



HONEYWELL INTERNATIONAL Inc.

115 Tabor Road
Morris Plains, NJ 07950
United States
www.honeywell.com

Claudia Menasche
Existing Chemicals Risk Management Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001
Email: CarbonTetrachloride@epa.gov

Subject: Proposed Toxic Substances Control Act Section 6 Regulation; Carbon Tetrachloride;
Docket EPA-HQ-OPPT-2020-0592

Ms. Menasche:

Honeywell International Inc. (“Honeywell”) appreciates the opportunity to provide these comments regarding the U.S. Environmental Protection Agency’s (“EPA’s” and “the Agency’s”) Proposed Rule for the Regulation of Carbon Tetrachloride (“CTC”) under Section 6(a) of the Toxic Substances Control Act (“TSCA”) (the “Proposed Rule”). Honeywell is not a manufacturer of CTC but uses CTC as a reactant/intermediate in manufacturing fluorinated gases including those which are used in applications vital to the country’s climate change objectives, obligations under certain international treaties, in uses important to U.S. security, in uses exempted under Title VI of the Clean Air Act (CAA) Amendments of 1990, and in efforts subject to the American Innovation and Manufacturing (AIM) Act of 2020. These applications allow Honeywell to serve critical sectors such as refrigeration, foam blowing, research, pharmaceutical, medical device, and defense industries.

Summary of Honeywell’s Comments

Honeywell encourages EPA to:

- Provide a later deadline for implementation of the Workplace Chemical Protection Program (WCPP);
- Significantly simplify the WCPP requirements as proposed;
- Clarify the phrasing of certain uses that may continue subject to the WCPP;
- Include a provision for the presence of CTC in other formulations, intermediates, and end products when present as a byproduct, or as an impurity; and

- Add a provision, similar to the one proposed for perchloroethylene, for de minimis levels of CTC when present in formulations, intermediates, and products.

EPA Should Provide More Time for Implementing WCPP

Honeywell interprets the proposed regulation to authorize Honeywell's current uses of CTC to continue, subject to the Workplace Chemical Protection Program (WCPP) and recordkeeping requirements. However, if not modified, the WCPP terms will require Honeywell to significantly expand its current, very effective industrial hygiene practices and establish entirely unique (i.e., TSCA-specific) procedures, workplaces configuration, training, and recordkeeping efforts. These additional requirements will substantially complicate Honeywell's operations which conform with, if not already exceed, the contemporary standards pertaining to CTC overseen by the Occupational Safety and Health Administration (OSHA). To accomplish this, Honeywell would require considerably more time than that which would be allowed under the proposed CTC regulations. Honeywell requests the Agency amend the proposal to provide no fewer than 3 years from the date the rule is finalized to implement the full WCPP.

Honeywell Requests EPA Simplify the WCPP and Permit Greater Flexibility

EPA should simplify its WCPP requirements to make them more practical and to align with standard Industrial Hygiene practices and enable facilities to phase-in monitoring and ECEL compliance dates.

Honeywell acquires CTC for use in tightly-controlled operations, involving only enclosed processes, in which the substance is further reacted or otherwise consumed in the processes. The presence of CTC in other formulations and intermediates used at the facility is expected to be minimal, if detectable at all. CTC is not expected to remain present in any end product that might leave a Honeywell facility; thus, its presence, if identifiable, would be considered an impurity. Honeywell's employees that are engaged in operations such as sampling or maintenance activities for processes in which CTC might be present are outfitted with PPE which eliminates opportunities for dermal contact with, or inhalation of, CTC. Opportunities for human exposure and environmental releases of CTC are thoroughly mitigated through Honeywell's well-established industrial hygiene practices and engineering controls.

In designing and implementing its workplace and industrial hygiene practices, Honeywell's efforts are entirely consistent with the appropriate "application of the hierarchy of controls." Honeywell's facilities not only meet but operate substantially below the OSHA standards and permissible exposure limit (PEL) for CTC (10 ppm) and less than the American Conference of Governmental Industrial Hygienists (ACGIH) 8-hour time weighted average Threshold Limit Value (TLV) for CTC of 5 ppm.

However, the complex structure EPA is proposing for the WCPP should be modified to make compliance more practical and achievable. For example, Honeywell recommends EPA rescind the proposed requirements that exposure monitoring efforts be performed in compliance with EPA's Good Laboratory Practices Standards. This requirement is unnecessary and will complicate the practices that must be implemented by facilities that already comply with OSHA workplace practices for CTC.

EPA also must move to better harmonize the proposed TSCA CTC rules with practices that are already implemented by facilities complying with the OSHA standards. Honeywell recommends EPA simplify the employee training and general hazard communication requirements for the WCCP. EPA should permit the regulated entity to integrate CTC-specific training requirements into existing OSHA worker training programs and hazard communications efforts for its employees. Furthermore, EPA should specify that facilities operating workplace training and hazard communications programs for CTC for OSHA compliance purposes will also be considered to be in compliance with new TSCA CTC requirements if they incorporate their TSCA training program with their existing OSHA program and maintain records reflecting that.

The proposed rule would require the implementation of the first ("baseline") monitoring exercises for CTC airborne exposures to commence 6 months after the rule takes effect and the monitoring program and compliance with the proposed ECEL to be fully implemented not later than 9 months following the effective date of a final CTC regulation. The complexity of the new measures would require taking multiple measurements for the presence of CTC in Honeywell operations, depending on the results, modifying existing practices (and potentially even processing equipment, PPE, and other practices) before compliance with the TSCA requirements in addition to the OSHA standards can be assured. These new additional measures proposed by EPA will require many actions which will be unnecessarily redundant and could require years for complex operations, such as Honeywell's, to implement.

Honeywell requests that EPA modify the phase in requirements for the WCPP to use a graduated approach. Specifically, Honeywell recommends EPA permit any facility that already operates at concentrations limits below the current OSHA PEL to make progress toward and ultimately achieve compliance with the American Conference of Governmental Industrial Hygienists ("ACGIH") 8-hour TWA Threshold Limit Value ("TLV") of 5 ppm within 2 years following the effective date for the TSCA CTC rule. TLVs developed by ACGIH are accepted as among the best-practices standards for workplace exposures; and the final rule should not require the TSCA ECEL to be met in fewer than 3 years if a phased-in approach will allow for more orderly transitions such as those requiring equipment or process changes (as well as employee training and PPE outfitting).

The Proposed Hierarchy of Control Requirements Should Be Eliminated

Honeywell recommends EPA eliminate the regulatory requirements related to its elaborate and vague proposal concerning designing WCPP “in accordance with the hierarchy of controls” and the use of “pollution prevention to control exposures whenever practicable.” Honeywell supports the hierarchy of controls construct generally, and its Industrial Hygiene (IH) practices are developed in accordance with pollution prevention principles; however, Honeywell does not support including a documentation requirement concerning this general thought process in the final CTC rule. The proposed provision creates an opportunity for EPA enforcement personnel to review WCPP design and documentation records and potentially substitute their own judgment for that of IH professionals and other experts who developed and implemented such programs based on specific, existing features at the facilities and their capital equipment and practical operating practices.

It is unreasonable to expect companies implementing TSCA WCPP requirements to create records to substantiate they have “institute[d] one or a combination of elimination, substitution, engineering controls or administrative controls to reduce exposure to or below the ECEL” -- or to “demonstrate that such controls are not feasible.” The proposal reflects an expectation that operators of industrial facilities (at which numerous other simultaneous commercial production efforts are ongoing) must stop and newly consider product (chemical) substitutions and the implementation of physical plant design changes, and without considering other factors affecting environmental regulatory compliance under other statutes, if doing so will achieve the ECEL (and make the use of PPE necessary). This expectation ignores that CTC processors and users, such as Honeywell, have made commitments to fulfill obligations under the AIM Act, for example, in addition to commercial contractual obligations across other product lines, including commitments to supply entities such as agencies of the U.S. government, defense contractors, and commercial manufacturers of aircraft and space exploration, and telecommunications equipment that depend on Honeywell-supplied materials.

While it is Honeywell’s practice to follow the hierarchy of controls when selecting and implementing the most appropriate measures to mitigate potential workplace exposures to chemical substances, Honeywell considers it to be inappropriate for EPA to expect a company for TSCA purposes to generate and retain new records of how such determinations were made, especially where (in many cases for substances such as CTC) such analyses would have been made years before a TSCA Section 6 CTC rule was even contemplated. Honeywell requests the “hierarchy of controls” requirement be removed before the CTC rule is finalized.

Both Byproducts and Impurities Should Be Exempted

Honeywell recommends EPA explicitly exempt from all of the proposed rule provisions CTC when present in a formulation, as an intermediate, or an end product as a byproduct or an impurity. The exemption also should not be limited to materials manufactured in the U.S., but also if CTC might be present as an unintentional byproduct or impurity in an imported product. While EPA has stated, for purposes of the CTC proposal, it was not intending to cover CTC as a manufacturing byproduct, it is doing so tentatively, because that condition of use “was not evaluated in the 2020 Risk Evaluation for Carbon Tetrachloride”. This implies EPA will, at a later date, seek to restrict this use. Honeywell considers this to be concerning, as processors and users of CTC need to be able to understand and plan their activities in light of expected regulatory controls. EPA should definitively exempt not only byproducts, but also impurities of CTC when present in formulations, intermediates, and product. The distinctions and opportunities for disputes concerning whether a chemical is present as a byproduct or an impurity are areas which can be removed from consideration if EPA issues a clear statement and exemption for CTC as with a byproduct or as an impurity in other materials which may occur in operations at a facility, and in products from which it is not completely removed during production efforts.

Honeywell request that EPA clarify the exemption for CTC products and impurities applies to a product that is either received from a third party for processing or use, as well as when present in materials that may be used on site or distributed in commerce after manufacturing or processing at a particular facility. Furthermore, Honeywell requests it be made clear that the exemption includes all features of the rule, including, by way of example only, the record keeping requirements, the WCPP, downstream notifications requirements, laboratory uses, etc.

De Minimis Levels of CTC also Should Be Exempted

Honeywell recommends EPA also include an exemption for materials in which CTC when it may appear at a de minimis level of less than 0.1% by weight. EPA should clarify for the sake of regulatory simplicity that the presence of CTC at or below this level is exempt, whether its presence would be considered an impurity or any other form of manufacturing byproduct which is present. As discussed above, a final CTC rule also should make clear that such an exemption applies to all of the proposed rule’s provisions.

Other Areas of Comment

As Honeywell commented in our suggestions with regard to the TSCA Section 6 perchloroethylene proposal, many operational aspects of the WCPP approach in the proposed TSCA Section 6 rules, including the CTC proposal, should be addressed before finalizing. This includes clarification of how to determine who the responsible entity will be for implementing the new standards in workplaces where multiple parties may have responsibilities for personnel who are on site. The Proposed Rule uses the term “owner/operator” for the entity responsible for implementation of the WCPP at a facility. However, it appears the term is used much more broadly than the term “employer” when used by OSHA. For TSCA regulatory purposes for CTC (unless the Proposed Rule is clarified) “owners/operators” – not employers – will be responsible for providing respiratory protection and other PPE to personnel on site who might not be their direct employees. For a facility that may have contractors on site, the TSCA regulation could create enormous complexities. The verbiage should be addressed, or the final CTC rule would become even more impractical and lead to confusion and potential compliance complication. Honeywell recommends EPA TSCA Section 6 rules adopt a standard by which employers bear responsibility for ensuring workers have the necessary respiratory protection and other PPE needed to mitigate potential exposures.

Conclusion

Honeywell recognizes and appreciates that the proposed CTC regulations, as proposed, would not prohibit Honeywell’s uses of CTC. Nevertheless, Honeywell requests that EPA implement the suggestions stated above, including simplification of the WCPP, the timeline, and the ECEL requirements for CTC. Honeywell considers it imperative EPA implement exemptions for CTC when present as a byproduct, impurity, and at de minimis levels. This should be a standard provision across all TSCA Section 6 rules. Honeywell reiterates that while it supports encouraging regulated entities to consider and follow the hierarchy of controls when addressing potential exposures to chemicals substances in the workplace, there should not be a requirement to document how such consideration was given. Finally, Honeywell suggests that clarification is needed with regard to certain operational aspects of the CTC Proposal.

Honeywell personnel would be pleased to meet again with EPA staff to discuss these comments and related issues as the Agency continues its efforts to address potential risks associated with the use of high priority substances.

Sincerely yours,

Michael Kelly
Honeywell Performance Materials & Technologies
Director of Product Stewardship
Michael.kelly3@honeywell.com

cc. Michael WONG, Vice-President & General Counsel - Honeywell Advanced Materials