework for reducing and phasing out PBT chemicals that includes general measures designed to:
  - Phase out existing sources of PBT chemicals
  - Cleanup PBT chemicals
  - Prevent new sources of PBT chemicals
  - Build partnerships that will promote efforts to reduce PBT chemicals
  - Improve the overall effectiveness of current regulatory and non-regulatory approaches for reducing PBT chemicals
  - Improve awareness and understanding of PBT problems and solutions
  - Improve information needed to make informed decisions on measures to reduce PBT chemicals.
- An initial list of nine PBT chemicals and a process for adding other chemicals to the list in the future.
- Performance measures that will be used to evaluate progress towards achieving reduction goals.

Proponent: Washington State Department of Ecology

Location of proposal: Statewide

Lead agency: Washington State Department of Ecology

EIS preparation: A decision to adopt the PBT Strategy would be an action under the State Environmental Policy Act (SEPA). While the strategy, in general, is designed to promote and enhance environmental quality, indirect or secondary adverse impacts may result. Since at this time it is impossible to determine whether or not the full implementation of this strategy could result in significant adverse environmental impacts, the Washington State Department of Ecology (Ecology) has issued a determination of significance (DS) and initiated scoping. Scoping will run concurrently with public comment on the proposed strategy, and if it appears likely that significant adverse environmental impacts will result, Ecology will prepare an environmental impact statement

(EIS) as required under RCW 43.21C.030(2)(c). If further information and analysis indicates no likely significant adverse impacts, Ecology will consider withdrawing the DS and issuing a determination of nonsignificance.

An environmental analysis review form is being developed for evaluating environmental impacts. An initial draft of this document can be viewed at Ecology offices and on the Internet at Ecology's website listed below under "Information available."

The lead agency has identified the following areas for discussion in the EIS: Need for a Washington PBT Strategy, Universe of PBT Chemicals, Strategic Framework, and Potential Environmental, Economic, and Social Equity Impacts. Additional information on these areas can be found below under "Issues being evaluated by the Department of Ecology."

Scoping: Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. Comments may cover issues, alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for comments is **in writing (via mail, fax, or e-mail) by 5:00 PM on October 30, 2000.**

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Information available
Additional information on the PBT Initiative is available on the Internet at www.wa.gov/ecology/eils/bcc/bccfaq.html (after September 1, 2000 at www.ecy.wa.gov/programs/eap/pbt/pbtfaq.html) or can be obtained by contacting Mike Gallagher. Available information includes the proposed Ecology PBT Strategy, this Scoping Notice, and other background materials.

Background information
A wide range of activities results in the production and release of persistent, bioaccumulative, toxic (PBT) chemicals into Washington's environment. These chemicals are distinguished by their ability to remain in the environment for a long time (persist), build up in tissues of humans and animals (bioaccumulate), and cause toxic effects at low levels of exposure. Activities that release PBT chemicals include highly visible sources (e.g., large industrial facilities) that have been the traditional focus of pollution control strategies. However, there are also numerous smaller sources that, cumulatively, release significant amounts of PBT chemicals. Examples of smaller sources are cars, consumer products, and pesticide uses.

These sources (both ongoing and historical) have resulted in the accumulation of measurable levels of PBT chemicals in the air, water, soils, and sediments throughout Washington State. While scientists have yet to fully understand the long-term health impacts associated with current levels of contamination, there is a growing body of scientific evidence supporting the need to take actions to further reduce and eventually eliminate the release of these types of chemicals. Potential ecological and human health consequences include:

- Adverse health effects in fish and wildlife include poor egg survival, deformed limbs, reproductive and developmental disorders, and decreased immunity.
- Potential human health effects include nervous system disorders, developmental and reproductive problems, and cancer.

Federal and state regulatory programs have been in place for many years and have produced significant reductions in the uses, releases, and environmental concentrations of several PBT chemicals. Yet new and growing information indicates that PBT chemicals continue to be present in our environment, and may pose a greater threat to our health and quality of life than previously believed. At the same time, Ecology and other agencies have begun to recognize that there are many features of current programs that are not well-suited to preventing the wide range of sources and problems posed by this group of chemicals. Consequently, Ecology believes that a strategy is needed to more effectively prevent the release and further accumulation of PBT chemicals.

Issues being evaluated by the Department of Ecology
Ecology is presently evaluating a wide range of environmental, economic, and social equity issues associated with the development and implementation of a Washington PBT Strategy. Agencies, affected tribes, and members of the public are invited to provide comments on these

issues, the scope of the draft PBT Strategy, potential alternatives, and possible adverse environmental impacts associated with the draft strategy or alternatives. Ecology intends to review all comments and prepare a revised strategy that will be submitted to the Washington State Legislature by December 30, 2000. Issues and questions being evaluated by Ecology include, but are not limited to, the following:

1. Need for a Washington PBT Strategy

In August 1998, Ecology initiated a public dialogue on whether a more comprehensive approach was needed to prevent the release and further accumulation of PBT chemicals. Ecology's decision to develop a draft strategy reflects the Department's initial answers to two complex public policy issues. Ecology believes that much of the debate over the next 12 months will revolve around these two questions and, consequently, is interested in receiving additional public comments.

- Is Ecology's decision to develop a draft PBT Strategy an appropriate public policy response to the problems posed by the release and further accumulation of PBT chemicals in Washington State given:
  - The potentially large – but uncertain – health and environmental impacts associated with the release and accumulation of PBT chemicals in Washington's environment;
  - The potentially large – but uncertain – economic costs and lifestyle changes associated with measures to prevent the release and further accumulation of PBT chemicals into Washington's environment;
  - The potentially large – but uncertain – redistribution of health and environmental risks, jobs, and profits associated with measures to prevent the release and accumulation of PBT chemicals into Washington's environment; and
  - The strengths and limitations of current regulatory and non-regulatory approaches for preventing the release and further accumulation of PBT chemicals?
- What are the appropriate roles for Ecology in preventing the release and further accumulation of PBT chemicals given the nature of the problems posed by these chemicals, the range of sources, Ecology's current regulatory responsibilities, and ongoing national/international efforts to address these chemicals? Potential roles include:
  - Establishing and enforcing standards for reducing and preventing the release and further accumulation of PBT chemicals.
  - Creating incentives for preventing releases.
  - Educating the public on problems and solutions.
  - Providing technical and/or financial assistance.
  - Cross program coordination and facilitating integration with other public agency and/or private efforts.
  - Other?

2. Universe of PBT chemicals

The draft strategy includes an initial list of nine chemicals, as well as evaluation criteria and procedures for adding other chemicals to the Washington PBT List in the future.

- Has Ecology included an appropriate number and range of PBT chemicals on the initial list?

- Has Ecology identified appropriate evaluation criteria and procedures for identifying and adding chemicals to the PBT List?

- What factors should Ecology consider when establishing priorities for addressing individual chemicals on the PBT List?

3. Strategic framework

The content of the draft PBT Strategy will determine the type and magnitude of environmental, economic, and social impacts. Consequently, Ecology is interested in receiving comments on the following issues associated with the strategic framework:

- What are the most significant barriers to efforts to prevent the release and further accumulation of PBT chemicals (e.g., lack of information, lack of technology, lack of financial resources, inadequate or conflicting regulatory requirements)? Does the draft strategic framework include measures to help overcome these barriers?

- Is it appropriate to establish long-term goals that are based upon phasing out existing sources of PBT chemicals and preventing new sources of PBT chemicals (as opposed to establishing acceptable levels of exposure based on human health and ecological risk assessments)?

- Is it appropriate to establish timelines for reducing and/or phasing out the use and release of PBT chemicals (or individual PBT chemicals)? If yes, what factors should be taken into account when establishing such timelines?

- A central feature of the draft strategic framework is the preparation and implementation of chemical-specific Washington Action Plans for preventing the release and further accumulation of PBT chemicals in Washington State.

    - Are chemical-specific action plans an appropriate mechanism for addressing the environmental, economic, and equity issues associated with these chemicals? If no, what are other available alternatives (e.g., sector or industry-based, geographic-based)?

    - What is the appropriate scope and purpose of chemical-specific Washington Action Plans (e.g., catalogue and coordinate ongoing actions, identify feasible measures for additional reductions)?

- How can Ecology best integrate elements of the draft strategy with ongoing environmental programs and other strategic initiatives (e.g., economic development, transportation, energy use and production, agriculture)?

4. Potential environmental, economic, and social equity impacts

Ecology believes that efforts to prevent the release and further accumulation of PBT chemicals will improve Washington's environment. Ecology also believes such efforts can be designed to reinforce economic growth and social justice. However, Ecology recognizes that such efforts, if not properly designed and implemented, also have the potential to create adverse impacts on Washington's environment, economy, and/or social equity.

- What is the range of potential adverse environmental impacts associated with efforts to prevent the release and further accumulation of PBT chemicals in Washington State?

- What elements of the environment should Ecology consider when evaluating potential adverse environmental impacts?

- What is the range of potential direct and indirect economic impacts (e.g., economic growth, jobs, profits) associated with efforts to prevent the release and further accumulation of PBT chemicals in Washington State?

- What is the range of potential social equity impacts (e.g., relative distribution of exposure and health risks, jobs, profits) associated with efforts to prevent the release and further accumulation of PBT chemicals in Washington State?