



Subject: U.S. Environmental Protection Agency Proposed Rule: 1-Bromopropane (1-BP) Regulation Under the Toxic Substances Control Act (TSCA) [EPA-HQ-OPPT-2020-0471; FRL-8156-01-OCSP; RIN 2070-AK73]

The U.S. Chamber of Commerce (Chamber) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA's) proposed rule, *1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA)*, 89 Fed. Reg. 65066 (Aug. 8, 2024)."

The Chamber represents industries across various sectors, including manufacturing, chemicals, and energy, many of which rely on 1-BP for critical industrial applications. While we recognize the importance of addressing health risks posed by certain chemicals, we urge the EPA to ensure that the proposed rule strikes a careful balance between protecting public health and maintaining the economic viability of U.S. industries dependent on this essential solvent.

Certain aspects of EPA's proposed rule are concerning to the Chamber's members. We acknowledge the need for risk management measures, however, many members have already implemented robust safety protocols to mitigate exposure in industrial and commercial settings. The Chamber supports the Workplace Chemical Protection Programs (WCPPs) with an ECEL of 0.05 ppm but is concerned about the absence of a de minimis level. However, given OSHA's key role with regard to regulating workplace chemical exposures, we recommend that EPA refer this issue to OSHA under TSCA Section 9. OSHA could then establish a permissible exposure limit (PEL), which would better align with existing regulatory frameworks and avoid unnecessary burdens on industries handling minimal quantities. In particular, OSHA's experience in setting PELs ensures that regulatory measures are both protective and practical in real-world industrial settings, especially when dealing with minimal or controlled quantities of the chemical.

Additionally, we are concerned about the inconsistent application of WCPPs across different Conditions of Use (COUs). While the proposed rule would allow WCPPs to manage risks for certain COUs, other COUs would be banned outright without giving industries the opportunity to implement similar protective measures. We believe WCPPs could effectively mitigate risks across a broader range of applications, and we urge the EPA to provide a consistent opportunity for industries to employ WCPPs before prohibiting specific uses outright.

We continue to support the aerospace sector's use of 1-BP for degreasing and cleaning due to the limited availability of effective alternatives. While substitutes like water-based and citrus cleaners have been suggested, they often fail to meet performance standards and pose additional risks, such as moisture in critical aircraft components. Given that the Occupational Safety and Health Act gives OSHA the authority to issue a PEL, it would be more appropriate

for OSHA to regulate 1-BP in the workplace, rather than relying on the untested ECEL proposed by EPA.

Furthermore, the proposed outright ban on aerosol formulations of 1-BP as a propellant, particularly in mold release agents, is concerning. Finding a suitable, non-flammable replacement remains a challenge. We recommend that EPA consider WCPPs or prescriptive control measures in these cases, rather than an outright ban.

While we understand that the risks related to consumer uses of 1-BP may require a more prescriptive approach, we urge the EPA to ensure that restrictions on industrial and commercial uses are narrowly tailored to eliminate unreasonable risk only to the extent necessary. For many uses, requiring personal protective equipment (PPE), such as chemical-resistant gloves, and WCPPs could allow continued safe use while minimizing negative impacts on industries that depend on 1-BP.

Regardless of the risk management approach ultimately selected, the Chamber emphasizes the need for realistic implementation timelines. We urge the EPA to ensure that the proposed staggered compliance dates—ranging from 6 months for manufacturers to 18 months for industrial and commercial users—are modified as needed to ensure that the deadlines are feasible for industries to comply with, considering the availability of alternatives and the need for smooth transitions across the supply chain.

Additionally, overregulating 1-BP could have significant adverse economic consequences, especially in sectors such as electronics, automotive, and aerospace. Many members have adopted stringent protective measures, and we urge the EPA to carefully consider the economic impacts of banning certain industrial and commercial uses outright without fully evaluating whether less drastic measures are feasible.

Finally, regarding potential risks to fenceline communities, we caution the EPA against introducing duplicative emissions monitoring requirements, given that these emissions are already regulated under the Clean Air Act (CAA). Additional monitoring requirements could impose undue burdens on facilities without providing significant additional protections.

In conclusion, the Chamber urges the EPA to ensure that its final rule provides clarity, is proportionate to the risks involved, and takes into account the significant economic impact on industries that rely on 1-BP for essential applications. We appreciate the opportunity to provide input and look forward to continuing to collaborate with the Agency to protect public health while supporting a vibrant domestic economy.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Durbin". The signature is stylized and written in a cursive-like font.

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