



Independent Lubricant Manufacturers Association

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September 10, 2015

By Overnight Delivery & Electronic Mail

Mr. Greg Schweer, Chief
New Chemicals Notice Management Branch
Office of Pollution Prevention and Toxics
Environmental Protection Agency
Room 4133-A; (MC- 7405M)
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: *Critical Uses* of Metalworking Fluids Containing Medium-Chain Chlorinated Alkanes and Long-Chain Chlorinated Alkanes

Dear Mr. Schweer:

In its June 10, 2015 letter, the Independent Lubricant Manufacturers Association (“ILMA” or “Association”) stated it would collect further information from its membership on *critical uses* of metalworking fluids (“MWFs”) containing medium-chain chlorinated alkanes (“MCCAs”) (C₁₄-C₁₇) and/or long-chain chlorinated alkanes (“LCCAs”) (C₁₈-C₂₀). As an initial matter, ILMA considers *critical use* to encompass a specific use for which the lack of alternatives acceptable to the customer would result in a significant market disruption, as well as where there are no technically or economically feasible alternatives or substitutes available to the user from the standpoint of the environment and/or human health. From the Association’s perspective, the mere fact that an alternative may exist should not be the sole or limiting factor to determine whether a particular use is *critical*.

The Environmental Protection Agency’s (“EPA” or “Agency”) definition of *critical use* – that is, “use for which there is no alternative” – is inappropriate for at least four reasons. First, EPA’s definition presupposes that it is currently known if a substitute exists for each and every domestic use of MWFs containing MCCAs or LCCAs. The use of MWFs containing MCCAs or LCCAs is so pervasive in U.S. manufacturing that it is simply not feasible to identify currently whether a viable alternative chemistry exists for every use.

Second, for many alternative extreme-pressure additives, there are practical considerations that preclude their use. For example, MWFs containing sulfur cannot be used in any process that contains aluminum because it will stain the finished product. Further, if any sulfur-based MWF is left on a finished stainless steel tube, it can lead to intergranular corrosion (“IGC”) at the grain

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boundary, and this will lead to the perforation of the finished, in-service tubes. These are just two examples of the issues the industry has with identifying whether there are customer-acceptable alternatives to MWFs containing MCCAs or LCCAs. Technically speaking, there is an “alternative” so this would not meet EPA’s standard for *critical use*. However, given the issues with these potential alternatives, the Agency should not consider them to be viable replacements for MWFs containing MCCAs and LCCAs.

Third, if the utilization of an alternative, chlorine-free MWF reduces final product yield by several orders of magnitude, EPA should not consider that to be an acceptable alternative. For example, if a machine produces 1,000 finished parts per hour with a MWF containing MCCAs and can only produce 50 finished parts per hour with an alternative, the Agency should consider this use to be *critical*.

Fourth, the appropriate definition of *critical use* must take into account economic feasibility and cost. As noted in ILMA’s July 24 letter, an estimate of the economic impact to reformulate away from MWFs containing MCCAs and/or LCCAs may be in the range of \$70 billion. As a result, the costs of MCCA and LCCA replacement, losses in productivity, cost of scrap, lower production rates, the manpower for testing, and the recharge of central systems are all immense expenses and all must be included and carefully considered in the definition of *critical use*.

Given these issues, ILMA’s definition of *critical use* is more appropriate, and the Association encourages EPA to adopt it.

Issues with Data Collection

ILMA has encountered difficulties in obtaining *critical use* data. Many ILMA members are still working overtime on their compliance with the June 1, 2015 deadline for hazard classification, safety data sheet (“SDS”) preparation and container labeling under the Occupational Safety and Health Administration’s (“OSHA”) amended Hazard Communication Standard 2012 (“HCS 2012”). While the June 1, 2015 implementation deadline has passed, many compliance issues persist for ILMA members. Most ILMA member companies, who are reliant upon suppliers for chemical hazard classification information in order to incorporate that data into their own mixture SDSs and container labels, did not receive the needed information until June 1, so they are still vigorously working to become fully compliant with HCS 2012 by the December 1, 2015 “enforcement discretion” period allowed by OSHA. These members’ OSHA compliance activities have directly impacted ILMA’s ability to collect *critical use* information on a timely basis.

Further, many ILMA members have non-disclosure agreements with their customers that preclude them from sharing specific *critical use* information with ILMA. Many members have informed the Association anecdotally that they are aware of an array of applications for which alternatives to MWFs containing either MCCAs or LCCAs do not work, but because of their non-disclosure agreements, they are unable to share that data with the Association and, by extension, EPA.

One of the biggest hindrances to the collection of *critical use* information is that downstream users are largely unaware EPA intends to take any regulatory action on MCCAs and LCCAs. Quite simply, there has previously been no need to determine whether there are viable alternatives for MWFs containing MCCAs or LCCAs because those fluids have been used safely and effectively for so long. ILMA members have conveyed that the viability of alternative MWFs for a variety of applications is unknown because insufficient test data exist.

As a result, the enclosed list of *critical uses* of MCCAs or LCCAs is far from exhaustive. The list represents the uses ILMA members were able to compile while navigating the maze of obstructions outlined above.

ILMA reiterates its request that the Agency make a statement regarding its intended timetable for action on the PMNs for MCCAs and LCCAs. Such an announcement will provide much-needed information to the end-user community that is generally unaware of EPA's planned action and will greatly assist the Association in gathering further information on *critical uses* for a subsequent submission.

Sincerely,



Holly Alfano
Executive Director

Enclosure: *Critical Uses* of MWFs containing MCCAs or LCCAs

cc: Ken Moss, Team Leader, Notice and Regulations Management Teams
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