August 1, 2022

US Environmental Protection Agency
EPA Docket Center, Pollution Prevention and Toxics Docket
Mail Code: 7404M
Attn Docket ID Nos: EPA-HQ-OPPT-2016-0732; EPA-HQ-OPPT-2016-0742; and EPA-HQ-OPPT-2016-0737
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Alliance for Responsible Atmospheric Policy Comments on Draft Revision to Toxic Substances Control Act (TSCA) Risk Determinations for Perchloroethylene (PCE); Methylene Chloride; Trichloroethylene (TCE); and, Carbon Tetrachloride – (Respectively, EPA Docket ID Nos.: EPA-HQ-OPPT-2016-0732; EPA-HQ-OPPT-2016-0742; and EPA-HQ-OPPT-2016-0737)

Dear Sir or Madam:

The Alliance for Responsible Atmospheric Policy ("Alliance") is an industry coalition of fluorocarbon producer, user entities and trade associations of companies that rely on these compounds. The Alliance was organized in 1980 and has been a leading voice in the development and implementation of ozone protection policy at the global level and domestic implementation under Title VI of the Clean Air Act, as well as the American Innovation and Manufacturing Act of 2020. Today, the Alliance coordinates industry participation in the development of economically and environmentally beneficial international and domestic policies at the nexus of ozone protection and climate change. A list of members is attached.

The Alliance is pleased to provide these comments in response to EPA's Draft Revision to the Risk Determination under TSCA. Our comments are applicable to the risk determination

documents released for comment, as well as for Carbon Tetrachloride, which to our knowledge has not yet been released. We will also file comments on Carbon Tetrachloride when appropriate.

We believe that the use of these chlorinated chemicals as feedstock in closed systems to produce fluorinated substances is important and stands apart from the direct applications and use of these substances as solvents or process aids and should be treated differently.

It is important to note that Alliance members are actively involved in the development, introduction and implementation of the AIM Act of 2020, one of the most significant domestic policy initiatives passed by the Congress in the last decade, to provide low GWP substitute and technologies to replace hydrofluorocarbon compounds (HFCs). The AIM Act provides for US implementation of the Kigali Amendment to the Montreal Protocol, which is projected to achieve, when fully implemented, the savings of up to a half degree (0.5 degree C) of warming globally. It is a major component of US climate policy and a multi-billion dollar investment on the part of the effected producer and user industries to implement. The feedstock materials risk determinations that we comment on today are critical raw materials for the new no ODP and low GWP compounds that are the basis of the substitute compounds currently being developed and commercialized.

These feedstock materials are critical to the compliance with the AIM Act. Congress mandated EPA to implement transition away from high GWP HFCs, and the vast majority of the next generation low GWP solutions are manufactured from these feedstocks. Without them, the AIM Act cannot be implemented and the production of these next generation products will simply go offshore.

Revised Risk Determination for the Perchloroethylene (PCE), Methylene Chloride (Dichloromethane), Trichloroethylene (TCE), and Carbon Tetrachloride Risk Evaluations issued under TSCA

In the new Risk Evaluations, EPA is choosing to ignore the fact that workers in facilities manufacturing these critical use compounds are required to wear and do wear Personal Protective Equipment ("PPE"). Instead, EPA decides to assume that the PPE is not being used, or is not being used in certain subpopulations, even though OSHA requires it. The reason given is that not all workers are covered by OSHA. This does not apply to the use of chlorinated materials as feedstock in chemical synthesis – all such facilities are covered by OSHA and must use PPE.

One comment made by EPA is that the OSHA rules date back to the 1970s. If updates or new OSHA standards need to be adopted then it seems logical that OSHA should be asked to update its work as it relates to these specific compounds.

The chemical synthesis of refrigerants occurs in a completely closed system where the chlorinated feedstock material is completely consumed (except for traces). There is very little exposure, and data has been submitted to the EPA to that effect. PPE and emission controls for fluorocarbon manufacturing sites have been in place for many years with reference to the

requisite regulations. The record of safety is exemplary and exposure data continues to indicate generally *de minimus* to the workforce.

In addition to the refrigeration applications, there are other critical uses of products made from these solvents – such as in semiconductor and other electronics applications, as well as defense, medical products, foam insulation and fire protection. They are also a critical and irreplaceable component in heat pumps, a technology specifically mentioned in the Energy Security portion of the Inflation Reduction Act (President Biden's Build Back Better initiative).

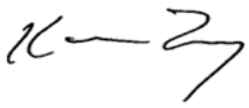
We believe that the use of these chlorinated chemicals as feedstock in closed systems to produce fluorinated substances is important and stands apart from the direct applications and use of these substances as solvents or process aids and should be treated differently. Substitutes for ozone depleting substances, and now the substitutes for the substitutes, are some of the most thoroughly analyzed chemicals ever commercialized. Additionally, the raw materials to manufacture these products are utilized in closed systems and workers utilizing PPE in the chemical production process. It is illogical to set up a risk determination system that approaches risk from the opposite direction.

Conclusion

In sum, the "applicable requirements of TSCA § 6," with which the Lautenberg Act mandates that a completed risk assessment must comply before it can support § 6 rulemaking, include taking into account exposure under the conditions of use, describing the weight of the scientific evidence for the identified hazard and exposure, the use of scientific information employed in a manner consistent with the best available science, and consideration of the extent of independent verification or peer review of the information. To maintain the credibility of its regulatory efforts under TSCA, it is imperative that EPA build upon the available information to construct a more realistic risk assessment before proceeding with rulemaking.

We look forward to working with you in this risk determination process.

Sincerely,



Kevin Fay
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