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REGION 7
FOR THE HEARING BEFORE THE
UTILITIES COMMITTEE**

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Good morning, Chairman Clark and members of the committee. My name is Jo Ann Heiman. I am the branch chief for the Chemical Risk Information Branch in the Air, RCRA and Toxics Division of the U.S. Environmental Protection Agency. Thank you for inviting me to talk to you about polychlorinated biphenyls or PCBs.

PCB chemicals have been found to cause skin lesions, swollen limbs, eye and liver problems, and may cause cancer and birth defects. PCBs also tend to become more concentrated as they move up the food chain, and are extremely slow to break down in the environment.

The authority to regulate PCBs and other industrial chemicals was granted to EPA under the Toxic Substances Control Act - known as TSCA - on October 11, 1976. TSCA gives EPA broad authority to regulate the manufacture, use, distribution in commerce, and disposal of chemical substances. Due to the nature of this law, the regulation of chemicals, TSCA is federally-managed law and is not delegated to states.

Specifically, Section 6 (e) of TSCA, bans the manufacture, processing, distribution in commerce and use of PCBs, and requires regulations for PCB disposal, marking, and labeling.

Additionally, it gives EPA the authority to relax the ban through rule-making if EPA demonstrates that manufacturing, processing, distribution in commerce, or use will not present an unreasonable risk of injury to health or the environment.

PCBs are mixtures of synthetic organic chemicals that were manufactured worldwide and used in thousands of situations where properties of non-flammability, stability to heat and effectiveness as a plasticizer were required. EPA has concluded that PCBs are resistant to degradation and that they bioaccumulate and bioconcentrate in the fatty tissue of organisms. PCBs are very stable compounds that can persist for years when released into the environment. They range in consistency from oily liquids to waxy solids and were developed primarily for use as a coolant in electrical equipment: transformers, capacitors, electro-magnets, and heat transfer and hydraulic systems. PCBs have also been used as plasticizers in paints, adhesives, caulking compounds, and old fluorescent lighting fixtures. It is estimated that approximately 1.24 billion pounds of PCBs have been introduced into commerce since 1929.

EPA has controlled the waste disposal of PCBs since February 1978. PCB waste must be destroyed by incineration or disposed in approved landfills. In addition, PCB containers and PCB products must be labeled.

On April 19, 1979, EPA issued final regulations to prohibit the manufacture, processing, distribution in commerce, and "non-enclosed" (open to the environment) uses of PCBs unless specifically authorized or exempted by EPA. "Totally enclosed" uses (contained, and therefore exposure to PCBs is unlikely) were allowed to continue for the life of the equipment,

specifically, in existing enclosed electrical equipment under carefully controlled conditions.

On April 2, 1987, EPA established a policy for the cleanup of spilled PCBs. In establishing the cleanup policy for typical PCB spills, EPA recognized that the risks posed by spills of PCBs vary, depending on the spill location and how much is spilled. The PCB Spill Cleanup Policy requires cleanup of PCBs to different levels depending upon spill location; the potential for exposure to residual PCBs remaining after cleanup; the concentration of the PCBs initially spilled; and the nature and size of the population potentially at risk of exposure. EPA designed this cleanup policy to be a self-implementing procedure for a general, moderately sized site where there would be low residual environmental impact from remedial activities.

An incident I have been told you were interested in was the PCB spill cleanup in Crawford County, Kansas. A tornado damaged three PCB-contaminated regulators on May 4, 2003. Both Westar and Haz-Mat responded to the incident. Westar initially removed the damaged regulators and the Haz-Mat team did the initial spill cleanup.

Westar, using the PCB cleanup policy, sampled the oil and found that it contained approximately 200 parts per million PCBs. Westar removed the contaminated soil and disposed of the PCB contaminated material properly as required by policy. This was done in consultation with EPA. Westar has agreed to provide EPA with a copy of its final cleanup report.

Again, thank you for this opportunity to discuss the PCB requirement and I will be happy to answer any questions you may have.