

July 21, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

It has been brought to our attention that EPA currently is using the pre-manufacture notice (PMN) process for new chemicals under Section 5 of the Toxic Substances Control Act (TSCA) to review medium-chain and long-chain chlorinated paraffins (MCCP and LCCP).

Many in the industry have concerns about the EPA's use of TSCA's new chemical provisions to eliminate these chemicals without public notice-and-comment procedures. TSCA's Section 5 PMN process does not provide for public review and comment on either the risk assessments behind EPA's decision, or the Agency's proposed action on a particular PMN, severely disadvantaging stakeholders who use MCCP and LCCP.

Furthermore, EPA has placed MCCP and LCCP in its TSCA Chemical Work Plan and indicated in its "Peer Review Plan" under that program that there would be opportunities for public review and comment, and an independent expert peer review of EPA's risk assessment of MCCP and LCCP.

Finally, a planned deadline of May 31, 2016, would force the U.S. manufacturers that make and use MCCP and LCCP to re-formulate, test and seek approvals for their operations and products using alternative materials. In some cases, substitutes may not be available, and, in other cases, substitution may take years.

We request that the EPA explain why the Agency is using a consent order process, rather than either issuing a significant new use rule or proceeding under the TSCA Work Plan to address MCCP and LCCP. Additionally, we request EPA provide us with the new data that have been developed on MCCP and LCCP and explain any additional environmental exposures that EPA believes to be occurring. Considering that these substances have been in commerce for more than 70 years, plus the implications to U.S. manufacturing as well as the Departments of Defense and Energy if they were to be removed from the market, EPA's action to ban MCCP and LCCP should be taken only if, after careful and transparent stakeholder involvement and independent peer review, the science supports such an action, with an appropriate transition time.

The EPA should undertake the Peer Review Plan for MCCP and LCCP that it has outlined under the TSCA Chemical Work Plan program prior to taking final action on the PMNs for these substances. The additional transparency provided by the Peer Review Plan is appropriate and necessary to ensure understanding of the proposed actions, and more fully evaluate the implications of a cessation of the manufacture and import of MCCP and LCCP to U.S. manufacturers.