

Region V Regional Response Team

Science Committee and general RRT discussions October 20 and 21, 2009

Discussion of chemical control agent preapproval

We discussed that other regions have used the phrase “preapproval” to mean the RRT giving federal OSCs the preapproval to approve use of oil spill chemical agents under specified conditions. RRT V is acting under the understanding that a RRT can only preapprove dispersant use decisions to the federal OSC level, but that a RRT can do a broader preapproval for other chemical agents. Consensus of RRT V is to continue the preapproval discussion with options of preapproving agents for limited and conditional use or preapproving for general use by all responders.

Previously S&T Committee discussed that as a general concept that the RRT’s preapproval considerations could lean toward approval if the toxicity of the chemical and the toxicity of the chemical/oil mixed together is less than the toxicity of the spilled oil; and if the chemical has been shown to be effective in situations where traditional physical removal is difficult.

New discussion included emphasis on having freshwater toxicity data, discussion on when and how a “Section 7 Threatened/Endangered Species Review” applies to preapprovals, discussion on readily granting preapproval in nonsensitive settings like marinas or industrial docks, and discussion on getting chemical agents into the field where experimental use could actually take place.

Action items

1. Ann Whelan will check with the National Product Schedule staff on whether there is freshwater tox data available for listed products (On Oct 22 a contractor for Product Schedule returned an earlier Lee call and said there is no freshwater data available Luke Durbin 703 284 8577). Perhaps Ann can tease out whether there are plans afoot for collecting freshwater tox info.
2. DOI will conduct the Section 7 review on the proposal for solidifiers in socks, booms, pillows.
3. Each state should press their toxicologist staff on the questions of “what chemical agent freshwater tox data will be sufficient and enough to allow for a preapproval?” As a starting point let’s ask each of our state’s tox folks whether the Ohio position of using fathead minnow and daphnia is sufficient. Lee will forward CI Agent freshwater tox data to State and DOI names on RRT mailing list to show to state tox staff as example data.
4. Each state should ask tox staff if there is a suggestion for a “bright line number” against which to evaluate the freshwater tox results on minnow and daphnia.

Lee amended the previous conceptual preapproval strategy for the RRT to consider:

1. Every product proposed for consideration must be on the National Product Schedule

2. Every product proposed must have freshwater tox data for _____ species [Lee suggests aiming for fathead minnow and daphnia, and naming an applicable ASTM or other test standard method]
3. The proposal should include protocols for applying and recovering the product from water
4. If steps 1-3 satisfied by the company requesting preapproval, then the product is reviewed by the RRT Science and Technology Committee which uses _____ criteria and checklists [we should revisit the ARTES protocol we looked at several years ago, and/or simplify it]
5. After recommendation of the Science and Technology Committee, the RRT may allow a period of test applications on spills of opportunity, or may allow use under a range of circumstances. This would generally include a requirement that _____ be informed before/after the product is used
6. The company requesting preapproval will be encouraged to distribute experimental volumes of the product, and/or RRT member states and agencies will encourage or fund contractors and facilities in the region to stock the product in small quantities to allow for experience using it
7. Contractor or facility using the material reports back to _____ on its use and effectiveness
8. RRT Science and Technology committee compiles the reports of use
9. RRT considers preapproval for unlimited use under specified conditions
10. Proposed use outside of the specified conditions goes to the federal OSC for consideration