

Hearing Summary – Log Fumigation
May 4, 2020

We will now open the hearing on the proposed adoption of 15A NCAC 02D .0546, *Control of Emissions from Log Fumigation Operations*, and the amendment to 15A NCAC 02D .1104, *Toxic Air Pollutant Guidelines*. The North Carolina Division of Air Quality (DAQ) identified the general public residing adjacent to log fumigation operations may experience short-term exposures, as well as long-term chronic exposures to methyl bromide as a result of these operations. Neurological and respiratory health effects are the greatest concern resulting from exposure to methyl bromide. To protect the health of all persons living or working in areas subject to airborne releases of methyl bromide from fumigation operations, the Environmental Management Commission (EMC) proposes to adopt rules regulating these emissions using an Acceptable Ambient Level or AAL to limit the concentration of methyl bromide or other fumigants beyond the fence line of a permitted facility. To be clear, this is not an occupational exposure standard for workers within the fence line, but is a limit that protects the public beyond the property boundary.

The Commission approved proceeding to public comment in the Summer of 2019 following the recommendation by the Secretaries' Science Advisory Board (SAB) to consider an AAL of 0.005 mg/m³ [as identified in the EPA's Integrated Risk Information System (IRIS) methyl bromide chemical assessment summary] with a 24-hour averaging time. The public comment period for these Rules started on June 16, 2019 and went through August 30, 2019, which included a comment extension of two weeks. Two public hearing were held; one in Raleigh on July 22, 2019 and one in Wilmington on July 23, 2019. Based on the comments received during the public comment period, there was wide consensus on the value of 0.005 mg/m³ for the proposed AAL; however, some commenters expressed concern that a 24-hour averaging time was not appropriate for use with the IRIS chronic reference concentration.

The DAQ requested additional input from the SAB whom agreed that a longer averaging time for a chronic reference concentration is appropriate; however, they also agreed an acute value is necessary to protect the public from short-term exposures to methyl bromide. Therefore, the

SAB recommended AALs of 0.078 mg/m³ with a 24-hour averaging time paired with an AAL of 0.005 mg/m³ with an annual averaging time. The 0.078 mg/m³ value is based on the “minimal risk level (intermediate)” from the April 2018 *Draft for Public Comment Toxicological Profile for Bromomethane* prepared by the federal Centers for Disease Control’s Agency for Toxic Substances and Disease Registry (ATSDR). This additional analysis from the SAB was provided to the EMC by the DAQ during the January 7, 2020 EMC meeting. The EMC approved the continuation of the comment period and requested comment on the following proposed rules and AAL options:

15A NCAC 02D .0546, *Control of Emissions from Log Fumigation Operations*. This rule is proposed for adoption to establish emission control requirements for hazardous air pollutant and toxic air pollutant emissions from bulk, chamber, and container log fumigation operations; and

15A NCAC 02D .1104, *Toxic Air Pollutant Guidelines*. Along with the proposed methyl bromide AAL value of 0.005 mg/m³ with a 24-hour averaging time and AAL value of 0.078 mg/m³ with a 24-hour averaging time, the EMC seeks public comment on a paired set of AALs for methyl bromide of 0.078 mg/m³ with a 24-hour averaging time and 0.005 mg/m³ with an annual averaging time.

In addition, the EMC requests public comment on an AAL value for methyl bromide within a range of 0.078 mg/m³ to 1.29 mg/m³ with a 24-hour averaging time. These AAL values would be paired with an AAL of 0.005 mg/m³ with an annual averaging time. The acute toxicity value of 1.29 mg/m³ is included in the *Draft Human Risk Assessment for Registration Review* for methyl bromide, a Federal Insecticide, Rodenticide, Fungicide (FIFRA) pesticide re-registration review document prepared by the U.S. EPA Office of Chemical Safety and Pollution Prevention. A copy of this assessment can be found at the website provided in the public notice.

On **January 7, 2020**, an Addendum to the Fiscal Note was approved for publication by the North Carolina Office of State Budget and Management pursuant to G.S. 150B-21.4. Previously the Office of State Budget and Management determined the proposed rule actions have a substantial economic impact to the regulated community.

The public notice for this hearing was published in Volume 34, Issue 20 of the *North Carolina Register* on **April 15, 2020**, and the public notice and complete Fiscal Note with Addendum were posted on the Division of Air Quality website. The public notice was also emailed to those on the Division of Air Quality rules development email distribution list. We will add the public notice and the proposed rule changes into the hearing record without reading them at this time.