U.S. Chamber of Commerce

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Via Electronic Filing

Claudia Menasche
Existing Chemicals Risk Management Division (7404M)
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: **Proposed Rule, Environmental Protection Agency; Carbon Tetrachloride (CTC), Regulation Under the Toxic Substances Control Act (TSCA) (88 Fed. Reg. 49,180-49,228, July 28, 2023)**

Dear Ms. Menasche:

The U.S. Chamber of Commerce (Chamber) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA's or Agency's) proposed risk management rule under Section 6(a) of TSCA for carbon tetrachloride (CTC).[1]

The Chamber's members include companies across all sectors that are impacted by TSCA— chemicals, coatings, refining, petrochemicals, petroleum, forestry, wood products, batteries, electronics, energy, and electricity, among many others. These companies, which manufacture and use chemicals subject to regulation under TSCA, deliver products and innovation that are integral not only to the health and well-being of the American people, but also to the domestic economy and supply chain. Chemical technologies improve our quality of life in numerous ways by providing new solutions to problems in health, materials, transportation, agriculture, and energy usage. Protecting the health of workers and surrounding communities is a priority for our members.

It is also a priority to ensure the availability of critical chemicals, such as CTC. Chamber members use CTC as a feedstock in the making of refrigerants, aerosol propellants, and foam-blowing agents. Importantly, CTC is used as a key raw material in the production of many next-generation refrigerants and foam blowing agents with zero ozone depletion potential and extremely low global warming potential. A disruption to hydrofluoroolefins (HFOs) manufacturing by restricting the feedstock use of CTC would be detrimental to the global fight against climate change, dismantling decades of research, development, and investment. For example, in 2020, CTC was a feedstock for the low-global warming refrigerant of choice in over 70 percent of new cars manufactured in the US. The use of these HFOs is also expected

[1] 88 Fed. Reg. 49180 (July 28, 2023).

to be a critical compliance tool needed to meet the 2020 American Innovation and Manufacturing (AIM) Act targets to reduce greenhouse gases.

The Chamber urges EPA to consider the important issues raised in our comments and make appropriate modifications before finalizing its risk management rule for CTC. Several comments address EPA's general approach to risk management which were raised previously in the Chamber's comments for the methylene chloride risk management proposal[2] and perchloroethylene risk management proposal.[3] We reiterate that this proposal exceeds what is required under TSCA to prevent unreasonable risks based in part on EPA's incorrect interpretation of what is required under TSCA. EPA also should not use a fenceline screening analysis to inform risk management actions. Additionally, EPA's approach to developing the Existing Chemical Exposure Limit (ECEL) for CTC is flawed and must undergo peer review, and EPA has not properly coordinated with other relevant agencies, most notably the Occupational Safety and Health Administration (OSHA), as TSCA requires. EPA must streamline the worker protection program requirements and seek to harmonize with OSHA requirements.

I. EPA's Approach to Risk Management Is Inconsistent with TSCA Requirements

A. The proposed rule is inconsistent with TSCA, which requires that risk management be applied only to the extent necessary to mitigate unreasonable risk

Section 6(a) of TSCA requires that EPA prevent "unreasonable" risks of injury to health or the environment to the extent necessary so that the chemical substance or mixture no longer presents such risks.[4] In the proposed rule, EPA has not demonstrated that it has followed this statutory requirement because EPA proposes to, under its Worker Chemical Protection Program (WCPP), only allow certain uses to continue that can achieve the proposed Existing Chemical Exposure Limit (ECEL). EPA describes the proposed ECEL for CTC as "the concentration at which an adult human, including a member of a potentially exposed or susceptible subpopulation, would be unlikely to suffer adverse effects if exposed for a working lifetime."[5] EPA also states that, as a matter of risk management policy, ensuring exposures remain at or below the ECEL will eliminate any unreasonable risk.[6] EPA is, therefore, setting the unreasonable risk standard at the ECEL—a level which prevents likelihood of any adverse effect—rather than proposing a an ECEL which mitigates only unreasonable

[2] 88 Fed. Reg. 28284 (May 3, 2023). See the Chamber's methylene chloride comments at: https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0465-0279.
[3] 88 Fed. Reg. 39652 (June 16, 2023). See the Chamber's perchloroethylene comments at: https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0720-0279.
[4] 15 U.S.C. § 2605(a).
[5] 88 Fed. Reg. at 49187.
[6] *Id.*

risk, as required by TSCA. TSCA does not direct EPA to eliminate *any* adverse effect of a chemical; it requires EPA to prevent unreasonable risks to the extent necessary. As discussed further below, setting an ECEL at a level to eliminate all risk, as the proposed rule suggests, would impose broad, sweeping restrictions on the use of CTC that would be inconsistent with TSCA.

B. EPA has not provided sufficient rationale for why other authorities cannot mitigate unreasonable risks

Section 9 of TSCA was enacted to prevent duplicative regulation and to reinforce TSCA's original "gap-filling" purpose. TSCA is to be used when other statutes or agencies fail to sufficiently mitigate unreasonable risks of a substance. Sections 9(a), 9(b), and 9(d) direct EPA to coordinate with other federal agencies when those agencies could take or have already taken action under their own authorities to address identified risks. This approach avoids confusion, complication, and duplicative, unnecessary regulation of the same conditions of use of chemicals. If EPA determines that risks associated with a substance can be eliminated or reduced to a sufficient extent by actions taken under another EPA-administered federal law, EPA must use such authorities to protect against such risk. Similarly, if EPA determines that unreasonable risks of a substance can be prevented or reduced to a sufficient extent by action taken under another federal agency, such as OSHA, EPA must allow that agency to take action on the identified risks.

In the proposed rule, just as it has done with methylene chloride and perchloroethylene, EPA failed to do the robust analysis required under Section 9 of TSCA to explain how it coordinated with other agencies and other federal laws and why it has determined that they cannot sufficiently mitigate the identified unreasonable risks of CTC. Specifically, EPA is required to properly consult and coordinate with OSHA as it carries out its obligations under TSCA Section 6(a) to mitigate the identified unreasonable risks to workers, as OSHA has the primary responsibility and experience in regulating chemical risks in the workplace. EPA's requirement to mitigate risks to workers "to the extent necessary" does not broadly confer upon EPA the authority to take over the role of OSHA to regulate chemicals. EPA's proposed approach to mitigating worker risks would make OSHA's regulatory authority and practices irrelevant, which is not what Congress intended. EPA should appropriately defer to OSHA to address worker risks.

In the proposed rule for CTC, EPA has chosen not to undertake the report that is contemplated in Section 9(a) nor to do an analysis of other laws implemented by EPA under Section 9(b). EPA's decision is based on the presumption that other authorities would not be able to mitigate the unreasonable risk to a sufficient extent.[7] Yet, EPA provides no analysis to support this presumption other than pointing to certain "gaps" that exist in OSHA's authority to set workplace standards and that EPA does not know

[7] 88 Fed. Reg. at 49185.

the time it would take for OSHA to update its regulations (whereas TSCA, EPA argues, uses an accelerated time frame).

EPA also concludes that actions taken under other EPA authorities cannot sufficiently prevent unreasonable risk because other statutes such as the Clean Air Act (CAA), the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA) address environmental releases and not occupational exposures to CTC, and that TSCA is therefore "the most appropriate regulatory authority able to prevent or reduce risks of CTC to a sufficient extent across the range of conditions of use, exposures, and populations of concern."[8] EPA's reasoning for not deferring to other EPA authorities is that the time frame for any exposure reduction as a result of updating CTC regulations under RCRA, CAA, or CWA "cannot be estimated."[9] While EPA identifies routes of exposure that are not covered by these particular environmental statutes under its authority, it does not do what is called for under TSCA—look at all existing authorities, including OSHA authority, to determine whether those tools can be used to sufficiently prevent unreasonable risks.

These justifications (particularly the supposed unknown amount of time it would take another EPA authority or another agency to regulate CTC) are insufficient under Section 9. EPA's attempt to avoid a reasonable analysis of other federal regulatory approaches is inconsistent, not only with TSCA, but also with its effort to avoid unnecessary duplication of regulatory burden and does not adequately support EPA's alleged choice in favor of dual regulation over a tailored approach under which TSCA should supplement but not supplant existing statutory schemes that are protective.

Further, EPA's "statutory gap" explanation is not a sufficient, nonarbitrary basis for foregoing a complete analysis of its sister agencies' authority. EPA appears to be applying the same generic rationale about statutory gaps in the OSH Act in all proposed risk management rules, which is contrary to the intent, text, and structure of TSCA Section 9 and would improperly circumvent EPA's obligation to coordinate its regulatory activity with OSHA (and other agencies) pursuant to the statute. EPA's view that a single statute (TSCA) should be used to address all risks is contrary to the plain language of TSCA and should not be a substitute for an analysis of existing law and regulation. EPA incorrectly presumes, without supporting analysis, that, because other statutes have differing balancing factors (e.g., OSHA requires consideration of technical and economic feasibility), these statutes cannot address unreasonable risks to a "sufficient extent." EPA has provided no data or information to show that other statutes would not have the authority to mitigate unreasonable risk under TSCA. This is simply an assumption, and EPA has not given other agencies, in this case OSHA, the opportunity to address the identified risks.

[8] *Id*. at 49216.
[9] *Id*.

In sum, EPA makes no serious attempt in this proposed rule to determine why OSHA's or other authorities are incapable of sufficiently addressing the particular risks from CTC. Further, EPA does not explain how cost and practicability under TSCA risk management rules promulgated under Section 6 may differ significantly from considerations under other federal risk management approaches. As discussed above, TSCA also requires that, in selecting risk management requirements for conditions of use that present an unreasonable risk, EPA consider the economic consequences of the rule, including consideration of the costs and benefits of the regulatory action and the likely effect of the rule on the economy and technological innovation.

EPA should first conduct a reasonable analysis to support a determination as to whether other statutory authorities cannot be used to address risk. EPA must explain why it cannot take action under its other statutory authorities to mitigate risks to workers. As required by law, EPA should follow the Section 9(a) procedures by submitting a report to OSHA that describes the risk and the activities that present such risk. In addition, EPA should also conduct an analysis of the duplicative burdens that it would be imposing by requiring new obligations in areas already regulated by OSHA.

C. EPA's application of the "whole chemical" approach is inconsistent with TSCA

Under TSCA Section 6(b), EPA is required to evaluate risks of chemical substances "under the conditions of use,"[10] which requires use-by-use risk determinations. EPA's use of the "whole chemical" approach to risk evaluations and risk determinations, as newly implemented by this Administration, is inconsistent with TSCA Section 6(b). Under this improper approach, EPA decides whether the "whole chemical" poses an "unreasonable risk" to human health or the environment "when it is clear the majority of the conditions of use warrant one determination," rather than making determinations of unreasonable risk based on individual conditions of use.[11]

EPA revised its risk determination for CTC to implement the whole chemical approach in December 2022, long after the release of the CTC risk evaluation.[12] EPA also revised its risk determination to remove the assumption that workers wear PPE. The revised risk determination is inconsistent with TSCA. EPA's "whole chemical" approach and "no PPE" assumption have led EPA to require more stringent risk mitigations than necessary. EPA's decision to change the risk determination for CTC to the "whole chemical" approach after the CTC risk evaluation was completed undermines the

[10] 15 U.S.C. § 2605(b)(4)(A).
[11] See EPA announcement "EPA Announces Path Forward for TSCA Chemical Rick Evaluations" on June 30, 2021: https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations ("EPA will continue to assess and analyze each condition of use, but then the agency plans to make the determination of unreasonable risk just once for the whole chemical when it is clear the majority of the conditions of use warrant one determination").
[12] 87 Fed. Reg. 79303 (Dec. 27, 2022).

careful risk evaluation process that is required by TSCA. This statutory process involved opportunities for public comment and collection of data from stakeholders. EPA's new approach effectively ignores exposure data provided for certain conditions of use that demonstrated no unreasonable risks and makes a single global determination that the chemical presents an unreasonable risk based on only some conditions of use. Stakeholders and peer reviewers were not informed during the risk evaluation peer review process that EPA would be applying this novel approach to making the risk determinations and subsequent risk management decisions. In fact, this approach did not even undergo peer review or any scientific review. EPA must revert to its prior approach to issuing risk determinations based on individual conditions of use.

D. EPA's fenceline screening analysis should not be used to inform risk management actions

After the final risk evaluation was released in 2020, the new EPA administration changed its prior approach of tailoring risk evaluations to include conditions of use that EPA determines must be addressed by TSCA and excluding conditions of use that can be sufficiently addressed by other EPA authorities (per Section 9 of TSCA). Under EPA's new policy, EPA indicated it would examine whether the exclusion of certain exposure pathways from the risk evaluation could potentially fail to identify or protect fenceline communities.[13] Thus, EPA conducted a fenceline screening analysis to identify where there may be potential risks to people living near the fenceline of facilities releasing CTC. This approach was reviewed by the Science Advisory Committee on Chemicals (SACC) in March 2022.[14]

The SACC noted significant concerns with EPA's approach in the fenceline screening analysis, including difficulties in reproducing results and multiple limitations and uncertainties.[15] This led the SACC to recommend that "the methodology could only be used as part of a tiered approach to evaluate risk to fenceline communities and should not be used to evaluate risks in isolation."[16] In the proposed rule for CTC, EPA states that the agency is "considering the potential adverse effects on health of people in fenceline communities posed by emissions of CTC to ambient air described in Unit VI as a factor when proposing to prohibit increased releases of CTC to outdoor air associated with the implementation of the WCPP/ECEL."[17]

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[13] 88 Fed. Reg. at 49188.

[14] See meeting information available at: https://www.epa.gov/tsca-peer-review/peer-review-epa-tsca-screening-level-approach-assessing-ambient-air-and-water.

[15] SACC *Transmittal of Meeting Minutes and Final Report for the Science Advisory Committee on Chemicals Virtual Meeting "Draft TSCA Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities Version 1.0 held on March 15-17, 2022,* at page 15, available at: https://www.regulations.gov/document/EPA-HQ-OPPT-2021-0415-0095.

[16] *Id.*

[17] 88 Fed. Reg. at 49207.

EPA's reliance on a screening-level analysis to increase controls on air emissions is inappropriate. EPA's screening-level analysis is, as described, simply a screening-level assessment. It includes the use of default inputs and high-end and worst-case parameters. As is consistent with best practices, when a screening-level assessment finds potential risks, the assessment should be refined, consistent with best available science, to inform an appropriate scientific assessment that is fit for purpose to support a risk management actions, including restrictions. The fenceline screening analysis is not fit for purpose and should not be relied upon by EPA to support any restrictions, or to require monitoring, of CTC until additional refinements are made by EPA.[18]

II. EPA's ECEL Must Undergo Peer Review

EPA proposes an ECEL for airborne concentrations of CTC in excess of 0.03 ppm based on an 8-hour time-weighted average (TWA). This is significantly lower than the current OSHA permissible exposure limit (PEL) for CTC of 10 ppm. EPA released this derived value through a memorandum that was added to the docket after the risk evaluation for CTC was complete.[19] This memorandum was not part of the information that underwent peer review by the SACC. While the ECEL derivation uses information that is in the CTC risk evaluation, there are many science and policy choices that are part of the derivation. The 2016 TSCA Amendments require that EPA consult with the SACC "with respect to the scientific and technical aspects of issues relating to implementation of this title."[20] EPA should use the SACC to review its overarching approach to the ECEL, as well as the specific choices made for deriving the CTC ECEL before finalizing this rule.

Additionally, while EPA's starting point for the ECEL uses values that were evaluated in the risk assessment for CTC, it has an obligation to ensure that these same values are fit for purpose when setting workplace standards. It is inconsistent with sound scientific practice to require compliance with an ECEL and a program to limit workplace exposures without ever seeking peer review of the approach—including the choice of data, the exposure periods used, and the adjustment factors that are applied when setting a workplace standard. Industrial hygiene and workplace exposure experts should be part of a peer review panel that provides guidance to EPA on how to appropriately derive and apply these values for the hundreds of diverse occupational uses to which EPA intends them to apply. This is also an important reason why consulting with OSHA is so imperative; employers need one unified set of well validated requirements regarding workplace exposures with which they must comply.

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[18] For example EPA states, "The TRI dataset used for the single- and the multi-year fenceline analysis and land use analysis does not include actual release point locations, which can affect the estimated concentrations of the chemical at varying distances modeled." 88 Fed. Reg. at 49211.

[19] Existing Chemical Exposure Limit (ECEL) for Occupational Use of Carbon Tetrachloride (February 9, 2021): https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0592-0007.

[20] 15 U.S.C. § 2625(o)(2).

III. EPA Should Not Propose To Prohibit the Manufacture and Processing of CTC for Export or Distribution in Commerce

EPA states that "[a]s the manufacture and processing of CTC presents an unreasonable risk to health in the United States, the manufacture and processing of CTC for export would also be prohibited or restricted in accordance with TSCA section 12(a)(2)."[21] However, manufacturers who export products overseas will already be subject to export notification under TSCA Section 12(b), thereby providing notice about CTC in products exported. Further, other countries do not necessarily have the same restrictions on CTC in products as EPA proposes in this rulemaking. It is inappropriate and unnecessary to ban products that are exported outside of the US when most other countries may have higher exposure limits for CTC in products than the proposed ECEL.

Additionally, EPA's final risk evaluation for CTC and EPA's final revised risk determination for CTC both concluded that "distribution in commerce" does not pose an unreasonable risk.[22] EPA acknowledges in the proposed rule that this condition of use does not drive unreasonable risk.[23] Yet in the proposed rule, EPA proposes to prohibit the distribution in commerce of CTC for certain industrial and commercial uses. As distribution in commerce does not pose an unreasonable risk, EPA's proposal would exceed EPA's authority under TSCA by imposing unnecessary restrictions on conditions of use that do not pose an unreasonable risk.

IV. EPA Should Modify its Proposed Restrictions To Ensure Net Benefits

The estimated monetized benefits of the proposed regulatory action ranges from approximately $0.09 to $0.1 million per year annualized over 20 years at a 3% discount rate and from $0.04 to $0.07 million per year at a 7% discount rate.[24] These benefits include those that would be obtained from the WCPP. Using the high-end estimates for the number of entities and workers affected by the proposed regulation, the monetized net benefit of the proposed regulatory action, which is negative, is -$18.7 million per year annualized over 20 years at a 3% discount rate and ranges from -$18.5 to -$18.4 million per year at a 7% discount rate.[25] EPA estimates that the total ECEL monitoring costs alone are above $15 million.[26]

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[21] 88 Fed. Reg. at 49193.
[22] See EPA's Risk Evaluation for Carbon Tetrachloride, Oct. 2020, at page 234, available at: https://www.epa.gov/sites/default/files/2020-10/documents/1_ccl4_risk_evaluation_for_carbon_tetrachloride.pdf, and EPA's Final Revised Unreasonable Risk Determination for Carbon Tetrachloride, Dec. 2022, at page 2, available at: https://www.epa.gov/system/files/documents/2022-12/9948-02_Revised_RD_CTC_12.12.22.for%20RSB.pdf.
[23] 88 Fed. Reg. at 49181.
[24] 88 Fed. Reg. at 49183.
[25] *Id.*
[26] Economic Analysis at p. 105.

For each of the conditions of use which EPA seeks to regulate with a WCPP or prescriptive controls, EPA's economic analysis shows that the quantified total costs, which are high, exceed the total quantified benefits,[27] and EPA also notes that the cost of the proposed regulatory action is higher than the alternative regulatory action.[28] Consistent with TSCA's purpose, EPA has an obligation to implement TSCA in "a manner as not to impede unduly or create unnecessary economic barriers,"[29] and, when selecting among restrictions, EPA is directed to consider factors which include the costs and benefits of the proposed regulatory action.[30] The proposed rule does not justify why EPA should choose restrictions where the costs outweigh the benefits.

EPA should reevaluate the proposed WCPP and ECEL implementation requirements with a lens of removing those requirements that are unnecessarily restrictive and costly. One way in which EPA can potentially revise the proposed rule so that it creates net benefits is that it can better harmonize the WCPP restrictions (including the ECEL implementation) with OSHA standards. If EPA were to better align the WCPP with OSHA and existing best industrial hygiene practices, this would very likely decrease the excessive costs of the proposed rule and would assist in making the proposed rule net beneficial.

For instance, EPA proposes to require that all ECEL exposure monitoring be compliant with the Good Laboratory Practice (GLP) Standards in 40 C.F.R. part 792.[31] However, the application of these standards to exposure monitoring in the workplace is not a common industrial hygiene practice. In cases where sample collection is overseen by a Certified Industrial Hygienist or Environmental Professional, as defined in 40 C.F.R. § 312.10, the requirements for GLP are unnecessary. Also, EPA should seek to align the prescriptive standards for industrial and commercial use of CTC as a laboratory chemical with the existing OSHA standard for hazardous chemicals used in laboratories.[32] EPA has not justified the need for additional and separate standards. EPA should also seek to clarify the discussion in the proposed rule regarding the requirements for direct dermal contact. EPA should clarify, in regulatory text, that facilities can determine, on a task-by-task basis that gloves are sufficient for dermal PPE. This clarity is necessary to ensure that the proposed requirements are not unnecessarily restrictive and are fit for purpose based on individual tasks.

In addition, EPA should modify its proposed definition of "owner or operator" to align with OSHA regulations. EPA proposes to define "owner or operator" to mean "any person who owns, leases, operates, controls, or supervises a workplace covered by

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[27] EPA, Economic Analysis of the Proposed Regulation of Carbon Tetrachloride Under TSCA Section 6(a) (Economic Analysis), Jul. 2023, at page ES11-ES13, available at: https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0465-0175.
[28] 88 Fed. Reg. at 49182.
[29] 15 U.S.C. § 2601(b).
[30] 15 U.S.C. § 2605(c)(2)(A).
[31] 88 Fed. Reg. at 49228.
[32] 29 C.F.R. § 1910.1450.

this subpart."[33] The WCPP requirements are intended by EPA to apply to these "owners or operators"; however, this definition is not consistent with the OSHA definition of an employer.[34] To be consistent with OSHA workplace regulations, EPA should seek to harmonize its proposed definition such that requirements that typically fall to the "employers" of a worksite do not become obligations of "owners or operators."

V. EPA Should Include Other Key Flexibilities To Avoid Economic Disruptions

A. All industry sectors should be permitted to petition for a critical use exemption

While EPA did not propose any critical use exemptions under TSCA Section 6(g) in this rulemaking, EPA requests comments on "an appropriate, predictable, process that could expedite reconsideration for uses that Federal agencies or their contractors become aware of after the final rule is issued using the tools available under TSCA, aligning with the requirements of TSCA section 6(g)." EPA suggests that one approach could be a process in which a federal agency would petition EPA with supporting documentation describing the following:

> [S]pecific use (including documentation of the specific need, service life of any relevant equipment, and specific identification of any applicable regulatory requirements or certifications, as well as the location and quantity of the chemical being used); the implications of cessation of this use for national security or critical infrastructure (including how the specific use would prevent injuries/fatalities or otherwise provide life-supporting functions); exposure control plan; and, for Federal agency uses where similar adoption by the commercial sector may be likely, concrete steps taken to identify, test, and qualify substitutes for the uses (including details on the substitutes tested and the specific certifications that would require updating; and estimates of the time required to identify, test, and qualify substitutes with supporting documentation).[35]

The Chamber supports the concept of an expedited petition process. However, EPA provides no adequate reason why such an expedited process should be limited to federal agencies or their contractors. All users, including those in the private sector, should be allowed to utilize this process and request a TSCA Section 6(g) exemption. Additionally, EPA describes a petition process that requires the submission of monitoring data to ensure compliance with the WCPP, and EPA also requests

[33] 88 Fed. Reg. at 49223.
[34] 29 C.F.R. § 1910.2(c) defines employer as "a person engaged in a business affecting commerce who has employees, but does not include the United States (not including the United States Postal Service) or any State or political subdivision of a State."
[35] 88 Fed. Reg. at 49203.

"documentation of efforts to identify or qualify substitutes."[36] This latter documentation request is unnecessary and has no practical utility. If there is compliance with the WCPP, unreasonable risk has been mitigated. There is no need for a requirement to identify or qualify substitutes, and there is no need to further mitigate any potential risk. Requirements for unnecessary documentation should not be part of any petition process for exemptions that may be necessary for national security, critical infrastructure, or the continuation of uses necessary to prevent significant disruption of the national economy.

B. Certain implementation deadlines should be lengthened to ensure the requirements are feasible for industry

EPA currently proposes a deadline of 180 days from the date of publication of the final rule for initial monitoring of CTC under the WCPP. The Chamber recommends that this deadline be extended to 18 months for the implementation of the initial exposure monitoring requirement. Additionally, businesses should be allowed to implement the WCPP within 36 months of publication of the final rule. This would ensure that businesses have adequate time to come into compliance with the WCPP.

Thank you for the opportunity to provide these comments. The Chamber welcomes further discussion with EPA on this important proposal. Please contact Preston Beard, Director of Policy, at pbeard@uschamber.com with any questions regarding these comments.

Sincerely,

Martin J. Durbin
President, Global Energy Institute
Senior Vice President, Policy
U.S. Chamber of Commerce

[36] *Id.*