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ALERT

Scoping Released for First 10 Chemicals to Undergo New TSCA Risk Evaluation Process

June 23, 2017

On June 22, 2017, the U.S. Environmental Protection Agency (EPA) released the required Scope Documents for the first ten chemicals that are undergoing Risk Evaluation under the amended Toxic Substances Control Act (TSCA). These evaluations could result in recommendations for new regulations and restrictions, and must be completed within three and a half years. The selection of these chemicals was announced in December 2016. The draft risk evaluation scopes are now out for public comment, due by September 19, 2017.

On June 22, 2017, EPA also released the following actions (click for summaries):

· Prioritization of Existing Chemicals Under the Toxic Substances Control Act

· Risk Evaluation of Existing Chemicals under the Toxic Substances Control Act · Inventory Reset Under the Toxic Substances Control Act

EPA is using the process detailed in the final risk evaluation rule to evaluate these chemicals. These are robust documents, which describe the conditions of use and environmental and human health hazards.

If you make domestically or import one of these chemicals, you are a manufacturer with a strong interest in following and providing input on EPA's risk evaluation of your chemical. Processors and downstream users also should track EPA's process for gauging their continued

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ability to use the chemicals under review. The outcome of the risk evaluation will determine if and how these substances will be manufactured, processed and used in the future. Industry-sponsored studies to support EPA risk evaluations may be required, which will in turn generate data compensation obligations.

If you have a product on the market that includes one or more of these chemicals for a targeted use (*i.e.*, a use listed in the scope documents), the first step is to review the scope document and provide any comments and information that you think are merited by September 19, 2017. In six months, a more refined "problem formulation" document will be released for comment, to further define the risk evaluation to be conducted. Stay involved in the risk evaluation process by commenting at all opportunities, including when the evaluation is being conducted and when the draft evaluation is later issued for public comment. The take home message is to be involved and not get caught off guard by an unanticipated business disruption.

Of critical importance to industry is EPA's identification and description of the conditions of use that EPA will evaluate for each chemical. The conditions of use EPA has identified for the first 10 chemicals, links to the respective scoping documents, and the docket numbers for monitoring and submitting public comments are as follows:

1. 1,4 Dioxane - EPA-HQ-OPPT-2016-0723;

EPA identified the following conditions of use:

Processing as a Reactant/Intermediate

- Processing Aids not otherwise listed
- Functional Fluids (closed system)
- Laboratory Chemicals
- Adhesives and Sealants
- Other Uses (*e.g.* fuel and fuel additives; spray polyurethane foam; printing and printing compositions)

2. Methylene Chloride - EPA-HQ-OPPT-2016-0742;

EPA identified the following conditions of use:

Processing as reactant

- Solvents for cleaning of degreasing
- Adhesives and sealants
- Paints and coatings
- Metal Products
- Fabric, textile, and leather products

- Automotive care products
- Apparel and footwear care products
- Laundry and dishwashing products
- Lubricants and greases
- Other uses (including building/construction materials not covered elsewhere; solvents; processing aids not otherwise listed; propellants and blowing agents; arts, crafts, and hobby materials; functional fluids (closed systems); and laboratory chemicals)

3. 1-Bromopropane - EPA-HQ-OPPT-2016-0741);

EPA identified the following conditions of use:

Processing as Reactant

- Solvents for Cleaning and Degreasing
- Adhesives and Sealants
- Agricultural Products (non pesticidal)
- Cleaning and Furniture care products
- Other Uses (*e.g.* lubricants, insulation, paintable mold release product, refrigerant)

4. N-Methylpyrolidone (NMP) - EPA-HQ-OPPT-2016-0743;

EPA identified the following conditions of use:

Processing as reactant/intermediate

- Paints and coatings
- Solvents for cleaning and degreasing
- Ink, toner and colorant products
- Processing aids - specific to petroleum production
- Adhesives and sealants
- Other uses (*e.g.* laboratory chemicals; fabric, textile, and leather products; arts, crafts, and hobby materials; toys, playground and sporting goods/equipment)

5. Asbestos - EPA-HQ-OPPT-2016-0736;

EPA identified the following conditions of use:

Fabrication of Asbestos-Containing Diaphragms (Chloralkali Industry)

- Asbestos containing diaphragms
- Sheet Gaskets
- Industrial Friction Products
- Aftermarket auto brakes
- Other vehicle friction products
- Adhesives and sealants
- Roof and non-roof coatings
- Other gaskets and packing
- Building materials, woven products, other

6. Pigment Violet 29 - EPA-HQ-OPPT-2016-0725;

EPA identified the following conditions of use:

Uses as an intermediate to other Perylene Pigments

- Paints and coatings
- Plastic and rubber products
- Merchant ink for commercial printing
- Other uses
- Consumer watercolor and acrylic paints

7. Carbon Tetrachloride - EPA-HQ-OPPT-2016-0733;

EPA identified the following conditions of use:

Processing as Reactant/Intermediate

- Petrochemical and agricultural products manufacturing
- Solvents for cleaning and degreasing
- Adhesives and sealants
- Paints and coatings
- Laboratory chemicals
- Other uses (*e.g.* reactive ion etching, processing aid, metal recovery)

8. Trichloroethylene - EPA-HQ-OPPT-2016-0737;

EPA identified the following conditions of use:

Processing as a reactant/intermediate

- Solvents for cleaning and degreasing
- Lubricants and greases
- Adhesives and sealants
- Functional fluids (closed systems)
- Paints and coatings
- Cleaning and furniture care products
- Laundry and dishwashing products
- Arts, crafts, and hobby materials
- Other uses (including corrosion inhibitors and anti-scaling agents; processing aids; ink, toner, and colorant products; automotive care products; apparel and footwear care products; miscellaneous (*e.g.* hoof polish, pepper spray, lace wig, and hair extension glues)

9. Cyclic Aliphatic Bromide Cluster (HBCD) - EPA-HQ-OPPT-2016-0735;

EPA identified the following conditions of use:

Processing as Reactant Intermediate

- Building construction materials
- Electrical and electronic products
- Floor Coverings
- Furniture and furnishings
- Fabric, textile, and leather products
- Other products (*e.g.* product packaging, children's products, bean bags)

10. Tetrachloroethylene (perchloroethylene) - EPA-HQ-OPPT-2016-0732

EPA identified the following conditions of use:

Processing as a reactant/intermediate

- Cleaning and furniture care products
- Solvents for cleaning and degreasing
- Lubricants and greases
- Adhesives and sealant chemicals

- Paints and coatings
- Processing aid for agricultural product manufacturing
- Processing aid for petrochemical manufacturing
- Other uses (*e.g.* mold release product, metal polishes, inks)

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