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March 4, 2025

Abigale Tardif
Principal Deputy Assistant Administrator
Office of Air and Radiation
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Request for Extension of the Compliance Deadline and Letter of Support for ACC/AFPM Petition for Reconsideration In Re: New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry (89 Fed. Reg. 42932). Docket ID: EPA-HQ-OAR-2022-0730 ("HON rule").

Dear Principal Deputy Assistant Administrator Tardif:

We are writing on behalf of Union Carbide Corporation ("UCC"), a wholly owned subsidiary of The Dow Chemical Company to express our support for the petition for reconsideration filed by the American Chemistry Council ("ACC") and the American Fuel & Petrochemical Manufacturers ("AFPM") urging the Environmental Protection Agency ("EPA") to reconsider its final HON rule. First and foremost, UCC requests immediate relief and a one-year extension to the impractical compliance deadlines, which are fast approaching, as the final rule's deadlines are unrealistic and cannot be met. Without an extension, this will lead to facility shutdowns and jeopardize important ethylene oxide supply chains including military jet fuels, aircraft deicing fluids, semiconductors, pharmaceuticals, and sterilization.

We also support the call to revoke the regulatory provisions promulgated under Clean Air Act section 112(f) because they exceed EPA's statutory authority and do not comply with the requirements of reasoned decision-making. While the petition filed by ACC and AFPM speaks to the general need for immediate relief and the rule's consequences from a national perspective, we wanted to ensure that you also had input from a regulated entity that is subject to EPA's final HON rule. The final rule's deadlines are unrealistic and there is a need for immediate relief. The final rule also harms the national interest because it exceeds EPA's statutory authority and imposes undue burdens and costs that impede private enterprise and far outweigh any public benefit.

EPA Should Extend Upcoming Deadlines

UCC has submitted requests to extend the compliance deadline of July 15, 2026 by one year for four projects that are being implemented to comply with the ethylene oxide provisions of the HON rule. We are continuing to work with EPA on their request for more information related to these extension requests.

In preparing to comply with the HON rule, UCC has undertaken an extensive amount of work to sample and test individual process vents and process wastewater streams to determine if these sources meet the definition of "In Ethylene Oxide Service". UCC has also expended significant financial resources on project scoping and engineering for all of the projects, and devoting significant employee time, including new hires and reallocation of human capital away from other workstreams. Beginning in April 2024, UCC commenced comprehensive sampling and monitoring at two of its facilities to identify which projects would need upgrades to comply with the HON rule and which projects are "in ethylene oxide service" (meaning that the projects include equipment that processes ethylene oxide ("EO")). Because of the sheer number of product lines and the vastness of UCC equipment that is involved in EO-related processes, those efforts remain ongoing. The breadth of projects that UCC must implement to comply with the final rule is constantly evolving, as UCC has been forced to add and subtract projects as new sampling information becomes available.

UCC is required to undertake an extensive assessment process to determine whether equipment is in EO service, and how UCC can and should upgrade its equipment to meet the HON rule's extraordinarily stringent limits. That process requires (1) testing vents for flow rate and composition; (2) scoping out potential solutions to bring EO emissions into compliance with the final rule; and (3) sourcing bids from external vendors who may be able to develop the required technology. Each of these steps presents significant practical challenges. For example, there are few vendors who are qualified to build the necessary devices and, because every EO emitting industry needs to comply simultaneously, industry faces a significant backlog. Similarly, some of the technologies needed to comply with EPA's requirements have known reliability issues.

Without an extension, UCC will not be able to meet the compliance timeline and potentially will have to shut down some of its facilities until we complete these projects. UCC will also be forced to implement projects at a rate that increases safety risks; diverts resources from other previously planned projects; and limits UCC's ability to innovate and develop new products to help the American people in everyday life. An extension is therefore needed ***now*** to avoid expending significant resources to comply with the final rule's unreasonable deadlines.

EPA Should Grant the Motion for Reconsideration

EO serves as an important chemical precursor used to produce a wide range of other chemicals, including home and personal care products, pharmaceuticals, agricultural products, antifreeze, military jet fuels, plastics, detergents, and textiles. It also performs a crucial role as a sterilizing agent for heat-sensitive medical equipment that cannot be sterilized with steam or radiation.

UCC may have to shut down some facilities that produce or use ethylene oxide in the second half of 2026 to comply with the HON rule, which is likely to have downstream impacts on the derivatives of EO with consequences for all of the sectors mentioned above.

Despite the critical role EO plays in everyday life, EPA refused to incorporate several of industry's comments into the HON rule. Nor has it adequately addressed the objections that EPA has exceeded its authority and imposed burdensome regulations that do not reflect the best and most appropriate reading of the statutory requirements. The rule imposes significant costs that are not outweighed by the expected public benefits, and it will harm national interests. As a result, EPA should grant the petition for reconsideration and take time to impose a HON rule that is appropriate, cost-effective, and consistent with the national interest.

Respectfully submitted,

Andrew J. Switalski
Vice President, General Counsel and Secretary

Cc: Aaron Szabo, Senior Advisor to the Administrator, Office of the Administrator
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