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Developing a State Contaminants of Emerging Concern Program: Association of State and Territorial Solid Waste Management Officials Issues Guidance Document

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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) issued a January 2023 document titled:

Guidance for Developing a State Contaminants of Emerging Concern Program (“Guidance”)

The Guidance is stated to have been developed by ASTSWMO’s Contaminants of Emerging Concern Steering Committee.

A Contaminant of Emerging Concern (“CEC”) is sometimes described as a chemical or material characterized by a perceived, potential, or real threat to human health or the environment or by a lack of published health standards. A contaminant also may be “emerging” because of the discovery of a new source or a new pathway to humans. It can be diverse compounds classified as emerging because they are often newly identified manufactured or naturally occurring chemicals that are detected in various matrices at insignificant levels. Newer analytical capabilities are allowing the identification of chemicals in the environment in extremely low concentrations.

The January 2023 ASTSWMO Guidance notes that many of the organization’s members are in the process of developing or considering the development of a State CEC program. It is intended to provide comment on topic areas and examples from the development of successful CEC programs nationwide. This includes a series of best practices and recommendations that are suggested States may consider when developing such a program.

Additional introductory points noted in the Guidance include:

- After identification of a CEC, regulatory agencies/regulated community need to address potential exposure pathways in a timely/effective manner
- Expectations and concerns of affected stakeholders should be considered
- Development of a CEC program at the State level can provide more proactive/rapid regulation to avoid reactionary efforts upon contamination discovery
- A formal CEC program preemptively allows areas of opportunity and risks to be identified earlier
- The programs encourage a State to be initiative-taking in assessing, managing, and addressing CECs

A successful State CEC program is recommended to follow three steps:

1. Engage leadership
2. Define scope
3. Compile and assess available information

Components of the Guidance include:

- Leadership Engagement
- Build Core CEC Workgroup
- Staffing and Budgeting for a CEC program
- Defining Scope: Developing a Problem Statement and Definition of Contaminants of Emerging Concern
- Adopting Improved Analytical Methods with More Sensitive Detection Limits
- Considering Chemicals Added to EPA's Unregulated Contaminant Monitoring Rule (UCMR) List
- Prevalence and Occurrence of Chemicals Detected in Land Source Areas or Groundwater Plumes
- Reviewing Available Non-Regulatory/Research Data
- Researching a CEC's Toxicity and Risk Potential
- Compile and Assess Available Information
- Considerations for Identifying and Assessing CECs
- Approach to Prioritizing CECs: From Watch List to Action List
- CEC Conceptual Exposure Model Development – A PFAS Example

ASTSWMO describes itself as representing the 50 states, five territories and the District of Columbia whose mission is to enhance and promote effective state and territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.

A copy of the Guidance can be downloaded [here](#).